

County Buildings
Wellington Square
AYR KA7 1DR
Telephone No.01292 612436



23 January 2024

To: Councillors Bell (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lamont, Mackay and Townson

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (PLANNING)

You are requested to participate in the above Panel to be held on **Thursday, 1 February 2024 at 10.00 a.m.** for the purpose of considering the undernoted business.

Please note that a briefing meeting will take place for all Panel Members at 9.15 a.m., online and in the Prestwick Room.

This meeting will be held on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meetings of:-
 - (a) 7 November 2023 (Special);
 - (b) 16 November 2023; and
 - (c) 6 December 2023(copies herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies herewith). **Reports relating to 3/2 and 3/3 are to follow).**
4. Public Access Exemption Order: the 152nd Open at Royal Troon Golf Course (South Beach Car Park) - Submit report by the Housing, Operations and Development Directorate (copy herewith).

For more information on any of the items on this agenda, please telephone Andrew Gibson,
Committee Services on at 01292 612436, at Wellington Square, Ayr or
e-mail: andrew.gibson@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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REGULATORY PANEL (SPECIAL) PLANNING

Minutes of a hybrid webcast meeting
on 7 November 2023 at 1.30 p.m.

- Present
In County
Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Alan Lamont, Martin Kilbride, Mary Kilpatrick.
- Present
Remotely: Councillor Craig Mackay.
- Apology: Councillor Duncan Townson.
- Attending
in County
Buildings: C. Iles, Service Lead (Planning and Building Standards); F. Ross, Co-ordinator, Legal Services (Property and Contracts); A. Gibson, Committee Services Officer; and C. McCallum Clerical Assistant.
- Attending
Remotely: K. Braidwood, Head of Roads, Ayrshire Roads Alliance.

Chair's Remarks.

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Co-ordinator, Legal Services (Property and Contracts) called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Public Access Exemption Orders: the 152nd Open at Royal Troon Golf Course.

There was submitted a report ([issued](#)) of 31 October 2023 by the Housing, Operations and Development Directorate seeking authority to undertake a public consultation, regarding three proposed temporary public access exemption Orders under Section 11 of the Land Reform Act (Scotland) 2003 for areas of land affected by the 152nd Open 2024 at Royal Troon Golf Course.

After noting that there would be consultation with the Portfolio Holders responsible for golf and tourism, the Panel

Decided: to approve the commencement of a public consultation on the proposed temporary public access exemption orders under Section 11(1) of The Land Reform (Scotland) Act 2003, for the three areas of land at Royal Troon Golf Course and a section of the Smugglers Trail (Core Path SA6/ Right of Way SKC 28), as set out in Appendices 1, 2 and 3 of the report.

The meeting ended at 1.40 p.m.

DRAFT

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 16 November 2023 at 10.00 a.m.

Present
In County
Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Mary Kilpatrick, Alan Lamont and Martin Kilbride.

Present
Remotely: Councillor Craig Mackay.

Apology: Councillor Duncan Townson.

Attending
in County
Buildings: K. Briggs, Service Lead – Legal and Licensing; E. Goldie, Co-ordinator (Place Planning); D. Clark, Supervisory Planner; D. Lewis, Planner; A. Gibson, Committee Services Officer; and E. Moore, Clerical Assistant.

Chair's Remarks.

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of previous meetings.

The minutes of 11 October 2023 ([issued](#)) were submitted and approved.

3. Hearings relating to Applications for Planning Permission -

There were submitted reports ([issued](#)) of November 2023 by the Housing, Operations and Development Directorate on planning applications for determination.

At this point the Chair indicated that an e-mail had been issued to Members advising that the three planning applications on the agenda relating to Brig O'Doon House Hotel would not be considered at this meeting today.

The Panel considered the following applications:-

- (1) [23/00656/APP – AYR – 1A Cassillis Street, South Ayrshire, KA7 1DN](#) – Change of use of existing dwellingflat for use as short-term let/holiday accommodation.

The Panel heard from an interested party and the applicant.

Decided: to approve the planning application subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that the accommodation hereby approved shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation, to the satisfaction of the Planning Authority; and
- (d) that the dedicated parking space within the application site shall be retained for use by the occupiers of 1A Cassillis Street only.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to define the terms of this planning permission, and to retain proper planning control over the development; and
- (d) to ensure the minimum parking standards for the property are retained.

List of Determined Plans:

Drawing - Reference No (or Description): Layout Plan;

Drawing - Reference No (or Description): Location Plan; and

Other - Reference No (or Description): Operating Statement.

Reason for Decision:

The proposed change of use proposal is supported by the framework of planning policy including National Planning Framework 4 and Local Development Plan 2 in that it could bring economic benefits to the area and is not expected to have a detrimental impact on residential amenity or the character of the surrounding area. Should any residential amenity issues arise in the future, it would be for Police Scotland, the Council's Environmental Health Service or Licensing Team to pursue through their regulatory powers.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register

- (2) [23/00684/APP – MAYBOLE – 10 Cargill Avenue, South Ayrshire, KA19 8AD –](#)
Erection of garage.

The Panel

Decided: to approve the application subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority; and
- (c) that the garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (c) in the interest of residential amenity.

List of Determined Plans:

Drawing - Reference No (or Description): 23-73-P01;
Drawing - Reference No (or Description): -23-713-P02;
Drawing - Reference No (or Description): 23-713-P03; and
Drawing - Reference No (or Description): 23-713-P04.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

The meeting ended at 10.30 a.m.

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REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 6 December 2023 at 2.00 p.m.

Present

In County Buildings: Councillors Martin Kilbride (Chair), Ian Cavana, Alec Clark, Mary Kilpatrick, Alan Lamont, Craig Mackay and Duncan Townson.

Apologies: Councillors Kenneth Bell and Mark Dixon.

Attending in County Buildings: K. Briggs, Service Lead – Legal and Licensing; E. Goldie, Co-ordinator (Place Planning); J. Hall, Co-ordinator (Planning Strategy); D. Clark, Supervisory Planner; R. Lee, Supervisory Planner; D. Hearton, Lead Conservation Planner; A. Gibson, Committee Services Officer; and C. McCallum, Clerical Assistant.

Attending Remotely: K. Braidwood, Head of Roads, Ayrshire Roads Alliance.

Chair's Remarks.

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Hearings relating to Applications for Planning Permission -

There were submitted reports (issued) of November 2023 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

- (1) [23/00087/APP](#) – AYR – Brig O'Doon House Hotel, Alloway, South Ayrshire, KA7 4PQ – Alterations and extension to existing hotel.

The Panel heard from various objectors and the applicant's agent.

Councillor Clark, seconded by Councillor Cavana, moved approval of this application subject to conditions as detailed in the report and the addition of the following condition:-

“Prior to the commencement of works on site, measures for the protection of trees in accordance with the British Standard for Construction Works on Trees shall be submitted for prior written approval of the Planning Authority and thereafter implemented before works commence on site”.

By way of Amendment, Councillor Kilpatrick, seconded by Councillor Townson moved refusal of this application on the grounds as stated.

Following a vote, two Members voted for the Amendment and five Members for the Motion, which was accordingly carried and the Panel

Decided: to approve the planning application subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) the operations of this facility must not result in the existing background levels for the surrounding area being increased when measured at the nearest noise sensitive building;
- (d) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, the extent and profile of any areas of earthmounding, and opportunities for biodiversity enhancement shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within 3 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space / landscaped area shall be retained as open space and to this approved standard;
- (e) that notwithstanding the plans hereby approved, the raised decking area constructed on site shall be altered so as to be in full compliance with approved plans 22-064-ELE-012 Rev. B, 22-064-ELE-013 Rev. B and 14-16913-S-SK02. These works shall be carried out within 6 months of the date of this planning permission to the satisfaction of the Planning Authority in consultation with SEPA; and
- (f) that prior to the commencement of works on site, measures for the protection of trees during the construction period, and in accordance with BS 5837, shall be submitted for the approval in writing of the Planning Authority. Thereafter, the protection measures shall be installed and retained for the duration of the construction period.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;

- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in order to prevent the likelihood of a noise nuisance;
- (d) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (e) to define the terms of this planning permission and ensure compliance with SEPA guidance on flood risk; and
- (f) in the interest of protecting established trees on site.

List Of Determined Plans:

Drawing - Reference No (or Description): 22-064-LAY-001;
 Drawing - Reference No (or Description): 22-064-LAY-002;
 Drawing - Reference No (or Description): 22-064-LAY-003;
 Drawing - Reference No (or Description): 22-064-LAY-004 A;
 Drawing - Reference No (or Description): 22-064-LAY-005;
 Drawing - Reference No (or Description): 22-064-LAY-006;
 Drawing - Reference No (or Description): 22-064-LAY-007;
 Drawing - Reference No (or Description): 22-064-ELE-008;
 Drawing - Reference No (or Description): 22-064-LAY-009;
 Drawing - Reference No (or Description): 22-064-LAY-010;
 Drawing - Reference No (or Description): 22-064-LAY-011;
 Drawing - Reference No (or Description): 22-064-ELE-012 B;
 Drawing - Reference No (or Description): 22-064-ELE-013 B;
 Drawing - Reference No (or Description): 22-064-VIS-014; and
 Drawing - Reference No (or Description): 14-16913-S-SK02.

Reason for Decision:

There are no concerns arising from the proposals from a built heritage perspective, and it is considered that the extensions as proposed do not adversely affect the character, appearance or setting of the category C listed hotel or the wider Burns Monument Conservation Area at this locale. There is no objection on flood risk grounds subject to conditions relating to the raised deck structure being implemented and fully complied with. While the ARA have objected on the grounds of no parking being provided, there are mitigation circumstances in this case that have been afforded significant weight in the assessment including the operation and functionality of the building as proposed by the applicant together with the economic benefits of the proposal. Having considered the merits of this case, it is considered that it can be supported by the framework of planning policy with due weight being afforded to the other material considerations.

- (2) [23/00089/LBC](#) – AYR – Big O’Doon House Hotel, Alloway, South Ayrshire, KA7 4PQ – Alterations and extension to existing listed building/hotel.

Councillor Clark, seconded by Councillor Cavana, moved that the application be approved subject to conditions.

Due to technical issues, a roll-call vote was carried out on whether the Panel agreed the Motion as follows:-

Ian Cavana	Yes
Alec Clark	Yes
Mary Kilpatrick	No
Martin Kilbride	Yes
Alan Lamont	Yes
Craig Mackay	Yes
Duncan Townson	No

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a roll-call vote for or against the Motion.

Ian Cavana	For
Alec Clark	For
Mary Kilpatrick	Against
Martin Kilbride	For
Alan Lamont	For
Craig Mackay	For
Duncan Townson	Against

The Panel

Decided: to approve the application subject to the following conditions:-

- (a) that the works hereby granted Listed Building Consent shall be commenced within three years of the date of this consent; and
- (b) that the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority.

Reasons:

- (a) to be in compliance with section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended by section 20 of the Planning Etc. (Scotland) Act 2006; and
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

Advisory Notes:

The grant of listed building consent does not remove the requirement for planning permission for any alterations which may be required in order to implement this listed building consent.

List of Determined Plans:

Drawing - Reference No (or Description): 22-064-LAY-001;
 Drawing - Reference No (or Description): 22-064-LAY-002;
 Drawing - Reference No (or Description): 22-064-LAY-003;
 Drawing - Reference No (or Description): 22-064-LAY-004;
 Drawing - Reference No (or Description): 22-064-LAY-005;
 Drawing - Reference No (or Description): 22-064-LAY-006;
 Drawing - Reference No (or Description): 22-064-LAY-007;
 Drawing - Reference No (or Description): 22-064-ELE-008;
 Drawing - Reference No (or Description): 22-064-LAY-009;
 Drawing - Reference No (or Description): 22-064-LAY-010;
 Drawing - Reference No (or Description): 22-064-LAY-011;
 Drawing - Reference No (or Description): 22-064-ELE-012 B;
 Drawing - Reference No (or Description): 22-064-ELE-013 B; and
 Drawing - Reference No (or Description): 22-064-VIS-014.

Reason for Decision:

It is considered that the proposal does not detrimentally affect the traditional character or appearance of this statutorily listed building or its setting or the setting of other listed structures in the locale.

- (3) [22/00498/APP](#) – **PRESTWICK – 6 Ardayre Road, Prestwick, South Ayrshire, KA9 1QN** – Erection of flatted development .

The Panel heard from an objector and the applicant's agent.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote for or against the Motion. Six voted for the Motion and one Member voted against the Motion and accordingly, the Panel

Decided: to approve the application subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (c) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and implemented in accordance with the approved details;
- (d) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;

- (e) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites – Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the remediation plan shall not be implemented unless approved in writing by the Planning Authority;
- (f) that before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development;
- (g) the applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority prior to any movement of construction traffic associated with the site; and
- (h) Notwithstanding submitted details, before development commences on site a scheme for biodiversity enhancement, such as planting which provides nesting opportunities for birds, shall be submitted to and agreed in writing with the Council as Planning Authority. The approved details thereafter shall be implemented, retained and maintained in accordance with the approved scheme.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interests of visual amenity;
- (d) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (e) to ensure all contamination within the site is dealt with;

- (f) to encourage sustainable means of travel;
- (g) in the interest of road safety; and
- (h) to ensure that the development will secure positive effects for biodiversity.

List of Determined Plans:

Drawing - Reference No (or Description): Front Elevations;
 Drawing - Reference No (or Description): House A and B Elevations;
 Drawing - Reference No (or Description): House A and B Floor Plans;
 Drawing - Reference No (or Description): Location Plan;
 Drawing - Reference No (or Description): Proposed Ground and First Floor Plans;
 Drawing - Reference No (or Description): Proposed Second and Third Floor Plans;
 Drawing - Reference No (or Description): Rear Elevations;
 Drawing - Reference No (or Description): Section A-A, B-B and C-C;
 Drawing - Reference No (or Description): Side Elevations;
 Drawing - Reference No (or Description): Site Plan as Existing; and
 Drawing - Reference No (or Description): Site Plan as Proposed (Rev).

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

- (4) [23/00674/APPM](#) – **PRESTWICK – National Air Traffic Services (NATS) Air Traffic Control Centre, Freeson Avenue, South Ayrshire, KA9 2NR** – Installation of ground mounted (capacity up to 431 KWP) and roof mounted (capacity up to 701 KWP) solar photovoltaic panel arrays and associated development, infrastructure and landscaping.

Decided: to approve the planning application subject to the following conditions:-

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority;
- (c) the development hereby approved shall be constructed and thereafter be implemented and operate at all times in strict accordance with all of the recommendations, ecological mitigation and biodiversity gain measures outlined within 'Section 5.0 Discussion' of the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated 2nd September 2022) and 'Section 5 Mitigation and Residual Effects' of the approved 'Ecological Impact Assessment' (Starling Learning, Dated 7th November 2023). This includes all of the biodiversity gain measures scheduled in sub-section 5.5 of the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated September 2022), sub-section 5.1.7 of the approved

'Ecological Impact Assessment' (Starling Learning, Dated 7th November 2023) and shown on approved plan 'Detailed Landscape Design and Management Plan (Rev. A)' which shall all be installed and in place and effective before any of the solar panels forming part of this development become operational on the site. This is with the exception of the proposed nest and bat boxes which shall be erected in their approved locations prior to the commencement of development and before pre-work inspections of the roof take place as shown and annotated on approved plan 'Detailed Landscape Design and Management Plan (Rev. B)'. Thereafter and once all measures are installed and in place, all of the ecological mitigation and biodiversity gain measures shall be maintained and remain in effect for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Authority;

(d) that further to Condition c above and all of the biodiversity measures and ecological mitigation set out in the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated 2nd September 2022) and the approved 'Ecological Impact Assessment' (Starling Learning, Dated 7 November 2023) and shown on 'Detailed Landscape Design and Management Plan (Rev. B)', the following additional measures shall be implemented as part of the construction phase of the development:-

- All holes and excavations greater than 0.5m deep shall be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry;
- the ends of any pipeline shall be capped when unattended, or at the end of each working day to prevent animal access;
- all excavations and pipes shall be checked at the start of each working day; and
- any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. As part of this, any temporary lights shall not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.

