

County Buildings
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19 February 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 **Wednesday, 28 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 Dundonald 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 meeting of 1 February 2024 (copy herewith).
3. Hearings relating to Applications for Planning Permission - Submit reports by the Housing, Operations and Development Directorate (copies 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 (PLANNING)

Minutes of a hybrid webcast meeting
on 1 February 2024 at 10.00 a.m.

Present
in County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Martin Kilbride, Mary Kilpatrick, Alan Lamont and Duncan Townson.

Present

Remotely: Councillor Craig Mackay.

Apology:

Councillor Mark Dixon.

Attending
In County

Buildings: K. Briggs, Service Lead – Legal and Licensing; Craig Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); J. Hall, Co-ordinator (Planning Strategy); A McGibbon, Supervisory Planner; K. Braidwood, Head of Roads, Ayrshire Roads Alliance; 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 previous meetings of [7 November](#) (Special), [16 November](#) and [6 December 2023](#) (issued) were submitted and approved.

3. **Hearing relating to an Application for Planning Permission.**

There was submitted a report (issued) of January 2024 by the Housing, Operations and Development Directorate on a planning application for determination.

The Panel considered the following application:-

- (1) **22/01039/APPM** – **COYLTON – Land at Woodhead Road, South Ayrshire** – Change of use of agricultural land to form holiday lodge style caravan park and associated drainage, access road and site infrastructure.

The Panel heard from various objectors.

The Panel

Decided:

Roads and Transportation.

to refuse the planning application on the grounds 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:

Drawing - 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; and
Other - Reference No (or Description): Passing Place Photographs.

At this point and the time being 11.00 a.m., the Panel agreed to adjourn. The Panel reconvened at 11.10 a.m.

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

There was submitted a report ([issued](#)) of January 2024 by the Housing, Operations and Development Directorate seeking 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.

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

By a majority, 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 agree the proposed Council response to the representations received, as set out in Appendix 1 of the report; and
- (2) to agree 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 of the report.

The meeting ended at 11.25 a.m.

South Ayrshire Council

List of Planning Applications for Regulatory Panel (Planning) Consideration on 28th February 2024

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	23/00182/APPM Mr Ross Lee (Objections) (Application Summary)	Craig Tara Holiday Park Dunure Road Ayr South Ayrshire KA7 4LB	Redevelopment and change of use of ancillary golf facility within Craig Tara Holiday Park to form extension to the existing holiday caravan provision including new static caravan pitches with associated infrastructure, landscaping and access	Haven Leisure Limited	Approval with Condition(s)
2.	23/00261/FURM Mr Alan Edgar (Objections) (Application Summary)	Corton A77T From Bankfield Roundabout - B7034 Junction Ayr South Ayrshire	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 Alan Edgar (Objections) (Application Summary)	Corton A77T From Bankfield Roundabout - B7034 Junction Ayr South Ayrshire	Application for planning permission for a retail led mixed use development (use classes 1 retail comparison, convenience and bulky goods/garden centre, 3 (food & drink), sui generis (drive-thru and petrol filling station facilities)) with associated infrastructure, landscaping and engineering works	Allanvale Homes (Prestwick) Ltd	Refusal

List No.	Reference Number	Location	Development	Applicant	Recommendation
4.	24/00015/APP Ms Emma McKie (Objections) (Application Summary)	Low Green Esplanade Ayr South Ayrshire	Alterations, change of use of former public convenience building to hot food take away, change of use of hardstanding and erection of fencing to form external seating area and storage area	South Ayrshire Council	Approval with Condition(s)

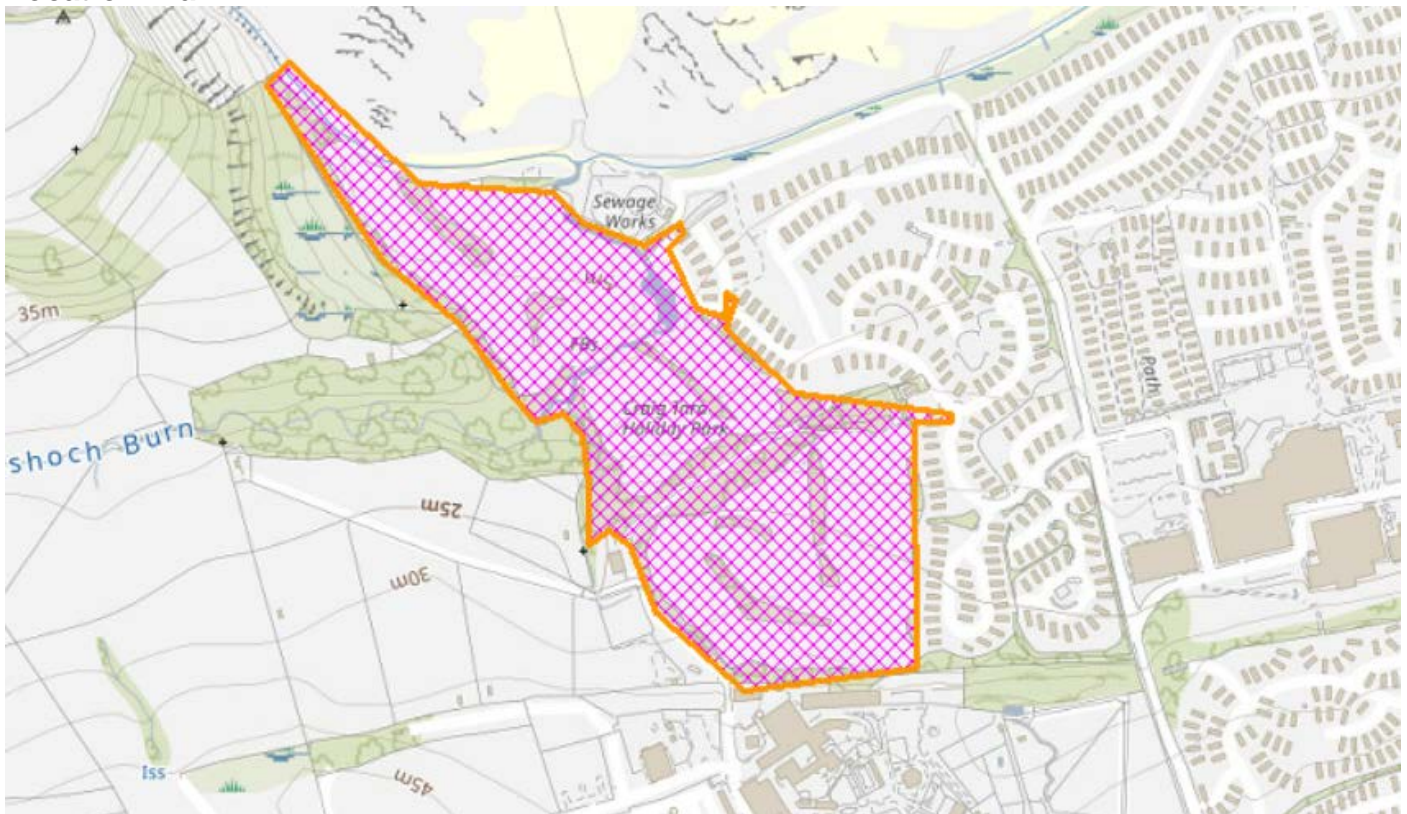
REGULATORY PANEL: 28 FEBRUARY 2024

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

23/00182/APPM

CRAIG TARA HOLIDAY PARK, DUNURE ROAD, AYR.

Location Plan



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Summary

The development proposals involve the change of use and redevelopment of an existing ancillary 9-hole golf course situated within Craig Tara Holiday Park to form an extension to this established and longstanding tourism facility. This internal expansion of the park will incorporate 137 new pitches for caravans alongside supporting infrastructure, landscaping, accesses and road and traffic mitigation.