These measures shall be effective and in place from the commencement of development on site and shall remain in place until the full construction of the development on the site is completed in its entirety, unless otherwise agreed in writing by the Planning Authority;

(e) that unless otherwise agreed in writing by the Planning Authority, prior to any of the solar panels approved as part of this development becoming operational, the approved landscape scheme shown on approved plan 'Detailed Landscape Design and Management Plan (Rev. B)' including the species rich flowering grassland and the new sections of native mixed species hedgerows shall be implemented and planted in full within the site. Once in place, the approved landscape scheme (including all of the additional landscape and biodiversity gain features) shall be maintained on site in strict accordance with the management and maintenance regime set out on the 'Detailed Landscape Design and Management Plan (Rev. B)' for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Authority; and

- (f) that prior to the commencement of development on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The CTMP shall describe the methodology for the movement of construction traffic to and from the site and shall include agreement on suitable routes to and from the site to serve construction traffic associated with the development. Thereafter and unless otherwise agreed in writing by the Planning Authority (in consultation with the Council as Roads Authority), the approved CTMP shall be implemented prior to any movement of construction traffic associated with the development and will be adhered to and maintained for the duration of construction until full construction activity associated with the development is complete on site in its entirety

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) to ensure ecology features are safeguarded through appropriate mitigation and in the interests of securing and achieving biodiversity gain and enhancement as part of the development;
- (d) to ensure wildlife is safeguarded through appropriate mitigation through the full construction phase of the development;
- (e) to ensure that the approved landscape scheme is implemented in a timely manner as part of the development and thereafter maintained appropriately to ensure it offer a biodiversity enhancement and gain as part of the development; and
- (f) in the interest of road safety during the construction phase of development.

Advisory Notes:

South Ayrshire Council Ranger Services

Further to Conditions (c), (d), and (e) above, the Council's Rangers Services recommend the following best practice measures are followed in the interests of biodiversity protection and enhancement:

- It appears that no additional permanent lighting is proposed as part of this development. If any permanent lighting is required on site in the future and comes forward through a separate planning application, it should follow sensitive lighting design to avoid light spill or artificial light at night that may affect foraging or commuting bats. The proposed lighting scheme should be designed by a suitably qualified lighting engineer.

- It appears that there is to be no tree or vegetation removal required for this proposal, however if this is a requirement any vegetation removal should be undertaken in line with the measures set out within the PEAR and EIAR, e.g. outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.
- Best practice construction measures shall be followed to prevent pollution, including sediment, reaching the drainage and water courses. Ladykirk Burn is a tributary to the Pow Burn which is recognized as an important birding area with records of otter.
- Increasing the width of the unmown margin adjacent to the drainage ditch would increase biodiversity value for the overall site and so the applicant should consider this.
- The new screening hedgerows proposed around the arrays are welcomed, however, for these to have any biodiversity value the cutting should be on rotation so that only ½ or 1/3 of hedges are cut in any one year as this improves the health of the hedge, allows for thickening of the hedge and increases flower and berry abundance for biodiversity. In addition to this, it is advised that the cutting of hedge should be left to late winter wherever possible, ideally January or February and that the hedges shall never be cut in the bird breeding season which extends from 1st March to 31st August.

Glasgow Prestwick Airport (GPA)

Cranes:

- Guidance shall be considered relevant to users of all cranes exceeding a height of 10 metres (18.5km) above ground level (AGL) or that of the surrounding structures or trees (if higher).
- For guidance to crane users of the crane notification process and obstacle lighting and marking please refer to CAA Cap Document 1096 which is available at <http://www.caa.co.uk>.
- Please be aware that any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.

Bird Activity:

- Whilst GPA Wildlife Control Unit have no issue with the proposed landscape scheme, it is relevant to note that any disturbance of the land will have the potential to increase the attraction of birds to the area along with the type of landscaping used. Measures to minimise the attractiveness to birds during the construction and operation of the site should be considered and this may include netting being applied to the roofs of the buildings and the management of solar PV installations as potential bird habitats alongside any other reasonable measures which aim to discourage the increase in the number of birds in the vicinity.

National Air Traffic Services (NATS) Safeguarding:

- The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria, however, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission, or any consent being granted.

SEPA:

- In relation to flooding, SEPA consider energy generation developments of this type to be a relatively low risk land use in that they can be designed to remain operational if the land floods, and they are unlikely to increase flood risk to other people. SEPA refer the applicant/agent/contractor to their [flood risk standing advice](#) for the development, particularly Section 5 on essential infrastructure and water compatible uses. All the advice in that section should be followed.

List of Determined Plans:

Location Plan (Drawing No. DS10230AA019ADDT);
 Drawing - Roof Mounted Solar Panels (Rev. 1);
 Drawing - Ground Mounted Solar Panels (Rev. B);
 Drawing - Existing Northeast and Southwest Elevations (Rev. A);
 Drawing - Existing Northwest and Southeast Elevations (Rev. A);
 Drawing - Existing Roof Plan (Rev. A);
 Drawing - Proposed Northeast and Southwest Elevations (Rev. C);
 Drawing - Proposed Northwest and Southeast Elevations (Rev. A);
 Drawing - Proposed Roof Plan (Rev B);
 Drawing - Existing Site Layout Plan (Rev. B);
 Drawing - Proposed Site Layout Plan (Rev. Q);
 Drawing - Topographical Survey;
 Drawing – Detailed Landscape Design and Management Plan (Rev. B);
 Document - Solar Panels Technical Brochure (1 of 5);
 Document - Solar Panels Technical Brochure (2 of 5);
 Document - Solar Panels Technical Brochure (3 of 5);
 Document - Solar Panels Technical Brochure (4 of 5);
 Document - Solar Panels Technical Brochure (5 of 5);
 Document - Preliminary Ecological Appraisal (Starling Learning, Dated 2nd September 2022);
 Document - Design and Access Statement (Custom Solar, Dated 2nd October 2023);
 Document - Glint and Glare Assessment Version 2.0 (Mabbett, Dated 29th September 2023);
 Document - Pre-Application Consultation (PAC) Report (Avison Young, Dated July 2023);
 Document - Supporting Planning Statement (Avison Young, Dated October 2023);
 and
 Document – Ecological Impact Assessment Report (Starling Learning, Dated 7th November 2023).

Reason for Decision:

The siting and design of the solar panel development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

4. Public Access Exemption Orders: the 152nd Open at Royal Troon Golf Course.

There was submitted a report ([issued](#)) of 5 December 2023 by the Housing, Operations and Development Directorate seeking authority to agree a Council response to the public consultation representations and to proceed to make temporary public access exemption orders for areas of land affected by the 152nd Open 2024 at Royal Troon Golf Course.

The Panel

Decided:

- (1) to note the outcome of the public consultation on the proposed public access exemption for land at Royal Troon Golf Course, and to agree the proposed Council responses to the representations received, as set out in Appendix 1; and
- (2) to agree to make temporary public access exemption orders under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Royal Troon Golf Course, including sections of the core path SA2 and core path SA6/ right of way SKC 28, as set out in the plans included in Appendix 2

5. Public Access Exemption Orders: the 152nd Open at Royal Troon Golf Course (South Beach Car Park).

There was submitted a report (issued) of 5 December 2023 by the Housing, Operations and Development Directorate seeking authority to undertake a public consultation, regarding proposed temporary public access exemption order for the area of land affected by the 152nd Open 2024 at Royal Troon Golf Course.

The Panel

Decided: to approve the commencement of a public consultation on the proposed temporary public access exemption order under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at the South Beach car park, Troon, adjacent to Royal Troon Golf Course.

The meeting ended at 4.00 p.m.

South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 1st February 2024

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	22/01039/APPM Mr Alastair McGibbon (Objections) https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=RMX645BDH4W00&activeTab=summary	Land At Woodhead Road Coylton South Ayrshire	Change of use of agricultural land to form holiday lodge style caravan park and associated drainage, access road and site infrastructure	Montgomery Forgan Associates	Refusal
2.	23/00261/FURM Mr Craig Iles (Objections) https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=RSDDZKBDJS800&activeTab=summary	Corton A77T From Bankfield Roundabout - B7034 Junction Ayr South Ayrshire <u>*REPORT TO FOLLOW*</u>	Application to modify conditions 1, 4, 5, 6, 9, 10, 11, 12, 14, 19, 20, 25, 33, 38, 40, 48, 57, 58, 62, 70 and to delete conditions 8, 15, 18, 21 and 29 of the existing planning permission (Ref: 14/00220/PPPM)	Allanvale Homes (Prestwick) Ltd	Refusal
3.	23/00345/APPM Mr Craig Iles (Objections) https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=RTYSN6BDKJ400&activeTab=summary	Corton A77T From Bankfield Roundabout - B7034 Junction Ayr South Ayrshire <u>*REPORT TO FOLLOW*</u>	Application for Planning Permission (PP) for a retail led mixed use development (Use Classes - 1 (retail - comparison, convenience, and bulky goods/garden centre), 3 (food and drink), sui generis (drive thru and petrol filling station facilities)) with associated infrastructure, landscaping and engineering works	Allanvale Homes (Prestwick) Ltd	Refusal

REGULATORY PANEL: 1 FEBRUARY 2024

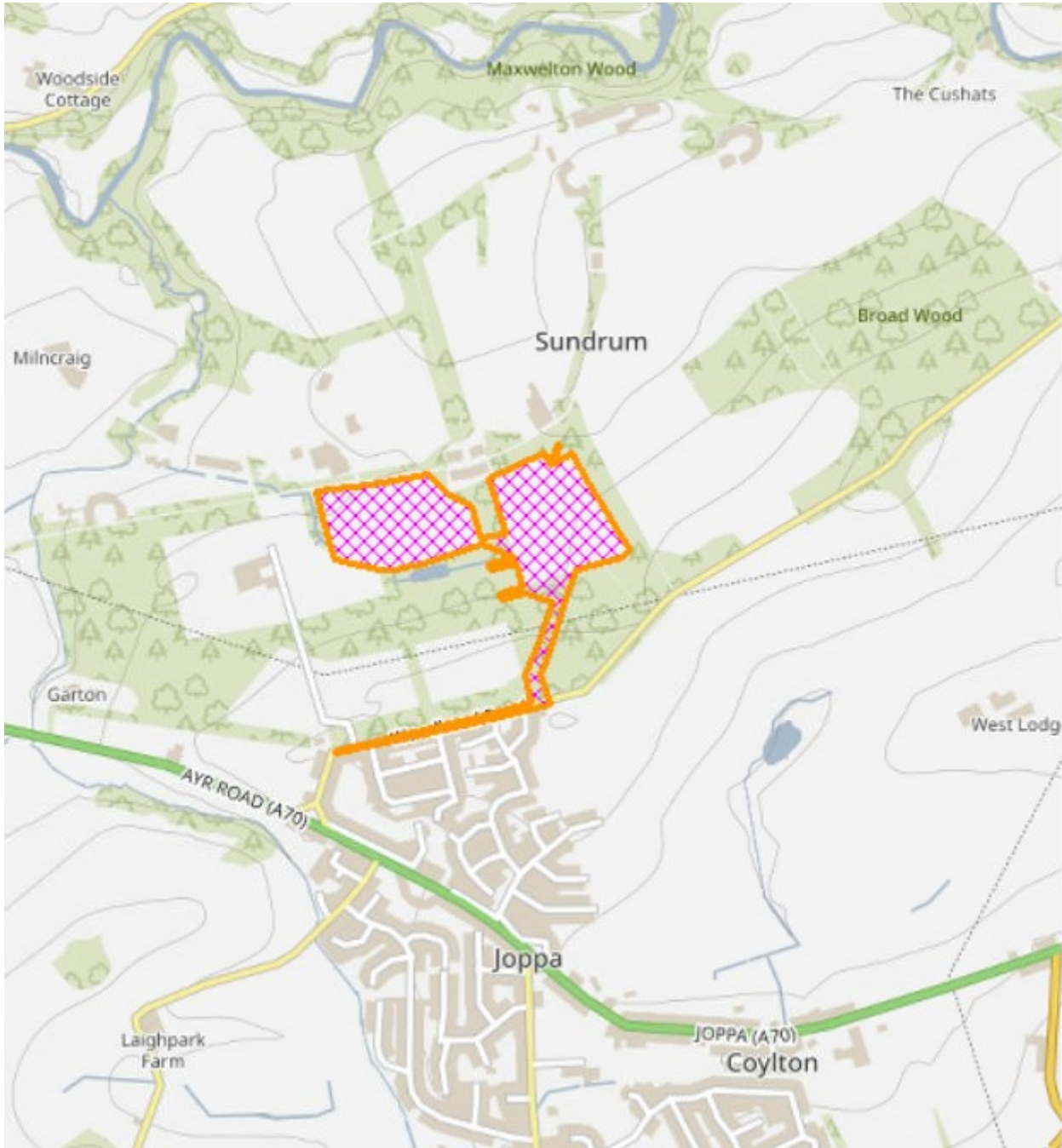
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/01039/APPM

LAND AT WOODHEAD ROAD COYLTON SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

This application seeks detailed planning permission for the change of use of agricultural land to form a holiday lodge style caravan park and associated drainage, access road and site infrastructure on land to the north of the settlement of Coylton. The application site is currently agricultural land essentially comprising of two grazing fields. Over 500 objections (including from Coylton Community Council) and a petition with over 200 signatures have been received and raise issues mainly focussed around: unsuitability of the road network to accommodate the proposed development, natural environment/ecology, amenity, cultural heritage, drainage/flooding/sewerage, landscape impact, contrary to planning policy, infrastructure capacity, health and safety and general adverse impact on the local community. 15 consultation responses have been received, with the response from the Ayrshire Roads Alliance recommending refusal of the application based on the unsuitability of the proposed access route to serve the proposed development. The proposed development has been assessed against the terms of relevant policies within the Development Plan (National Planning Framework 4 and South Ayrshire Local Development Plan 2) and it is considered that the proposal cannot be considered positively against the terms of the aforementioned documents as the proposed access route is considered unsuitable for a development of this type and scale and the applicant has been unable to overcome these issues. It is therefore recommended that this application for planning permission be refused.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 1 FEBRUARY 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/01039/APPM
SITE ADDRESS:	Land at Woodhead Road Coylton South Ayrshire
DESCRIPTION:	Change of use of agricultural land to form holiday lodge style caravan park and associated drainage, access road and site infrastructure
RECOMMENDATION:	Refusal

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

Key Information:

- The application was received on 15 December 2022.
- The application was validated on 15 December 2022.
- The case officer visited the application site on 20 February 2023 and 8 August 2023.
- Neighbour notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 21 December 2022, 29 June 2023 and 5 December 2023.
- No site notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 27 December 2022, 3 January 2023, 11 July 2023 and 5 December 2023.

1. Proposal:

Site Description

The application site relates to an area of agricultural land essentially comprising of two grazing fields and covers an area of approximately 8.55 hectares. The two fields are linked by a track. The application site also includes a strip of woodland connecting the fields to Woodhead Road, which is the proposed access to the site and a further strip of woodland along Woodhead Road which forms part of road mitigation proposals.

The application site is situated to the immediate north of the settlement of Coylton and is bound to the north by Sundrum Holiday Park and residential dwellings, by a woodland area with agricultural land beyond to the east, by a woodland area and agricultural land to the south – with Woodhead Road and residential properties beyond and by agricultural land with residential properties beyond to the west. The site is characterised by a rolling topography, generally sloping down from south to north. The site is largely surrounded by extensive woodland belts, generally more mature to the north and north-east compared to the younger woodland to the south and south-west. A major power line runs east - west to the south of the application site (but traverses the proposed access road) and a number of local power lines run through the application site itself.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Development Proposal

The development proposal relates to the change of use of agricultural land/ the two fields to form a holiday lodge style caravan park and associated drainage, access road and site infrastructure. The proposed development would comprise of pitches for 174 holiday lodge style caravans and 2 pitches for staff caravans. 41 of the pitches would accommodate twin unit style caravans, with the remaining pitches accommodating single unit style caravans. The site would be accessed from the east side of Woodhead Road to the south, with no direct vehicular or pedestrian access onto Castle Drive to the north. Woodhead Road is accessed from the A70 via Barclaugh Drive.

Other aspects of this application include proposals for alterations to the road network on approach to the application site, namely Barclaugh Drive, by way of formalising the existing on-street parking and introduction of a designated priority one-way working system with relevant signage and give way markings. The proposed layout gives vehicles travelling north up the hill priority over those travelling south towards the A70. A dropped kerb is also proposed to be introduced on the western edge of the carriageway to introduce a defined edge, with the area between the carriageway and the property boundaries resurfaced where adopted. Parking areas are also proposed which take cognisance of the existing driveways, with the entrances to driveways used as passing places in the event that vehicles meet within the one-way priority system. A reduced speed limit of 20mph is also proposed on Barclaugh Drive and Woodhead Road. This would be undertaken outwith the remit of Planning. It is noted that these proposed changes lie outwith the application site. The creation of 10 off-street parking spaces is also proposed on Woodhead Road and this area is located within the application site boundary.

It is stated that each caravan pitch would have a single off road car parking space, with visitor parking interspersed throughout the site. Additional structure trees and under storey planting is also proposed, particularly along the northern boundary of the site – it is stated that this is both to screen the proposed site from Castle Drive and to provide greater woodland/landscape buffer to the properties immediately to the north of the application site.

A reception building is proposed at the top of the site entrance together with waste storage facilities. A woodland style children's play area is proposed (no details have been provided of the play area and a condition would be required in this regard should members be minded to approve the application). Other than the play area, no other on-site facilities such as restaurants, bars, shops etc. are proposed. Moreover, it is outlined that the power lines which run through the application site would either be diverted around the site or placed underground. However, this would be under a separate consenting regime from planning. The caravans are stated as being timber effect lodges, with each caravan typically having 2 bedrooms with 1 or 2 bathrooms, lounge, kitchen and dining area.

Planning Process

As the application proposal is 'Major' development the scheme of delegation requires that it be presented to the Regulatory Panel for determination.

A Processing Agreement has been prepared and agreed in consultation with the applicant which agrees that the Planning Service will seek to present the application to the Council's Regulatory Panel no later than 1st February 2024.

A Proposal of Application Notice (Ref. 22/00603/PAN) described as "Proposal of Application Notice for change of use of agricultural land to form holiday lodge style caravan park with associated drainage, access road and site infrastructure" was submitted on 19th July 2022. It is considered that the nature of the scheme as submitted through the current application is such that it is clearly and recognisably linked to the proposal described in the proposal of application notice thereby meeting the requirements of the relevant regulations for 'Major' developments.

The applicant submitted a Screening Opinion under the terms of The Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2017 (reference 22/00637/EIASCR) in July 2022. The Council issued a response in August 2022 detailing that the proposed development was not considered to constitute EIA development under the aforementioned Regulations.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

2. Consultations:

Ayrshire Roads Alliance (ARA)- recommend refusal of the planning application over concern of the use of a residential street (Barclaugh Drive) as a principal access route for a development consisting of 174 holiday caravans (plus 2 staff caravans). In their final consultation response of 15 January 2024, the ARA acknowledge that the applicant has made a concerted effort to address the road safety concerns associated with the use of Barclaugh Drive as a principal access route for the development proposals, namely designated and demarcated on street parking bays and a priority one-way system with associated signage and give-way markings. From a road safety perspective, the ARA states that this scheme of mitigation would go a considerable way to addressing their road safety concerns. However, the ARA also state that this does raise a greater question around the appropriateness of using a relatively quiet, residential street like Barclaugh Drive that would require to be significantly altered and the subject of intensified use, as the main means of vehicular access for a development consisting of 174 (plus an additional 2 for staff) holiday caravans. The ARA are of the view that at seasonal periods of peak demand, this would be a significant change in both the form (as highlighted by the not insignificant mitigation measures) and function (changing from a residential street to an access route for another development) of this public road. Considering this, the ARA has concerns over the principle of access being taken via Barclaugh Drive as the main access route for a development of this type and scale. They object to the application on these grounds.

AECOM (Ecology) – no objection subject to conditions in relation to submission of Habitat Management Plan and Operational Lighting Design. Conditions can also be imposed with respect to securing biodiversity enhancement.

NatureScot – offer no comment, no objection.

Historic Environment Scotland – offer no comment, no objection.

Transport Scotland (Trunk Roads) - no objection subject to condition which limits the number of caravans/lodges to 176.

Sustainable Development (Landscape and Parks) – no objection subject to conditions.

Council Built Heritage Officer – no objection.

Council Access Officer – no objection.

West Of Scotland Archaeology Service – no objection subject to standard condition in respect of submission of Written Scheme of Investigation.

Scottish Environment Protection Agency – Initial holding objection due to lack of flood risk information; however, this was removed upon receipt of additional information.

Environmental Health – no objection.

Scottish Power - no objection.

The Coal Authority – no objection.

Waste Management – no objection.

Scottish Water – no objection.

3. Submitted Assessments/Reports presented by the applicant for consideration:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

Planning Statement: This document outlines the background to the proposed development, provides a summary of document submissions, sets out the planning-based case for the proposed development and offers the applicant's assessment of the proposal against the relevant provisions of the Local Development Plan 2, relevant national planning policy and other material considerations.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Planning Statement Addendum: This addendum addresses the relevant provisions of National Planning Framework 4 (NPF4) – the national spatial strategy - and states that when read alongside the Planning Statement, demonstrates that the planning application should be approved on the basis that it complies with the Development Plan as a whole.

Design and Access Statement: This report sets out a description of the proposed development, outlines planning policy context and describes the site and surrounding area. The report further reasons layout, scale, landscaping, appearance and access considerations. The report concludes by stating that an analysis of the site has been utilised to inform the design process and that the proposed development meets the key criteria of design and access principles – character and identity, safe and pleasant, inclusive, welcoming and resource efficient.

Pre-Application Consultation Report: This report is a requirement of all major development applications and outlines the community engagement undertaken by the applicant during the pre-application consultation period, compliance with statutory requirements and the views expressed by the local community and how the development proposals take them into consideration. The PAC Report provides a summary of the issues raised as part of the consultation exercise and provides a response to each.

Landscape and Visual Appraisal: It is stated that the appraisal was prepared with reference to the 3rd edition of the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute in association with the Institute of Environmental Management and Assessment, 2013). Landscape and visual effects were assessed separately, although they are clearly linked. The assessment concludes by stating that the landscape has the capacity to 'absorb' the scale and layout of the proposed caravan park in the short term. It is stated that where impacts would be generated, these could be addressed through the proposed mitigation strategy – retention, augmentation and enhancement of existing mature tree cover which frames the site, retention, augmentation and enhancement of existing internal tree structure, site wide planting strategy, work with the existing landform through careful siting, distribution and orientation of the holiday homes, built form stepped back from the north-western field, creation of green corridors, low key approach to road infrastructure, careful colour consideration of the static caravans and a long term management plan responsible for management and maintenance of communal areas, existing and proposed planting strategy and hard landscape features. Finally, it is outlined that the siting, design and finish of the range of holiday homes accommodation would be detailed to ensure that the holiday park environment would be seen to fully integrate into and compliment the secluded and wooded setting without any long-term adverse impacts upon the landscape resource, landscape character, landscape quality nor visual amenity.

Preliminary Ecological Appraisal: The appraisal outlines that the application site does not lie within or adjacent to any designated site, with the nearest designated site being Martnaham Loch and Wood Site of Special Scientific Interest (SSSI), approximately 2.8km south. It is stated that the habitat on and surrounding the site has suitability to be used by commuting and foraging mammals such as red squirrel, otters, badgers, foxes, moles, rabbits and roe deer. Mammal paths exit the site on the southern boundary and a roe deer was observed and roe deer prints were found on site. Moreover, signs of mole and rabbit were found on the very west of the site and there is evidence that the site is in use by badgers. However, no badger setts were found due to the appraisal being a walkover survey and not a full badger survey. Birds noted on the site include Buzzard, Carrion Crow and Blackbird. No trees with potential roost features were identified that may be used by bats and although otters may commute through the site, there is nowhere within the site suitable to construct a holt or resting place. Red squirrel may pass through the site but are more likely to use woodland in the surrounding area. The appraisal also states that there is no evidence for the presence of any other protected species within a 50m buffer of the site. Best practice measures are outlined in respect of birds, badgers and other protected species during construction. Ecological enhancements are also outlined – bat boxes, nest boxes for birds and planting.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Ecological Impact Assessment March 2023 (amended 5/5/23, received 6/6/23 v1.1): It is stated that the assessment was conducted at the application site in line with current national guidelines and local planning policy and involved searching the site for signs of protected species, as well as assessing the likelihood of the site being used by protected or notable species. Potential impacts on the site, its habitats and species were also considered. The original site boundary for the Preliminary Ecological Appraisal (above) was much larger than the final proposed site footprint and therefore it is stated that some of the potential impacts highlighted in the PEA are unlikely to be relevant as they occur outside the site and the 50m buffer. The Ecological Impact Assessment found that: vegetation on and surrounding the site was likely to be used by nesting birds, that the ancient woodland (3m to the north-eastern boundary and 25m to the eastern boundary) was unlikely to be impacted, that pond and running freshwater adjacent to the site originates from water runoff and not from groundwater, there was evidence of limited use by badgers southwest of the site (a badger survey was undertaken – no further evidence of badgers discovered within the site or within 50m buffer) and that invasive species (*Rhododendron Ponticum*) was identified 25m outside the eastern site boundary. There is no evidence for the presence of Bats, Otters, Water Voles, Red Squirrels or any other protected species, with the exception of Badgers, within the site and within a 50m buffer of the site. The assessment concludes that it is not considered likely that there would be any long-term impacts on protected species, though there may be short-term impacts to Badgers, for which precautions should be taken – open excavations should be kept to minimum, workers briefed about the presence of badgers and signs of badger activity, any chemicals stored safely and construction materials placed above ground or secured. Ecological enhancements by way of bat boxes, bird boxes and planting.

Transport Statement December 2022: This report provides a site description and outlines the current use of the site, provides a national and local transport policy review, outlines access arrangements, describes the proposed site layout and operation (including parking provision), reasons sustainable accessibility and outlines existing and future traffic conditions. The report outlines that access is proposed from Woodhead Road via a priority junction, with visibility splays of 2.4m x 43m being introduced with appropriate junction spacing to Drumcoyle Drive to the west. It is stated that the access road at the junction with Woodhead Road would be a minimum of 6m wide but would reduce to a 4.8m wide shared surface road internally and that the development spine road would provide access to the reception facility on approach to the main development. Each caravan would benefit from direct driveway parking which would accommodate one car, which is standard for holiday accommodation, with visitor parking dispersed throughout the site. It is stated that footways would be introduced at the access junction with Woodhead Road to ensure that pedestrians are segregated on the public road network and a dropped kerb facilities provided to ensure pedestrians can cross safely to the existing footway on the south side of Woodhead Road. It is outlined that footways are of a good standard and present on both sides of the majority of nearby carriageways, enabling connections between the proposed development and the wider settlement. The statement outlines that www.crashmap.co.uk confirms that over the past five year period there have been no accidents on Woodhead Road or at the Barclaugh Drive/A70 priority junction, that there have been five minor and one serious accident on the A70 within the village to the east and that there have been a number of accidents on the A70 to the west at various locations. However, the statement reasons that it is not considered that the various accidents represent an accident cluster at any specific location which would warrant detailed investigation as a result of the proposed development. It is stated that the proposed land use would generate limited traffic during the commuter peak periods due to the leisure/tourist nature of the development. The industry standard Trip Rate Information Computer System (TRICS) database was utilised to estimate trip information for the proposed holiday accommodation. The report estimates that the proposed development would generate a maximum of 6 and 16 (two-way) vehicle movements during the am and pm peak hours which they consider negligible, with a maximum two-way flow during the busiest hour (1100 – 1200) of 36 vehicle movements – stated as not being significant. It is stated that traffic movements would be low, with up to one vehicle arriving/departing the site on average every two minutes during the busiest time period which is stated by the applicant to have a negligible impact on the local road network. Delivery of the caravans is proposed via the B742 to the east, with it being stated that a minor widening of the carriageway at the Woodhead Road/B742 would be required to accommodate turning manoeuvres which would be undertaken at the expense of the applicant. The statement concludes by reasoning that the development site would be accessible by sustainable modes of travel and would integrate well within the existing transport network. It also states that the site can be accessed safely from the adjacent road network without compromising the safety or efficiency of existing road users.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Transport Statement June 2023: This statement revisits the information which was previously set out in the originally submitted Transport Statement (above). In addition, further trip information was obtained from the neighbouring Sundrum Castle Caravan Park to provide a more accurate estimation of potential trip generation based on operations in the area. It is stated that surveys were undertaken by an independent survey specialist, Transurveys, for a 12-hour period (7am – 7pm) Friday 7th April, Saturday 8th April, Friday 19th May and Saturday 20th May 2023 – Easter weekend and a typical weekend. The survey results show that the highest AM peak period was recorded on Friday 7th April and the peak PM period was recorded on Friday 19th May. The recorded generation was used to calculate trip rates and applied to the proposed development content to show a pro-rate estimation for the development proposals. The results indicated that trip generation could be slightly higher than the TRICS database suggested; however, it is stated that traffic volumes are still predicted to be low with less than one vehicle arriving/departing the site on average every minute during the busiest background period. On this basis, it is stated that the proposed development would have a negligible impact on the local road network. The statement also reasons that Woodhead Road ranges from 6m in the west to 5m in the east, beyond Drumcoyle Drive and that the road is considered to be a typical adopted residential standard road which is compliant with the required standards for a lightly trafficked route detailed within the SCOTS National Roads Development Guidance. Transurveys were commissioned to undertake a 7-day 24-hour link count on Woodhead Road to establish the level of existing background traffic and this was undertaken between 18th -24th May 2023. The highest two-way hourly flow was recorded as 107 vehicles between the hours of 1600-1700 on Friday 19th May 2023. It is detailed that historically; determination of urban road link capacity is outlined within the Design Manual for Roads and Bridges. TA79/99 classify Woodhead Road as an Urban All Purpose Road 4, unlimited access to houses, unrestricted parking, frequent at grade crossings and frontage activity. The two-way hourly capacity of an UAP4 road is 1,250 vehicles per hour – thus Woodhead Road is 1,143 less than capacity, based on aforementioned figure. Adding in the busiest development traffic hour would increase the background to around 152 two-way movements, 1,098 less than capacity. It is therefore outlined by the applicant that Woodhead Road has significant spare capacity to accommodate the proposed development. However, it is stated that the applicant is willing to introduce 10 off-street parking bays on the northern side of Woodhead Road to the western corner of the development site and 20mph speed limit on Barclaugh Drive and Woodhead Road to improve road safety on the adjacent road network.

Letter dated 22 November 2023 – Further roads information context: This letter was submitted together with additional plans/photographs (drawing numbers 22048-007, 22048-008 Rev A, L(90) 0001 Revision A and passing place photographs) in order to mitigate access concerns to the site expressed by the Ayrshire Roads Alliance. Drawing number 22048-008 Rev A proposes to formalise the existing on-street parking and introduce a designated priority one-way working system with relevant signage and give way markings on Barclaugh Drive. It is stated that it is recognised that on-street parking cannot be removed at this location as some of the properties rely on this section of street given that they do not have access to a driveway. As a result, parking areas have been created which take cognisance of the existing driveways, with the entrances to driveways used as passing places in the event that vehicles meet within the one-way priority system. The proposed layout gives vehicles travelling north up the hill priority over those travelling south towards the A70. A dropped kerb is also proposed to be introduced on the western edge of the carriageway to introduce a defined edge, with the area between the carriageway and the property boundaries resurfaced where adopted. Drawing number 22048-007 and passing places photographs detail the location of the existing passing places and it is stated that these highlight that the C116 benefits from regular passing places which are intervisible, with notes detailing whether re-surfacing works are required and outline the potential location of a new passing place if deemed necessary. It is stated that as the passing places would only be required for the caravan delivery phase of the proposed development, the use of existing passing places where practicable represents a reasonable and sustainable approach. Finally, drawing number 6104-C-02 Rev B highlights the proposed 10 no. car parking spaces to the north of the children's home on Woodhead Road to aid staff and visitor parking, as well as the area earmarked for waste storage and recycling within the proposed holiday site itself.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Drainage Impact Assessment and Flood Risk Statement: This document outlines the site and states that the site appears to have reasonable natural drainage as there is only limited evidence of wet or saturated ground; however, there are some small areas where surface water accumulates in surface depressions during/after periods of wet weather. It is outlined that proposals for the finished site are that the overall slope and direction of the finished site will be similar to existing ground levels and that surface water will run into the drainage ditch which runs along the south and west sides and the woodland ditches to the northeast of the site. It is stated that there should be no net increase in runoff from the site as a result of the proposed development, in accordance with the principles of Sustainable Drainage Systems (SuDS). 8 trial pits were excavated and percolation testing as completed in accordance with the BRE365. The results show very poor to non-existent infiltration rates across the site; however, groundwater was not observed in any of the pits. In light of the infiltration rate, drainage design for the site is proposed to be storage/attenuation and discharge of water surface flows to the relevant existing drainage ditches which already serve the site. The document also states that the site will be served by a foul drainage system which will be connected to the Scottish Water sewer system via a system of solids-handling pumps and rising mains. The proposed collection system would consist of a system of foul drainage pipes connecting all of the lodges to the network.

Revised Drainage Impact Assessment: This document contains the same information as previously detailed within the Drainage Impact Assessment and Flood Risk Statement, above. This document also sets out water demand and foul flow post development. Water demand is assumed at 500l/d per caravan (as per standard allowance per household) and foul flow at 400 l/d (as per standard allowance per household). There are 176 caravans and 2 bedrooms per caravan. Water demand post development is stated as 1.021 l/s at average demand and 2.546 l/s at peak demand. Foul discharge is stated as having an average and peak flow of the same figure – 0.814 l/s.

Flood Risk Assessment May 2023: The scope of this FRA is to assess and quantify flood risk to the proposed development, with it being assessed for a 1 in 200-year flood event. The scope and methodology of the assessment is outlined, with a topographical survey having been undertaken at and near the site, including cross sections through the unnamed watercourse, to assess the flood risk. The report states that flooding will not affect the safe operation of the proposed holiday park as the predicted flooding, even in the event of a 1 in 200 year plus climate change event, will not affect any more than the margins of the site on the western boundary. It is stated that even in an extreme scenario, where the capacity of the culvert under the private road to the north is exceeded, or there was a partial blockage of the culvert, coinciding with extreme rainfall the site is not flooded. It is outlined that the proposed development will not cause an increase in flood risk to third party property and that there will be no resultant loss of flood storage. No mitigation is required other than to ensure that surface water drainage provision for roofs and access roads is completed in accordance with the principles of SuDS.

Stage 1 Contamination Report and Coal Mining Risk Assessment: The report comprises a review of published information to establish the likely ground conditions and contingent liabilities associated with the site. The study included an examination of published geological and hydrogeological records and historical and current maps and plans. This information was supported by a walkover inspection of the site. The report states that there was no evidence of invasive plants evident at the time of the walkover and that there are no surface watercourses within the site, with the nearest watercourse being a minor unnamed feature forming part of the local agricultural network, flowing to the north and north-west immediately adjacent to the west margin of the wet field. It is stated that the site is not within a surface area that could be affected by any past recorded underground coal mining. The report concludes by stating that the findings of the Stage 1 investigation suggest that the site is unlikely to be impacted by contamination and that Stage 2 contaminated land intrusive investigation is not required.

Noise Impact Assessment May 2023: The scope of this report included determining the baseline and predicting sound levels as a result of the proposed development in order to assess the level of impact in accordance with relevant guidance. Background noise measurements were undertaken during the daytime period at three positions (considered to be the closest to noise sensitive receptors - between 16.48 and 17.48 on Tuesday 14th March 2023. Night-time measurements were conducted on Wednesday 15th March 2023 between 00.53 and 01.23. The assessment concludes that the worst-case level of significance during the daytime, assessed at the nearest noise sensitive receptor is 'slight', while during the night-time is 'neutral/slight'. In order to reduce the daytime noise assessment to 'neutral/slight', it is proposed that mitigation in the form of acoustic barriers along parts of the northern boundary of the application site would be required. The barriers are specified with a height of 2m relative to ground level in order to provide sufficient screening of noise from the proposed holiday caravan park to upper floor windows of the noise sensitive receptors (nearby dwellings).

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Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Economic Impact Analysis (November 2022): This report provides an overview of the holiday caravan sector in Scottish tourism, highlighting its importance to Ayrshire with it being stated that Ayrshire and Arran is home to 18% of all 'owner occupied' caravan pitches in Scotland. It is outlined that the majority of owners will live outside of Ayrshire and are likely to use their properties often; in spring and autumn the visits would tend to be at weekends, with longer stays more common in the summer and at Easter. In the report, 'economic benefit' is taken to refer to positive impacts within the South Ayrshire economy arising as a result of expenditure on goods and services by those coming to stay at the proposed development. Direct, Indirect and Induced Impact is set out, with direct impact being the most important in respect of the proposed development. It is stated that the net added value to the local economy as a result of the proposed development ('additionality') would be 100% since the site is not economically active at present. Displacement is also discussed and reasoned that the only way that this would occur is if a proposed lodge was purchased by someone who currently uses another South Ayrshire caravan park or if a proposed lodge was purchased by a South Ayrshire resident. The displacement factor is estimated at 7.5%. The multiplier effect is reasoned and direct expenditure is calculated. The total economic impact is outlined as follows: on-site expenditure £907,935 and off-site expenditure £1,312,648, giving a grand total economic impact in South Ayrshire annually of £2,220,583. 33.4 equivalent jobs are calculated to be created and sustained in South Ayrshire (with number of actual jobs around 50 due to part-time and seasonal nature). The document concludes by stating that there would be considerable further local economic benefits generated during the construction phase.

4. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

5. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

6. Representations:

A total of 582 representations have been received, 573 of which object to the proposed development – including Coynton Community Council, with 9 representations in support. A petition of objection with 221 signatures has also been submitted. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

It is noted that some representees have submitted more than one objection and/or submitted an objection together with signing the petition.

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The objectors have expressed principal concerns relating to the following, with the points raised summarised under the topic headings:

- **Traffic and Transportation**

- Access route to the site is not appropriate (both from Barclaugh Drive/Woodhead Road and delivery of caravans from B742), safety concerns due to narrow roads, bends and parked cars.
- Proposal to deliver caravans via B742 will damage road verges, ditches and overhanging trees.
- Junction with A70 is dangerous due to lack of clear visibility.
- Nearby A70 is busy road with number of fatalities in recent years.
- Increased traffic would create road and pedestrian safety issues, only one pavement along Barclaugh Drive and Woodhead Road.
- No way to guarantee that nearby private roads would not be used by residents.
- No way to monitor, police or manage directing cars to enter via east of Woodhead Road.
- Road infrastructure cannot cope with the proposed development.
- Adverse impact on car parking to local shops.
- Emergency services – more pressure on the road network of Coylton/Sundrum could be catastrophic.
- Lack of sustainable transport options, not within 400m of bus stop or 800m of train station
- Customers will arrive by car as they will have luggage.
- Ayr to Coylton cycleway does not meet the safe criteria as directed in “Cycle by Design” document – users of the proposed park will use own personal vehicles.
- The applicant's report on existing and future traffic conditions is inaccurate and does not represent the true picture of the problems that residents encounter which will only get worse.
- No mention of Road Safety Audit being undertaken on Woodhead Road.
- Additional Transportation Report does not alter objection points.
- Traffic survey using Sundrum Caravan Park as comparison was undertaken off-peak and is flawed as Sundrum has services and the proposed park doesn't – more entry and exits.
- To state that there would be no waiting traffic on Barclaugh Drive is false – it is busy from top to bottom everyday.
- Woodhead Road has become a rat run when the school comes out and during road works on A70.
- Transport Statement brushes over the problems in delivering caravans via Woodhead Road from the B742 – the swept path analysis uses only tractor/trailer dimensions and caravans would overhang, completely blocking Woodhead Road.
- Omission of survey of the number of people walking, cycling, running or horse riding in the area.
- Transport Assessment does not consider the junctions of Woodhead Road with the A70 and B742.
- Existing passing places of insufficient width and creation of more could encourage speeding.
- Suggested improvements to Barclaugh Drive tantamount to admission that road is entirely unsuitable for volume of traffic – implementation of dropped kerb a hazard to pedestrians.
- Proposed mitigation on Barclaugh Drive is dangerous and ineffective – refuse collection, brings road closer to front of properties, children playing, access and egress from properties, friends/visitors parking outside properties, deliveries.
- Two priority signs will not solve the existing traffic problems, let alone the proposed development.
- Proposed additional parking spaces on Woodhead Road will result in parking on both sides of road.
- The creation of 12 passing places on Woodhead Road is not acceptable.

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- **Natural Environment/Ecology**
 - Adverse impact on wildlife/protected species/flora.
 - Loss of trees/woodland habitat. Ancient woodland adjacent to site and welfare of this is not addressed within the submission.
 - Much of woodland only planted in last 15 years.
 - Loss of greenspace.
 - Adverse impact in respect of reducing carbon emissions.
 - More trees should be planted in the fields.
 - Additional Ecological work undertaken does not alter objection points.
 - No EIA is visible on the planning portal.
 - No tree survey has been submitted.
 - Errors in Preliminary Ecological Assessment – omits various species such as field vole, owls and water shrew.
 - Ecological Report makes no reference to pine marten for which there is evidence.
 - No bird surveys undertaken.
 - Question findings in Ecological Impact Assessment stating no significant short or long-term impact on Woodland or wildlife.

- **Cultural Heritage**
 - The proposed development would adversely impact the setting of nearby Sundrum Castle and other listed buildings.
Negative impact on Sundrum Castle conservation area.

- **Amenity**
 - Loss of recreational space/woodland walking route for the community.
 - Light and noise pollution – Noise Impact Assessment was undertaken at off-peak times.
 - Littering, dog waste, anti-social behaviour, crime, property damage.
 - Signage requesting to pick up dog mess will not work.
 - Loss of privacy/development too close to residential properties.
 - Proposed development will create overshadowing to residential properties.
 - Planting trees to the north would impact on natural light to properties on Castle Drive.
 - Trees provide a buffer to residential properties and their removal would have adverse impact on amenity.
 - Waste storage concerns, plans do not indicate areas to store waste, resulting odours.
 - No amenities are provided within the proposed caravan park.
 - No mention of any security to control any possible disturbances.
 - Disturbance caused to residents installing utility services and during construction.
 - The 1.2m high posts and wire fence is inadequate means of securing site to prevent occupants from accessing Castle Drive.
 - Core paths should be identified on submitted maps.

- **Drainage/Flooding/Sewerage**
 - The proposed development would create drainage and flooding issues due to increased areas of hardstanding.
 - Concerns over water flow to the SuDS system.
 - Culvert along the south side of Castle Drive is already inadequate, development will exacerbate the problem.
 - Small burn/stream running along outer edge of site (on Castle Drive) often floods, increased run off could result in flooded homes.
 - Foul drainage would require to be pumped up to Woodhead Road to join the public sewer and will have serious effect on operation and reliability of sewage pumps which would lead to overflow to natural land and watercourses.
 - No Flood Risk Assessment visible on planning portal.
 - No mention of geotechnical survey having been undertaken.
 - Drainage Assessment was undertaken during a dry period of weather.

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- **Landscape Impact**
 - Site is inappropriate for proposed development.
 - The scale of the development is inappropriate for the site.
 - Unacceptable visual appearance.
 - Evergreen screening would be out of keeping with existing deciduous woodland.
 - Overdevelopment of the village.
 - Site is in middle of an area of rural natural beauty.
 - Would spoil views.

- **Contrary to National and Local Planning Policy**
 - Contrary to SPP and LDP2, the proposal does not represent “the right development in the right place, at the right time”.
 - Loss of agricultural land contrary to LDP.
 - Outwith Coylton settlement boundary and is on greenfield, contrary to core principles.
 - Large scale of proposed development is contrary to core principle 8 of LDP2.
 - Contrary to Council’s Sustainability Plan (2019-2024) and Sustainable Development and Climate Change Strategy (2019-2024) – loss of woodland and increase in pollution.
 - The proposed development does not ensure that “environmentally sustainable growth is promoted in our towns, villages and countryside” as outlined in LDP2.
 - Area is not zoned in the LDP for development.
 - Against Council’s Biodiversity Action Plan.
 - Loss of network of green space.
 - Contrary to LDP Policy on Zero Waste.
 - Contrary to LDP Policy on Tourism.
 - Contrary to Core Principle A3.

- **Infrastructure Capacity**
 - The proposed development will overload existing services, including electricity supply, water, IT, medical services and sewage works.
 - Existing amenities in the village cannot cope with influx of people.

- **Health and Safety**
 - Old mine works is located at the proposed entrance to the site.
 - Electricity pylons are located within the site and represent a safety risk.

- **General adverse impact on Local Community**
 - There is no benefit of the proposed development to the people of Coylton.
 - The application would/has created physical and mental health issues in the local population due to potential loss of recreational area.
 - Status of footpaths within the site is unknown both during and after development. There is a public right of way in place.
 - Walks in the area includes Sundrum Estate and the developer suggests that people can roam around without using the public footpaths – this is a private estate.

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- **Other matters**

- Overprovision - there is already an existing caravan park adjacent and another nearby, there is no need for another.
- Timing of planning application submission over the festive period to catch community off-guard?
- Proposed development would adversely impact on property values.
- Confusion over whether the lodges will be sold to park users or hired out.
- Suggested economic advantages require to be questioned – the developer will benefit but the local community?
- A better use of the site would be affordable housing for local people.
- Vulnerable young people in adjacent children's home could be affected by unscrupulous residents of caravan park – risk assessment should be submitted.
- Struggle to understand why the application has progressed this far.
- The proposed development has no rights of access to Castle Drive.
- None of the supporting documentation referenced in the covering letter can be viewed via the planning portal.
- Land use has already been determined, sold as protected Scottish woodland.
- No communication received about the development prior to reading about it on social media.
- Ashes of people have been scattered here.
- Over £3,000 in factoring fees paid by an individual this year to ensure maintenance of the Estate, why should others benefit? If the public benefit they should pay towards it.
- Economic Impact Assessment is flawed – overly simplistic statements and doesn't define its base inflation rates as either RPI or CPI. Does not quantify benefits to Coylton.
- Surprised that there is no objection from Sundrum Caravan Park operated by Park Dean – is applicant looking to sell to PD with consent or are they involved?
- Proposed resurfacing with dropped kerb on Barclaugh Drive is on private property belonging to homeowners.

A response to the above is set out within the 'Representations Received' of the Assessment section, below.

The representations in support of the proposed development outline that it is an opportunity to boost tourism, aid the local economy and create jobs.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

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(i) National Planning Framework 4 (NPF4)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out below.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-planning-framework-4):

- Policy 1 Tackling the Climate and Nature Crises
- Policy 2 Climate Mitigation and Adaption
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 5 Soils
- Policy 6 Forestry, Woodland and Trees
- Policy 7 Historic Assets and Places
- Policy 12 Zero Waste
- Policy 13 Sustainable Transport
- Policy 14 Design, Quality and Place
- Policy 18 Infrastructure First
- Policy 22 Flood Risk and Water Management
- Policy 25 Community Wealth Building
- Policy 29 Rural Development
- Policy 30 Tourism

NPF4 Aims

NPF4 outlines the planning of our future places in line with six overarching spatial principles, namely: Just Transition, Conserving and Recycling Assets, Local Living, Compact Urban Growth, Rebalanced Development and Rural Revitalisation. By applying these spatial principles, the national spatial strategy will support the planning and delivery of: Sustainable Places, Liveable Place and Productive Places.

The primary policies of relevancy to the principle of development in this case generally seek to balance rural development and economic growth in a sustainable manner. In terms of NPF4's Spatial Strategy, the application site is located in a rural location, outwith the settlement boundary of Coylton and careful consideration is required in respect of the impact of the proposed development relative to sustainable and liveable impacts on the settlement.

A summary of each of the relevant NPF4 policies is set out below followed by an assessment of the proposed development against the policy consideration.

Policy 1 Tackling the Climate and Nature Crises

The purpose of this policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. Scotland's Climate Change (Emission Reduction Targets) (Scotland) Act 2019 targets a date of 2045 to reach net zero, with interim targets of at least 75% by 2030. The site is not directly accessible by public transport; however, once customers arrive on site, they are in walking distance of local facilities within the settlement of Coylton. The site utilises agricultural land that is not of prime quality. The parcels of land identified for development are largely clear of tree cover, with felling limited to younger specimens at the access road to the site. Additional planting is proposed which could be designed to secure biodiversity enhancements and the necessary ecological surveys have been carried out, with mitigation proposed to safeguard any notable species. Considering this, the proposed development does not raise any significant concerns with respect to this policy. The following polices are also related.

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Policy 2 Climate Mitigation and Adaptation

This policy requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. A Flood Risk Assessment has been submitted in support of the application it is noted that SEPA offer no objection to the proposal. The applicant also states that the proposed caravans/lodges will be constructed in a factory and to BS3632:2105, with the focus on improving energy efficiency. As such, the development proposal is deemed to accord with this policy aim.

Policy 3 Biodiversity

This policy is relevant to this proposal as it sets a specific requirement for development proposals subject to 'major' applications to enhance biodiversity, not just protect it and/or avoid detrimental impacts. As part of this, the test of the policy requires it to be demonstrated that the proposal will conserve, restore and enhance biodiversity including nature networks so they are in a demonstrably better state than without intervention. The proposed development is largely in existing openings within the woodland, with the proposed access road being the only area where some trees would require to be removed. Additional planting is proposed as part of the proposal which will introduce a substantial amount of native tree, hedgerow, shrub and meadow planting. In light of this, it is considered that the proposed development will largely conserve, restore and enhance biodiversity and that the proposal is therefore in accordance with this policy.

Policy 4 Natural Places

This policy aims to protect, restore and enhance natural assets and make best use of nature-based solutions. Development proposals which by virtue of type, location or scale would have an unacceptable impact on the natural environment will not be supported. The proposed development will largely retain the existing planting, trees and foliage. Further planting is also proposed to the northern part of the application site. An Ecological Impact Assessment (which includes a badger survey) has been submitted in support of the application and no protected species were highlighted within the site, although conditions should be attached in respect of the submission of Habitat Management Plan and Operational Lighting Design should members be minded to approve the application. In light of the above, the proposed development is considered to accord with this policy.

Policy 5 Soils

This policy seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. In this instance, the proposed development is not located on prime agricultural land (classification 3.1 and above). The majority of the site is located on classification 4.2 agricultural land (land capable of producing a narrow range of crops), with a smaller element classification 3.2 (land capable of producing a moderate range of crops). As prime agricultural land is not being adversely impacted upon, the proposed development is not considered contrary to this policy.

Policy 6 Forestry, Woodland and Trees

This policy aims to protect and expand forests, woodland and trees. No ancient woodland is proposed to be removed to accommodate the development, with trees to be removed relating to younger specimens to the south of the site to allow for the access route. Moreover, additional native planting is proposed to the northern boundary of the site and infill specimen tree planting is proposed along the main access to create a tree lined avenue effect and to compensate for the loss of tree and short lengths of hedgerow removal required to accommodate to the proposed new road, access junction and visibility splays. A condition should also be attached to any consent to ensure that appropriate protective measures are in place to protect the adjacent ancient woodland during construction should members be minded to approve the application. In light of the aforementioned, the proposed development is considered to be in compliance with this policy.

Regulatory Panel (Planning):

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Policy 7 Historic Assets and Places

This policy aims to protect and enhance historic assets and places and to enable positive change as a catalyst for the regeneration of places, with a requirement for any potential impacts on such assets to be assessed. It is considered that the proposals would not adversely affect the character, appearance or setting of any nearby category B listed buildings (in particular Sundrum Mains - located approximately 70 metres to the north and Sundrum Castle – located approximately 650 metres to the north-east) given the extent of the existing and proposed screening to the northern boundary of the application site. It is noted that Historic Environment Scotland and the Council's Built Heritage Officer offer no objection to the proposed development. It is therefore considered that the proposed development accords with this policy.

Policy 12 Zero Waste

The aim of this policy is to encourage, promote and facilitate development that is consistent with the waste hierarchy. Development proposals that are likely to generate waste when operational will set out how much waste the proposal is expected to generate and how it will be managed including provision to maximise waste reduction and waste separation at source and measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste. In this instance, the applicant has advised that communal separated waste storage/recycling will be located in the maintenance area next to the reception building. It is also proposed to have separate containers for general waste, paper/cardboard, cans/plastics, glass and food waste. In terms of waste produced, the applicant has taken the national average for domestic waste per person produced annually (0.4 tonnes per person per annum) and extrapolated that amount for a holiday occupancy of a caravan at 50% of the household figure (which is stated by the applicant as likely to be an overestimate). This results in a figure of 70 tonnes of waste being produced per year at the holiday caravan park based on this assumption. In light of the aforementioned, it is not considered that the proposed development is contrary to this policy.

Policy 13 Sustainable Transport

This policy seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. While it is acknowledged that users of the caravan site would likely arrive by private car with their belongings, once residents have arrived, they can access local services located to the south by walking or cycling – these include convenience stores, butcher and hot food takeaways. There is also a bus stop on Ayr Road, approximately 800 metres from the site, which would allow sustainable travel into the nearby settlement of Ayr without reliance on the private car. Whilst it is recommended in 'Designing Streets: A Policy Statement for Scotland' that sites are located within 400m walking distance of public transport, it is not considered that 800 metres is so far away that there is no prospect of this service being used. In view of the above, the proposals are consistent with the spirit of this policy.

Policy 14 Design, Quality and Place

This policy seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle', which demonstrates the six qualities of a successful place; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. It sets a standard for development proposals centred around 'quality', with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy. The proposed development is considered to be well designed with respect to the site itself which is largely occupying open agricultural fields within an area surrounded and complemented by a mix of ancient woodland and more recently planted woodland (last 15 years or thereabouts) and it is also well connected to Coyllon. Notwithstanding, in order to attempt to address concerns of the ARA, the applicant proposes for Barclaugh Drive to undergo significant physical changes to effectively widen the road from the point where it separates/forks to the south to where it meets Woodhead Road to the north; passing places and a priority traffic management system is also proposed (for traffic travelling north in the direction of the application site). These changes, together with the intensification of use of this road as the principal access route to the application site, would be in contrast to its current status as a relatively quiet residential street. It is considered that this would be to the detriment of the established residential environment of the area and sense of place. As such, it is considered overall that the proposed development does not fully accord with this policy.

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Policy 18 Infrastructure First

This policy seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking and requires the impacts of development proposals on infrastructure to be mitigated. In this regard it is noted that SEPA, Scottish Water and Scottish Power offer no objection to the application. However, the Ayrshire Roads Alliance recommend refusal of the application due to roads concerns – primarily in relation to the unsuitability of Barclaugh Drive to accommodate the proposed additional traffic generation due to existing on street parking restricting sections of this road to one-way operation. The applicant has provided further information in an attempt to mitigate these concerns – specifically to formalise existing on street parking and introduce a designated priority one-way working system with relevant signage and give way markings on Barclaugh Drive and utilise existing passing places on the C116 for caravan delivery. However, notwithstanding these efforts, the Ayrshire Roads Alliance maintain their recommendation for refusal. As such, it is considered that the proposed development is not in accordance with this policy. This matter is discussed further in the LDP2 section of this report.

Policy 22 Flood Risk and Water Management

The purpose of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It sets criteria and circumstances where development proposals at risk of flooding or in a flood risk area will be supported and this includes essential infrastructure, water compatible uses and redevelopment of existing buildings or sites for an equal or less vulnerable use. No objection has been received from SEPA or the Ayrshire Roads Alliance (as Flood Authority) in respect of flooding and it is therefore considered that the proposed drainage arrangements would not increase the risk of flooding elsewhere. Considering the above, the proposal is considered compliant with policy 22.

Policy 25 Community Wealth Building

This policy seeks to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels. The applicant has submitted an Economic Impact Assessment in support of the application which quantifies the positive economic impact that the proposed development would have on the local economy through increased spending resulting on the support and creation of additional jobs. Whilst it could be argued that the assessment outlines overly simplistic statements, it is acknowledged that the proposal would bring people to the area and that they would be likely to spend money in the local area. As such, the proposed development is considered to accord with this policy.

Policy 29 Rural Development

The aim of this policy is to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced. The proposed development would bring economic activity to a rural area and it is noted that the application site has clearly defined boundaries on all sides with the well-established woodlands framing the site and largely providing visual containment. As noted previously, additional planting is proposed, no protected species are noted within the application site and nearby cultural assets would not be adversely impacted upon as a result of the proposed development. It is therefore considered that the proposal is compliant with this policy.

Policy 30 Tourism

This policy aims to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments and inspires people to visit Scotland. As aforementioned, the application site is considered to be located in a sustainable position for the proposed use, the pitches are easily adaptable to be accessible to disabled people and there are opportunities to access the natural environment. As such, the proposed development is considered to accord with the aims of this policy.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Summary of Assessment against NPF4

Following review, it has been established that NPF4 as a whole is generally supportive of the proposed tourism use at this location. However, this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation. Whilst it has been reasoned that the proposed development is not considered to have significant landscape/visual impacts or environmental impacts that cannot be mitigated, the Ayrshire Roads Alliance recommend refusal of the application due to concerns over the suitability of Barclaugh Drive to serve the proposed development. On this basis, it is considered that the development proposal does not fully comply with the provisions of NPF4.

- **Local Development Plan 2 (LDP2)**

The following policies of LDP2 are considered relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Tourism
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Agricultural Land
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Historic Environment
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport

However, the provisions of the Adopted South Ayrshire Local Development Plan 2 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 above. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

LDP Spatial Strategy

The Spatial Strategy sets out the general approach of the Council to development planning matters. It sets the scene for the type of development approaches South Ayrshire seeks to promote and defines 'Core Principles' that form the foundation of the plan. The Strategy also contains two 'Strategic Policies' that all development proposals require to confirm to and be justified against. Specific consideration of these is set out in the sections below.

In the broadest sense, the proposed development is supported by the spatial strategy of the LDP as the application site is located within the 'Kyle Investment Area' which promotes 'flexible growth'. In this regard, the proposed development is for the creation of a lodge caravan park adjacent to the settlement of Coylton which is considered to represent a sustainable location and would produce an economic benefit to the area as a result of establishing a tourist facility (albeit the quantifiable degree of which can be questioned).

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Strategic Policy 1: Sustainable Development

This policy provides the overarching policy for the LDP subject specific policies, and it requires to be used in the consideration of all planning applications. Certain criteria of this policy are therefore pertinent to this proposal and include (inter alia):

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Respects the character of the landscape and the setting of settlements.
- Incorporates sustainable urban drainage and avoids increasing (and where possible reduces) risks of, or from all forms of flooding.
- Ensures appropriate provision for waste-water treatment, avoids the proliferation of private treatment systems and connects foul drainage to the public sewerage system wherever feasible.
- Makes efficient use of land and resources.
- Embraces the principles of 'place-making' and the '6 qualities of place'.
- Does not have a negative effect on air or water quality.
- Wherever possible is in an accessible location with opportunities for the use of public transport and other sustainable means of transport.
- When considering development proposals, due weight will be given to the consideration of net economic benefit.
- Respects the Scottish Government's Zero Waste Objectives.

The proposed development is considered to generally comply with the criteria of this overarching policy noting its layout, design, scale and mass and arrangement. Consideration of each of the criteria outlined above which relate to visual and landscape impacts, impact on natural resources, flooding and drainage, the management of waste, residential amenity and transport matters are assessed in more detail below in relation to the subject specific policies which focus on these topics.

In regard to the requirement of the policy to consider the 'net economic benefit' of the proposed development and apply due weight accordingly, the applicant has submitted an 'Economic Impact Analysis' statement as part of the planning application and this has been considered. As referenced elsewhere within this report, the document provides an overview of the holiday caravan sector in Scottish tourism, highlighting its importance to Ayrshire.

Following review, it is clear that the 'Economic Impact Analysis' statement seeks to consider the economic benefit of the proposed development. In this case, the applicant has largely provided general information relative to assumed potential benefits and the weight afforded to this cannot outweigh other material considerations in the assessment of the proposed development, although the potential to create construction jobs as well as bringing an influx of people to the area is noted.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Strategic Policy 2: Development Management

This represents the overarching policy for the LDP subject specific policies for the Development Management process. As part of this, it schedules out expectations to ensure that development meets a range of criteria. Certain criteria of this policy are considered to be relevant to this development proposal, as outlined below:

- Promotes and facilitates the ability of LDP2 to deliver and achieve its aim to “make the most of sustainable economic growth that is supported by sound social and environmental objectives”. It is considered that by being sited immediately adjacent to an existing settlement and having been designed to avoid any negative impacts on surrounding uses or the natural environment (as illustrated in supporting documentation), that the proposal accords with this aim.
- In accordance with the site’s land use, as defined on the ‘Proposals Maps’.
- Is appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses.
- Does not have an unacceptable impact on the amenity of nearby land uses or committed development proposals (i.e. sites with Planning Permission or allocated LDP2 development sites).
- Is appropriate to the local area in terms of road safety, parking provision and effects on the transport network.
- Makes appropriate provision for all infrastructure implications of the development.
- Includes open space and landscaping that is appropriate for the location and the use of the proposed development.

It is considered that the proposed development complies with most of the above criteria; however, a key criterion which is not considered to be met relates to the effects on the local transport network. The Ayrshire Roads Alliance were consulted on the planning application and recommend refusal based on the appropriateness of using a relatively quiet, residential street like Barclaugh Drive as the main means of vehicular access for the proposed development of 174 (plus an additional 2 for staff) holiday caravans. As such, the proposed development is not considered to be in accordance with this policy. Notwithstanding, consideration of each of the criteria above which relate to the land use its visual and landscape impacts, its compatibility, road safety and infrastructure and landscaping are assessed below in more detail in relation to the subject specific policies which focus on these topics.

LDP Policy Tourism

This policy states that the Council will allow new sites and accommodation to be developed provided that:

- All new accommodation is for tourist use only; and
- The development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

LDP2 is generally supportive of tourism and leisure developments and this policy provides a focus and direction with regard to the aspirations of the qualities that tourism related development should satisfy and demonstrate to be acceptable within South Ayrshire. In respect of the spirit of this policy relative to the proposed development, it is considered that it represents an acceptable promotion of tourism and tourist accommodation.

In respect of the first point outlined above, the supporting statement submitted as part of the application confirms that the proposed caravan park will be for holiday use only. However, should members be minded to approve the application, a suitably worded planning condition would be required to limit and define the fact that the caravan style lodges could only be used for holiday let purposes.

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Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

In regard to the second aspect in relation to screening and the appropriateness of the development in terms of the landscape setting and scale and design, it is noted that the site is generally currently well screened, particularly to the south and east, with the proposed caravan lodges being sited on 2 parcels of open agricultural land. The potential for visual intrusion and landscape change has been carefully considered and in light of the existing woodland screening to the south and east, together with additional proposed structure tree planting along the northern boundary of the application site, it is considered that the proposed caravans will be effectively screened from existing adjacent land uses with the proposed northern planting providing an enhanced woodland buffer to Castle Drive and to the residential dwellings located immediately to the north of the site. Although the proposed development is of significant scale (176 caravan pitches – 174 holiday and 2 staff), the proposed caravan lodges themselves are relatively modest in their size being of a height of between 3 and 3.5 metres to ridge height and would therefore not appear as incongruous features within the rural landscape setting.

It is considered that as the proposed caravans are for holiday use only, are located within existing open agricultural fields and that the existing woodland buffer and proposed additional native planting would not result in a significant adversely impact on the setting of the landscape that the proposed development can be considered positively in the context of this policy.

LDP Policy Landscape Quality

This policy states that the Council will maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including; community settings, patterns of woodland, fields, hedgerow and tree features and the historic and cultural landscape. The application site has not been identified for its local distinctiveness and is largely contained by existing vegetated boundaries on all sides, albeit to a lesser degree towards the west. The proposed development will see the creation of new native tree planting to the north to enhance visual enclosure to the proposed development. It is therefore considered that the development proposal is in accordance with this policy.

LDP Policy Preserving Trees

This policy states that ancient and veteran trees of high nature conservation and landscape value will be protected and that the Planning Authority will work with developers to agree a defined root protection area for all retained trees likely to be adversely affected by development. Should members be minded to approve the application, a suitably worded planning condition would be required to safeguard root protection throughout the course of development. It is noted that there are no Tree Preservation Orders within or close to the site but that there is an area of Ancient Woodland along the northern, eastern and southern boundaries of the site. However, the existing woodland around the perimeter of the site would require be protected during construction and the majority retained. Tree removal within the site would be limited to those along the extent of the proposed access to the site and these are younger specimens. In light of the aforementioned, the development proposal is compliant with this policy.

LDP Policy Water Environment

This policy states that the Council will support the objectives of the Water Framework Directive, with the WFD seeking to protect inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. The policy outlines that development should not harm the biodiversity of the water environment, should not pose an unacceptable risk to the quality of controlled waters and that it should provide an appropriately sized buffer strip between the development and a water course. It is noted that a Drainage Impact Assessment and Flood Risk Statement, Revised Drainage Impact Assessment and a Flood Risk Assessment (May 2023) have been submitted in support of the application and that SEPA and the Ayrshire Roads Alliance (as Flooding Authority) offer no objection. The development proposal is therefore deemed to be in accordance with this policy.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

LDP Policy Flood and Development

This policy states that development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere and that the Council will assess development proposals against Scottish Environmental protection Agency's (SEPA) publication 'Flood Risk and Land Use Vulnerability Guidance' (2018), or subsequent updates. The proposed drainage arrangements ensure that the proposed development would not increase the risk of flooding elsewhere and the site is also not located within an area at risk of either fluvial or coastal flooding – as shown within SEPA flood maps. Although small parts of the site to the north have the potential for surface water flooding, it is important to note that SEPA and the Ayrshire Roads Alliance (as Flooding Authority) offer no objection to the development proposal on flooding grounds, subject to conditions. The proposal is therefore considered to accord with this policy.

LDP Policy Agricultural Land

This policy states that the Council will protect prime quality agricultural land from irreversible development unless it can be demonstrated that the development is essential and is in accordance with LDP Strategy, necessary to meet an established need or if it is of small scale which is directly related to a rural business. Whilst the proposed development is located on agricultural land which is utilised for grazing, it does not fall within the category of 'prime' agricultural land (with it being categorised as a mix of 3.2 and 4.2). As such, the specific requirements of this policy are not considered relevant to this proposal.

LDP Policy Air, Noise and Light Pollution

This policy outlines that the Council will not allow development which would expose people to unacceptable levels of air, noise or light pollution. Part of the application site is located immediately adjacent to an existing caravan park and residential properties and located to the north of the application site, with garden boundaries to these dwellings being approximately 25m from the closest proposed caravan lodge. However, it is noted that there is existing woodland in situ which offers a buffer to these properties and that further planting is proposed. A Noise Impact Assessment was submitted in support of the application and it is noted that the Council's Environmental Health Service offers no objection to the proposed development. Following consultation, the Council's Ecology consultant AECOM also recommend a condition in respect of the submission of operation lighting design details. The proposal is therefore considered to comply with this policy.

LDP Policy Historic Environment

This policy states that the Council will protect, preserve, and where appropriate, conserve and/or enhance South Ayrshire's historic environment. Development proposals that do not safeguard archaeological sites or resources in situ will not be supported unless it is demonstrated to the satisfaction of the Council that the benefit of the proposal outweighs the archaeological value of the site. As previously highlighted in respect of NPF4 considerations, it is considered that the proposals would not adversely affect the character, appearance or setting of any nearby category B listed buildings (in particular Sundrum Mains - located approximately 70 metres to the north and Sundrum Castle – located approximately 650 metres to the north-east) given the extent of the screening to the northern boundary of the application site. It is noted that Historic Environment Scotland, the West of Scotland Archaeology Service and the Council's Built Heritage Officer offer no objection to the proposed development. The proposal therefore raises no issues with regards to this policy.

LDP Policy Natural Heritage

This policy sets out protections for natural heritage sites, protected species and other features of nature conservation value – including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors, with development proposals which affect such sites or species only being permitted if certain criteria are met. The application is supported by a Preliminary Ecological Appraisal and Ecological Impact Assessment (which includes Badger Survey). The appraisal confirms that adverse impacts on international, national or local designations due to the proposed development are not expected. Whilst no protected species were discovered within the site, the site and its surroundings do provide suitable habitat which may support badgers, bats and nesting birds. Therefore, conditions should be attached in respect of the submission of Habitat Management Plan and Operational Lighting Design should Members be minded to approve the application. Based on the aforementioned, the proposal is therefore considered compliant with this policy.

LDP Policy Land Use and Transport

This policy sets out a number of criteria for development proposals to meet, the most relevant in respect of this application state that the development should take appropriate measures to keep any negative effects of road traffic to a minimum, that it does not compromise accessibility to local services, provides parking that reflects the role and location of the development and that it links to existing and proposed active travel networks (including walking, cycling and public transport). In terms of the considerations of this policy in the context of the proposed development, in the first instance it is important to note that the Ayrshire Roads Alliance (ARA) recommend refusal of the application. Site access is proposed to be taken via a new priority give way junction onto Woodhead Road. Representatives from the ARA originally met with the applicant and their transport consultant in March 2023, during which the ARA indicated their significant concerns with respect to the suitability of Barclaugh Drive to safely accommodate the additional trips generated by the proposed development.

The first consultation response from the ARA was received in September 2023, in which they said they expected the proposals to set out how their concerns could be mitigated. However, no mitigation or mention of the ARA's concerns with respect to Barclaugh Drive as discussed during said meeting appeared within the submitted Transport Statement of June 2023. The ARA stated in this consultation response that the proposed vehicular access route to the site for guests and staff (via Barclaugh Drive and Woodhead Road from the A70) in its current form was unsuitable to safely accommodate the additional trips associated with the development proposals. It was also noted at this time that the detail set out within the Transport Statement, including trip generation estimates and survey results, did not alter the position of the ARA and that mitigation was required to be submitted for consideration.

Subsequent to this response, the applicant submitted proposals for "road improvements" on Barclaugh Drive in November 2023, as highlighted in drawing 22048_008 Rev A. The proposals consist of the introduction of formalised on-street parking facilities on Barclaugh Drive and a new priority (for traffic travelling north in the direction of the application site) system for vehicles to negotiate the sections of carriageway that become too narrow to facilitate one-way vehicle movements (taking account of the on-street parking). The section of one-way operation required to accommodate the proposals would be approximately 65 metres in length. In their final consultation response of 15 January 2024, the ARA acknowledge that the applicant has made a concerted effort to address the road safety concerns associated with the use of Barclaugh Drive as a principal access route for the proposed development. They acknowledge that the proposals are sound from an engineering perspective and go a considerable way to addressing the concerns held by the ARA. However, the ARA state that the significance of the changes proposed does raise a larger question around the appropriateness of using a relatively quiet, residential street like Barclaugh Drive as the main means of vehicular access for a development consisting of 174 (plus an additional 2 for staff) holiday caravans. The proposed changes to the road would significantly change the existing residential character and form of Barclaugh Drive from a residential street to an access route for a caravan site. The ARA are of the view that the function of the road would change significantly during seasonal peak periods when caravan sites are typically at their busiest with intensification of use on Barclaugh Drive and Woodhead Road. These matters have raised significant concern around the principle of the suitability of Barclaugh Drive as the main access route for a development of this type and scale. Considering this position from the ARA, the proposals cannot be supported from a planning perspective as they are considered contrary to LDP Policy - Land Use and Transport.

In respect of servicing, the development proposals include clarification that caravan deliveries are proposed to be made via the B742 to the East (the C116). The ARA previously indicated that in order for the C116 to be considered a viable route for caravan deliveries, that inter-visible passing places would require to be provided by the applicant along its length from the junction with the B742 and the proposed site access road. The applicant responded to this concern indicating that they believe existing informal passing places are likely to be adequate for caravan deliveries and did not provide proposals to address the ARA's concerns. However, the ARA advise that if the development proposals are minded to be approved by members, they would reiterate their position that formalised inter-visible passing places at appropriate locations along the C116 would be required to be covered by condition.

The ARA also note that the applicant has indicated that if they did propose/provide passing places, they would only be required by the development proposals for the caravan delivery phase of the development and not on a regular basis once the site is operational. The ARA have clarified that this is a public road and that the nature of the development proposals mean that even if such trips were occasional, the implications from a road safety perspective of a member of the public meeting a caravan delivery on this route without formalised passing places is an area of concern.

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Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

In terms of parking, the development proposals include for one car parking space per caravan unit within the curtilage of the site, with an additional provision of off-road visitor parking throughout the site. The visitor parking is intended to discourage vehicular parking on the new access road, which would represent a potential road safety risk given the narrow carriageway intended for shared use with pedestrians. The Transport Statement also sets out that the applicant is willing to create a new parking lay-by on the northern side of Woodhead Road to “improve operations and appease local residents” with a capacity for approximately 10 cars and these parking spaces are indicated within the submitted plans. The ARA states that any such facility would require to be fully designed to adoptable standards, including the provision of an adjacent 2m footway to ensure safe means of access/egress to and from vehicles. A planning condition could be imposed to address this point and ensure that the additional parking on Woodhead Road was to the standards expected by the ARA.

In light of the comments above, whilst the development proposals meet parking and active travel requirements, it is considered that the proposed development is contrary to this policy on the basis of the unsuitability of the proposed access route.

Summary of Assessment against LDP2

Following review, it has been established that similar to NPF4, LDP2 is generally supportive of the proposed tourist use at this location. However, the proposed development is considered contrary to LDP2 in respect of Strategic Policy 2: Development Management and LDP2 Policy: Land Use and Transport due to the fact that it is not considered appropriate to use a relatively quiet, residential street like Barclaugh Drive as the main means of vehicular access for the proposed development of 174 (plus an additional 2 for staff) holiday caravans for the reasons noted above.

(ii) Material Considerations

Planning History

There is no record of any previous planning applications at the site.

Other Policy Considerations (including Government Guidance)

Historic Environment Policy for Scotland: Policy HEP2 states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland’s Managing Change in the Historic Environment series. With regard to this application, the Managing Change document on Setting is particularly relevant.

The **Managing Change document on Setting** requires planning authorities to take into account the setting of historic assets in the determination of applications for planning permission. Where development is proposed, it is important to identify the historic assets that might be affected, define the setting of each historic asset and assess the impact of any new development on this. Setting often extends beyond the property boundary or ‘curtilage’ of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

As referenced elsewhere within this report, it is noted that the nearest historic assets to the development site are largely shielded from the proposed development by a mature woodland buffer. It is also noted that no objection has been received from Historic Environment Scotland or the Council’s Built Heritage Officer and it is therefore considered that the proposed development would not have a significant adverse impact on the character or setting of nearby historic assets.

Representations Received

The representations in objection to the application have been summarised into topic areas as captured in section 6 above and are responded to below.

Traffic and Transportation Matters

- A number of points raised by objectors are of concern to the Planning Service. The Ayrshire Roads Alliance have been formally consulted and engaged as part of the assessment of this planning application and recommend that the application is refused. A full reasoning of this position is set out within section 7(i) of this report, above.

Natural Environment/Ecology Matters

- The application site is not subject to, nor does it form part of any specific ecological designation or categorisation. The Council's Ecology Consultant (AECOM) have been formally consulted and engaged as part of the assessment of this planning application. Their initial response on the submitted Preliminary Ecological Appraisal outlined that further ecological survey work was required, including; Phase 1 habitat survey, survey for protected mammals and an assessment of bat roost suitability of trees or structures which could be impacted by the proposed development. The applicant subsequently submitted an Ecological Impact Assessment which provided the results of further ecological surveys and it was considered that an adequate assessment of habitat suitability for otter, breeding birds, red squirrel and badger had been undertaken and that there was sufficient information available to determine if these species were present and if they could be impacted by the proposed development. However, clarity was sought on the following: operational impacts on woodland, operational impacts on protected mammals (in particular bats), mitigation proposals for woodland, mitigation proposals for bats and predicted residual effects for all ecological features. The applicant subsequently amended the Ecological Impact Assessment (1.1 dated 5th May 2023 although it was received on 6th June 2023), with AECOM advising that the latest version of the document outlined appropriate mitigation and enhancement measures. In light of the response from AECOM, it is considered that the proposed development would not have a significant adverse impact on the natural environment. However, conditions were recommended in respect of the submission of Habitat Management Plan and Operational Lighting Design and these should be attached should members be minded to approve the application. It is also noted that NatureScot offered no objection to the application following consultation.
- The applicant submitted a Screening Opinion under the terms of The Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2017 (reference 22/00637/EIASCR) in July 2022. The Council issued a response in August 2022 detailing that the proposed development was not considered to constitute EIA development under the aforementioned Regulations.
- It is noted that the application site is not covered by a Tree Preservation Order and that the proposed development is largely sited within existing clearings in the woodland.

Cultural Heritage

- As already reasoned elsewhere within this report, it is not considered that the proposed development would compromise the setting of Sundrum Castle or other listed buildings. Historic Environment Scotland and the Council's Built Heritage Officer offer no objection to the development proposal.
- Sundrum Castle is not located within a Conservation Area.

Amenity

- With regards to the loss of recreational space/ woodland, the proposed caravan lodges themselves do not appear to obstruct the woodland trail but it is noted that the proposed access road into the holiday lodges crosses a part of the trail and this access would require to be maintained by a condition should members be minded to approve the application. The caravan lodges are proposed to be sited within existing clearings in the woodland and as outlined elsewhere within this report, the loss of non-prime agricultural land is considered acceptable in this instance.

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- In terms of the impact of the proposed development to neighbouring properties by way of light and noise, the Council's Environmental Health Service hold statutory powers in this regard and offered no objection to the application. It is therefore considered that the content of the submitted Noise Impact Assessment is acceptable and that the proposed development would not lead to an unacceptable level of noise or light pollution. Notwithstanding, a condition in respect of operational lighting design is considered to be appropriate should members be minded to approve the planning application.
- Any anti-social behaviour would be a matter for the Police. With regards littering and dog fouling, it is expected that this would be managed through the operation of the site with bin store areas being indicated on the proposed plans. It is a person's own individual responsibility to behave in an appropriate manner and this is something that is not regulated by the Planning Service.
- With regards to the relationship between the caravans and neighbouring properties; the boundary of the closest residential dwelling on Castle Drive to the north is approximately 25m from the closest proposed caravan lodge and it is considered that this represents an acceptable degree of separation from residential properties to the proposed development. Moreover, a mature treebelt is in situ and provides a buffer to these properties from the application site, with this buffer also proposed to be augmented by additional planting. As existing mature woodland is already in situ, it is not considered that any additional planting would exacerbate any loss of natural light to these properties.
- The development proposes to retain the vast majority of trees within the application site, with only the proposed formation of access road, access junction and visibility splays leading to the removal of a limited number of younger specimen trees. Infill planting is also proposed along the access road to compensate for this loss.
- The originally submitted site plan did not indicate an area for waste storage, however an updated site plan was subsequently been submitted (neighbour notification and advertisement in the local press were both re-undertaken) which highlights the waste storage area located adjacent to the reception building. It is noted that the Councils' Environmental Health Service and Waste Management Department both offer no objection to the proposed development in this regard.
- With regards to no amenities provided within the site e.g., restaurant etc., the submitted planning application requires to be assessed on its merit.
- All development involves a degree of disruption during the construction period and this can be expected; however, it would be of a temporary nature.
- It is reasoned that the purpose of the proposed 1.2m high post and wire fence proposed is to define the site boundary as opposed to being a means to secure the site and prevent individuals from accessing Castle Drive. Responsible access within private land is permitted under the Land Reform (Scotland) Act 2003 as long as this is not within the curtilage of residential dwellings. No core paths are in situ within the application site or in its vicinity.

Drainage/Flooding/Sewerage

- SEPA have been formally consulted and engaged as part of the assessment of this planning application and whilst they initially issued a holding objection requesting further information to fully understand and quantify the flood risk extent of the proposed development, this has since been formally withdrawn (SEPA now offer 'no objection') following the submission of a Flood Risk Assessment and revised Drainage Impact Assessment provided by the applicant. It is also noted that the Ayrshire Roads Alliance (as Flood Authority) also offer no objection to the proposed development on flood risk grounds.
- Given the position of both SEPA and the Ayrshire Roads Alliance (as the Council's Flood Authority) as consultees, it is considered that the proposed development can be accommodated at the site without having an adverse impact in terms of flood risk.

Regulatory Panel (Planning):

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Landscape Impact

- As referenced elsewhere within this report, it is considered that the proposed development is sited in a sustainable location, being immediately adjacent to the settlement of Coylton and within walking distance to amenities and active travel networks. The applicant submitted a Landscape and Visual Appraisal in support of the planning application and the Council as Planning Authority is in agreement that the proposed development could be absorbed within the site due to the proposed caravan lodges being located within openings in the woodland and the fact that the site is largely screened from public view by this woodland. Retention, augmentation and enhancement of the existing mature tree cover will further aid screening of the proposed development.
- It is noted that the Council's Landscape Officer offered no objection to the proposed planting material.
- The application site is not located within an area of national or local landscape designation and the loss of a view is not a material planning consideration in the assessment of this planning application.

Contrary to National and Local Planning Policy

- An assessment against relevant national (NPF4) and local (LDP2) planning policy is set out elsewhere within this report. As noted, the proposed development is considered contrary to NPF4 Policies 14 Design Quality and Place and 18 Infrastructure First and LDP2 Policies Strategic Policy 2: Development Management and Land Use and Transport due to the unsuitability of Barclaugh Drive to be the principal vehicular main access route to serve the proposed development.

Infrastructure Capacity

- As reasoned elsewhere within this report, the proposed development is considered to be acceptable in all but roads grounds. It is noted that Scottish Water offer no objection to the proposed development.

Health and Safety

- It is noted that the Coal Authority and Scottish Power offer no objection to the proposed development following consultation.

General adverse impact on Local Community

- In relation to the planning application having no benefit to the people of Coylton and having an adverse impact on the mental health of the local population, an applicant can submit a planning application for consideration as they see fit. In this instance, the application is recommended for refusal by the Planning Service.
- There are no core paths or recorded rights of way within the application site; however, there is a local woodland walk trail within the red line site boundary. The area within the red line is also land to which the right of responsible access, as permitted under the Land Reform (Scotland) Act 2003, applies. Following Consultation, the Council's Access Officer has stated that it is important that the woodland trail is not obstructed or damaged by the development and that the trail remains available for the public to use. It is noted that the proposed lodges themselves do not appear to obstruct the woodland trail but that the proposed access road into the holiday lodges crosses a part of the trail. Walkers/ riders would need to be able to cross this access road, therefore should members be minded to approve the application, a condition is suggested in this regard. In respect of walking outwith the red line application site boundary, individuals have the right of responsible access outwith residential property boundaries, as permitted by the Land Reform (Scotland) Act 2003.

Other matters

- **Timing of submission over the festive period to catch community off-guard?**
- The Council as Planning Authority has no control over the timing of when a planning application is submitted. However, the application has been neighbour notified and advertised three times and it is considered that ample time has been provided for any representations to be submitted.

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Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

- **Confusion over whether the lodges will be sold to park users or hired out.**
- It is the understanding of the Council as Planning Authority that the lodges would be sold to users. The applicant has stated in the Planning Statement submitted in support of the application that the lodges are targeted to those who wish to buy a holiday caravan and use it as a holiday home for themselves, family and friends, with it being designed to be a quiet holiday retreat as opposed to a more intensively used holiday destination which incorporates short-term holiday lets.
- **A better use of the site would be affordable housing for local people.**
- The proposed use applied for by the applicant requires to be assessed on its merit. Notwithstanding, the site is not allocated for residential use in LDP2.
- **Vulnerable young people in adjacent children's home could be affected by unscrupulous residents of caravan park – risk assessment should be submitted.**
- This would be a matter for the owner of the proposed caravan park and is not a material planning consideration in the assessment of this application.
- **Struggle to understand why the application has progressed this far.**
- The Council as Planning Authority require to assess any planning application which is submitted.
- **The proposed development has no rights of access to Castle Drive.**
- **Over £3,000 in factoring fees paid by an individual this year to ensure maintenance of the Estate, why should others benefit? If the public benefit they should pay towards it.**
- Access to the site is proposed via Woodhead Road. As outlined above, pedestrians/cyclists have the right of responsible access outwith residential property boundaries, as permitted by the Land Reform (Scotland) Act 2003.
- **None of the supporting documentation referenced in the covering letter can be viewed via the planning portal.**
- All supporting documentation referenced in the covering letter has been viewable on the planning portal.
- **Land use has already been determined, sold as protected Scottish woodland.**
- In respect of the planning process, the land use is classified as agricultural. The use of the land may or may not be restricted in the title deeds; however, this is not a material planning consideration in the assessment of this planning application.
- **No communication received about the development prior to reading about it on social media.**
- All properties located within 20m of the red line application site boundary should have received neighbour notification on three separate occasions. The application has also been advertised four times (one additional than required) in the local press. The development proposal was also subject to the Pre-Application Consultation and the submitted Pre-Application Consultation Report confirms that an in-person public event was organised for between 3pm and 7pm on Tuesday 23rd August 2022 in the Claude Hamilton Memorial Hall, Hillhead, Coylton and an online event the following day between 5pm and 7pm.
- **Economic Impact Assessment is flawed – overly simplistic statements and doesn't define its base inflation rates as either RPI or CPI. Does not quantify benefits to Coylton.**
- As outlined elsewhere within this report, it is not considered that any economic benefit (however this is quantified) outweigh policy considerations in this instance.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

- **Proposed resurfacing with dropped kerb on Barclaugh Drive is on private property belonging to homeowners.**
- This would be a private civil matter between the parties involved. Notwithstanding, the application is recommended for refusal due to the inappropriateness of the main vehicular access to the site being taken via Barclaugh Drive.
- **Overprovision - there is already an existing caravan park adjacent and another nearby, there is no need for another.**
- **Proposed development would adversely impact on property values.**
- **Ashes of people have been scattered here.**
- **Surprised that there is no objection from Sundrum Caravan Park operated by Park Dean – is applicant looking to sell to PD with consent or are they involved?**
- These are not material planning considerations in the assessment of this planning application.

The representations in support of the proposed development outline that it is an opportunity to boost tourism, aid the local economy and create jobs.

Consultation Responses

Although it is noted that most consultees either do not object to the development proposal or do not object subject to the imposition of conditions, the Ayrshire Roads Alliance recommend refusal of the application on the unsuitability of Barclaugh Drive to be the main vehicular access route. As such, the Council as Planning Authority recommend that the application be refused on these grounds.

Impact on the Locality

The application has been the subject of various assessments as summarised elsewhere in this report. Each of these has considered the impact of the development on the locality. The application has been subject to wide ranging consultation and the responses have been summarised in the 'Consultations' section of this report, with it being noted that the Ayrshire Roads Alliance object to the proposed development on road network grounds. As such, it is considered that any planning merit of the proposal is outweighed by these serious concerns and that the development would therefore have an unacceptable impact on the locality.

8. Conclusion:

The proposed development relates to the change of use of agricultural land to form a holiday lodge style caravan park and associated drainage, access road and site infrastructure. The proposed development would comprise of pitches for 174 holiday lodge style caravans and 2 pitches for staff caravans. 41 of the pitches would accommodate twin unit style caravans, with the remaining pitches accommodating single unit style caravans. The site would be accessed from the east side of Woodhead Road to the south, with no direct vehicular or pedestrian access onto Castle Drive to the north. The application has been assessed against the Statutory Development Plan (which includes NPF4 and LDP2) and various material planning considerations which include consultation responses, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development is not fully in compliance with the provisions of NPF4 and LDP2 due to road suitability concerns having been raised by the Ayrshire Roads Alliance. The points raised in the letters of objection have been fully considered and it is agreed that some of the issues raised in respect of traffic and transportation concerns merit a recommendation of refusal for the application. In light of the road concerns, it is considered that the proposal would have an adverse impact on the amenity of the locality. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be refused for the reason outlined below.

9. Recommendation:

It is recommended that the application is refused for the reason noted below.

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Reason:

Roads and Transportation

That the proposed development is considered contrary to the development plan in respect of NPF4 Policies 14 Design, Quality and Place and 18 Infrastructure First and LDP2 Policies Strategic Policy 2: Development Management and Land Use and Transport in that the required significant changes to the form and function of Barclaugh Drive in order to safely accommodate development traffic highlights that the proposed access route is unsuitable for a development of this type and scale and would have a detrimental impact on the predominantly residential character of the area by virtue of the extent of the works and changes required and intensification of use.

List of Determined Plans:

Other - Reference No (or Description): Pre-Application Consultation Report

Other - Reference No (or Description): Planning Statement

Other - Reference No (or Description): Planning Statement Addendum

Other - Reference No (or Description): Design and Access Statement

Other - Reference No (or Description): Examples of Lodge Style Caravans

Other - Reference No (or Description): Landscape and Visual Appraisal

Other - Reference No (or Description): Preliminary Ecological Appraisal

Other - Reference No (or Description): Ecological Impact Assessment March 2023 (amended 5/5/23, received 6/6/23 v 1.1)

Other - Reference No (or Description): Transport Statement December 2022

Other - Reference No (or Description): Transport Statement June 2023

Other - Reference No (or Description): Drainage Impact Assessment and Flood Risk Statement

Other - Reference No (or Description): Flood Risk Assessment May 2023

Other - Reference No (or Description): Revised Drainage Impact Assessment

Other - Reference No (or Description): Stage 1 Contamination Report and Coal Mining Risk Assessment

Other - Reference No (or Description): Economic Impact Analysis

Other - Reference No (or Description): Noise Impact Assessment May 2023

Drawing - Reference No (or Description): 6104-C-01

Drawing - Reference No (or Description): 6104-C-02 Revision B

Drawing - Reference No (or Description): 6104-C-03 Reception - General Arrangement

Drawing - Reference No (or Description): 6104-C-03 Survey Plan

Drawing - Reference No (or Description): L(90) 0001 Revision A

Drawing - Reference No (or Description): 22048_007

Drawing - Reference No (or Description): 22048_008 Rev. A

Other - Reference No (or Description): Passing Place Photographs

Regulatory Panel (Planning):

Report by Housing, Operations and Development Directorate (Ref: 22/01039/APPM)

Background Papers:

- Application form, plans and submitted documents.
- National Planning Framework 4 (NPF4).
- South Ayrshire Local Development Plan 2 (LDP2).
- Historic Environment Policy for Scotland.
- Historic Environment Scotland – Managing Change Series on ‘Setting’.
- Representations received.
- Consultation responses received.
- 22/00603/PAN - Proposal of Application Notice for change of use of agricultural land to form holiday lodge style caravan park with associated drainage, access road and site infrastructure.
- 22/00637/EIASCRC - EIA Screening Opinion request for proposed change of use of agricultural land to form caravan park.

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

Mr Alastair McGibbon, Supervisory Planner - Place Planning - Telephone 01292 616 177

South Ayrshire Council

**Report by
Housing, Operations and Development Directorate
to Regulatory Panel of 1st February 2024**

**Subject: Public Access Exemption Order: the 152nd Open at
Royal Troon Golf Course (South Beach car park)**

1. Purpose

- 1.1 This report seeks authority to agree a Council response to the public consultation representations and to proceed to make a temporary public access exemption order for area of land affected by the 152nd Open 2024 at Royal Troon Golf Course.

2. Recommendation

2.1 It is recommended that the Panel:

- 2.1.1 Notes the outcome of the public consultation on the proposed public access exemption for land at Royal Troon Golf Course, and agrees the proposed Council response to the representations received, as set out in Appendix 1,**
- 2.1.2 Agrees to make a temporary public access exemption order under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at the South Beach car park, adjacent to Royal Troon Golf Course, as set out in the plans included in Appendix 2.**

3. Background

- 3.1 Councils can make orders temporarily exempting specific areas of land from access rights (exemption orders). Government guidance suggests exemption orders should be made for health and safety or security reasons, or to permit the charging of a fee for entry to an event. The Council has made a number of exemption orders to facilitate the staging of major public events. Orders effective for 6 or more days must be the subject of prior public consultation and must be confirmed by the Scottish Ministers.
- 3.2 The 152nd Open 2024 is to be held at the Royal Troon Golf Course from **14th to 21st July 2024**. Royal Troon Golf Club has requested that the Council makes an access exemption order for certain periods to facilitate the set-up, dismantling and staging of the event, in in a safe and successful manner, covering the Course itself, as well as the core paths/ right of way which cross it.

- 3.3 The Council's approved Scheme of Delegation delegates power to the Director - Housing, Operations and Development, to make access exemption orders covering periods of less than 6 days. As the proposed orders cover periods of more than 6 days approval is required from this Panel to proceed with making the proposed Order.
- 3.4 The Panel of 6th December 2023 agreed to commence a public consultation on the proposed Order. The consultation took place via: the Local papers; Council Web site; Council Twitter Site; and notices placed on site at the South Beach car park, Troon. The consultation ran from 8th December 2023 to 5th January 2024, and received 2 representations which are summarised and responded to in Appendix 1 to this paper.

4. Proposals

- 4.1 Royal Troon Golf Club has requested that access rights exemptions apply over the area indicated on the attached plan forming Appendix 2 for the period covering 29th April to 30th August 2024.
- 4.2 For the periods during which the relevant exemption order is in force, the foot/cycle way adjacent to the car park will be available, except for the core period of 24th June – 29th July 2024, when there will be no public access to this route and diversions will be in place (as indicated on the plan forming Appendix 2).
- 4.3 There are mitigations which the Council can take in response to the 2 representations, therefore there is not anything that would be sufficient to prevent the Council from making the proposed access exemption order.
- 4.4 If Panel agrees to make the access exemption order, it will be submitted to the Scottish Ministers for confirmation. Assuming the Ministers confirm the Order, a further public notice (of confirmation) will be published in the local press and on the Council's web site, in compliance with the legislation.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements (the relevant provisions of the Land Reform (Scotland) Act 2003).
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Costs associated with undertaking the public consultation and making the access exemption order can be met from existing Planning budgets but will be recoverable from the Royal Troon Golf Club who has requested the Order and as event organiser. There will be no ongoing financial commitments arising from this report.

7. Human Resources Implications

- 7.1 There are no human resource implications arising directly from the recommendation of this report.

8. Risk

8.1 Risk Implications of adopting the recommendations.

There is a risk that access takers visiting the area may be unaware that the South Beach car park area has been exempted temporarily from access rights. This will be mitigated by publishing notices of the exemption order in the local press and on the Council's web site, and by erecting signage on site.

8.2 Risk Implications of rejecting the recommendations.

Rejecting the recommendation to agree to make the Order will mean that the Order could not be made, which could jeopardize the staging of the 152nd Open at Royal Troon Golf Course, in 2024. There could also be a health and safety risk associated with not creating the Order, in that members of the public could attempt to access the area in question during the golf event. The Club has measures ready to place additional stewards/ security staff on site, for such an outcome, but this may impact the staging of the event and potentially not mitigate all risk to members of the public.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 3.

10. Sustainable Development Implications

10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

10.2 The recommendation of this report will have no significant environmental benefit or cost.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to the Council strategic objective of 'Maximising the Potential of our Local Economy and within that to the outcome 'tourism, culture and heritage opportunities are developed and promoted.

13. Results of Consultation

- 13.1 Public notice of the Council's intention to make the proposed access exemption Order and the opportunity to make objections or representations, was published in the local press and on the Council's website. Notices were also posted on-site at various points of the golf course. The consultation was advertised on the Council's social media accounts. The South Ayrshire Local Access Forum and Troon Community Council were consulted on the proposed exemption Order, but did not submit an objection to the proposed Order.
- 13.2 There were 2 representations received from the public, both were received after the closing date. However, as the comments were relevant, they have been included in this report.
- 13.3 Cllr. Alec Clark (Portfolio Holder for Tourism, Culture & Rural Affairs) and Cllr Brian Connolly (Portfolio Holder for Golf) were also consulted and have expressed no objections.
- 13.4 The Council's proposed response in Appendix 1 notes that the Council considers that the proposed Order comply with the Land Reform (Scotland) Act 2003 and is necessary and appropriate as a temporary measure, to allow the hosting of the event.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendation above is approved by Members, the Service Lead Planning & Buildings Standards will ensure that all necessary steps are taken to ensure full implementation of the decision, with the completion status reported to the next Regulatory Panel.

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Request for permission from Panel to consult public on the proposed Order	6 th December 2023	Service lead Planning & Budling Standards
Public consultation on proposed Order	8 th December 2023 to 5 th January 2024	Service lead Planning & Budling Standards
Report consultation responses and request permission from Members to create Order	1 st February 2024	Service lead Planning & Budling Standards
Refer to Scottish Ministers	2 nd February 2024	Service lead Planning & Budling Standards
Publish notice of confirmation of Order	Beginning- Mid March 2024	Service lead Planning & Budling Standards

Background Papers Land Reform (Scotland) Act 2003 [here](#)
Part 1 Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities [here](#)

Person to Contact James Hall – Planning Strategy Co-ordinator
County Buildings
Wellington Square, Ayr
Telephone: 01292 616 157
E-mail: James.Hall@south-ayrshire.gov.uk

Date: 01 February 2024

Representations received to the public consultation.

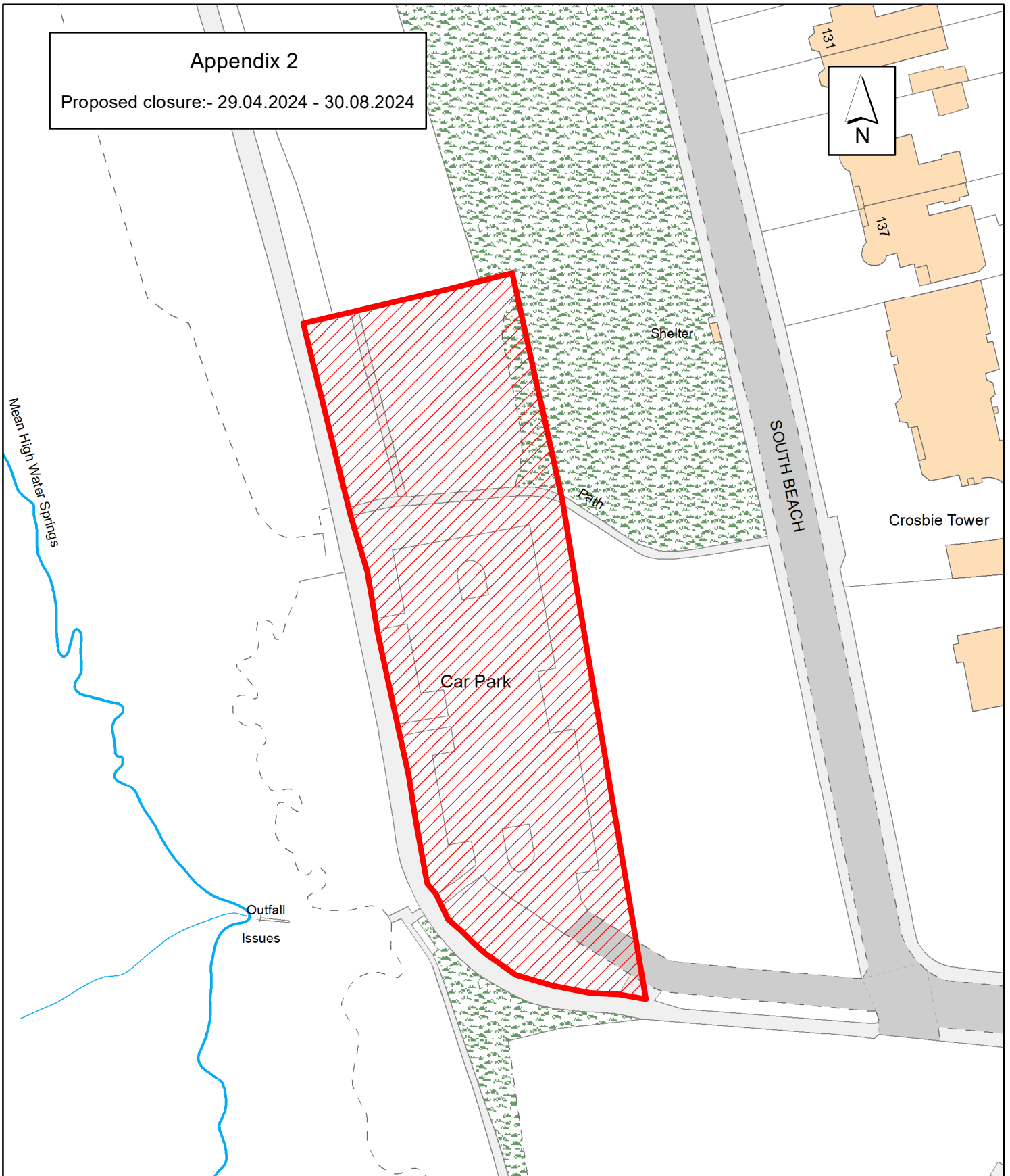
Name of Respondent	Detail of Representation	Council's Proposed Response
D Scott, Troon	<ul style="list-style-type: none"> • The attached notice has been brought to my attention. To my knowledge the owners of the land opposite Crosbie Tower, 139, South Beach, Troon did not receive this notice directly? • As owners of the land opposite Crosbie Tower why did this not happen? • I strongly object to the use of this private land during the 152nd Open. 	<p>The redline site requested by the R&A unintentionally extended beyond the Council land title onto private property.</p> <p>Following discussion with the R&A, they have confirmed that they are content for the red line site area to be reduced to exclude the area of privately owned land adjacent to South Beach (B749). The modified site area is shown in the maps within Appendix 2.</p>

Name of Respondent	Detail of Representation	Council's Proposed Response
R Walker, Skye	<ul style="list-style-type: none"> • South Beach Car Park is utilised by a wide range of community groups and recreational users looking to access the beach and its environs on a year round basis. The users come from Troon, South Ayrshire and many parts of the Central Belt. In fact, some come from much further away, including myself to enjoy the established community around the car park.. • This includes walkers, dog-walkers, beach going families, kiteboarders, windsurfers, swimmers and horse riders. • It is proposed that access to the carpark may be prohibited for a period of 4 months in the interests of safety and security. • Additionally, the beach path will be shut for a period of 5 weeks around the date of the actual event. • The closure along with that of adjacent roads, will have a significant 	<p>The R & A has requested this time for the set up and dismantling of various temporary structures and specialist equipment, at the Media Centre.</p> <p>The closure is temporary and happens only once every several years to accommodate a major sporting event. Other parking areas are available within Troon for this period, and the nearby beach at Barassie is also available for beach activities.</p>

	<p>impact on all of the above recreational users of the facility.</p> <ul style="list-style-type: none">• There is no obvious reason as to why the period of the closure is required to be as long as that proposed.• Historically, the car park has been used for press facilities. Again, it is difficult to understand why these would need to be established 3 months in advance of the event.• There is no alternative access other than at the town hall, which is generally fully utilised	
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Appendix 2

Proposed closure:- 29.04.2024 - 30.08.2024



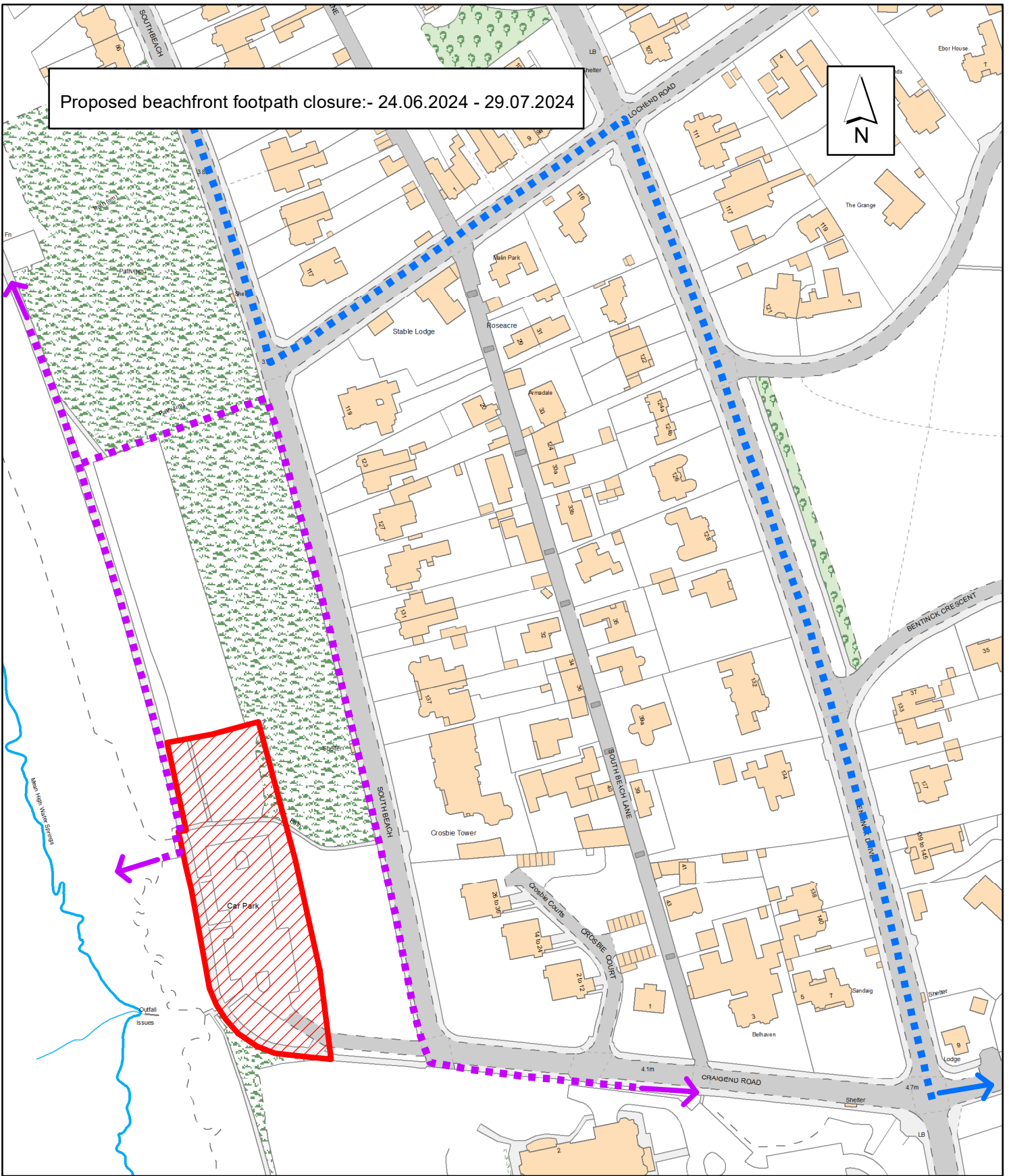
Area of land to be exempt from access rights.

Scale 1:1000

***This is the plan referred to in the foregoing
The South Ayrshire Council (Royal Troon Golf Course,
the 152nd. Open)
Exempting Land from Access Rights Order 2024***

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Proposed beachfront footpath closure:- 24.06.2024 - 29.07.2024



Area of land to be exempt from access rights.



Pedestrian diversion



Wheeled diversion

Scale 1:2200

***This is the plan referred to in the foregoing
The South Ayrshire Council (Royal Troon Golf Course,
the 152nd. Open)
Exempting Land from Access Rights Order 2024***

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