The proposal is considered to represent an acceptable promotion of tourism and tourist accommodation and an acceptable growth of an existing rural tourism business. It is considered that the characteristics and design of the overall site layout of the development will deliver a commensurate extension to the park which will (subject to a suite of mitigation secured through conditions) not have an adverse impact on environmental and ecological receptors, on transport and infrastructure, in landscape and visual terms or in terms of the amenity of residential properties or neighbouring land uses.

224 representations have been received in total which comprise of 223 objections and 1 neutral representation with these covering a variety of material and non-material planning matters. The points raised in the representations received are considered in detail within this panel report and following an in-depth review it is not considered that any points raised would merit refusal of this application. Consultation responses have been received from a range of external and internal consultees with no objections or issues being raised in the final responses received that would warrant a recommendation other than approval.

Regulatory Panel (Planning): 28 February 2024

Report by Housing, Operations and Development (Ref: 23/00182/APPM)

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) and South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all relevant policies within the Statutory Development Plan. The planning policy framework and other material planning considerations have been assessed and it is not considered that any of these would warrant a recommendation other than approval, noting the developments compliance with the statutory Development Plan.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 28 FEBRUARY 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00182/APPM
SITE ADDRESS:	CRAIG TARA HOLIDAY PARK DUNURE ROAD AYR SOUTH AYRSHIRE KA7 4LB
DESCRIPTION:	REDEVELOPMENT AND CHANGE OF USE OF ANCILLARY GOLF FACILITY WITHIN CRAIG TARA HOLIDAY PARK TO FORM EXTENSION TO THE EXISTING HOLIDAY CARAVAN PROVISION INCLUDING NEW STATIC CARAVAN PITCHES WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND ACCESS.
RECOMMENDATION:	APPROVAL WITH CONDITIONS

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 the 8th of March 2023 and validated on the 9th of March 2023.
- A number of Site Visits have been carried out by the Planning Service and this includes on the 13th April 2023, the 27th June 2023 and 18th October 2023 respectively.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was initially carried out by the Planning Service on 9th March 2023 immediately following its validation. Following the submission of new and additional material information on two separate occasions, two further Neighbour Notifications were carried out by the Planning Service on the 3rd of November 2023 and 16th January 2024 to comply with Section 32A Subsection 4) of the Town and Country Planning (Scotland) Act 1997.
- A Public Notice in the Local Press, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was initially published in the Ayr Advertiser on the 14th of March 2023 immediately following its validation. Following the submission of new and additional material information on two separate occasions, two further Public Notices were published in the Ayr Advertiser on the 7th of November 2023 and 23rd January 2024 to comply with Section 32A Subsection 4) of the Town and Country Planning (Scotland) Act 1997.
- No Site Notice was required to be displayed by the Planning Service.

1. Proposal:

1.1 Site Description

Craig Tara Holiday Park is located approximately 3km northeast of the Doonfoot suburb and around 6km south of Ayr. The whole park estate covers approximately 84.6 hectares in landholding and currently accommodates approximately 1,417 static caravan units which primarily either function for holiday let purposes either for rental/hire as booking for tourism accommodation (517 statics at this time) or as holiday accommodation under private ownership (875 statics at this time). In terms of the remaining static caravan units, currently, 6 static caravans are used by the Craig Tara team/staff, with 19 for Sales purposes (e.g., show caravans not for guest or owner usage). There is also no longer a touring facility on site with the touring area redeveloped as part of approval of application Ref. 21/00983/APP which is detailed further in the Planning History sub-section of this report. It is relevant to note that the current Caravan Site License for the park (Reference: CSL/6) was granted by the Council's Environmental Health Service on the 7th of January 2022 and allows for up to 1,457 pitches within the park. Beyond static caravan units, the wider park hosts and provides a variety of services within its boundary, and this includes sports facilities (including an all-weather court, sports wall, and an indoor swimming pool), entertainment venues, play facilities, restaurants and bars, and retail provision (including markets, shops, and a laundrette).

The application site itself covers an area of approximately 10 hectares and comprises of a 9-hole ancillary golf course which is situated within the auspices of the Craig Tara Holiday Park on the western side of the park. The 9-hole golf course itself is not a typical or conventional golf facility and functions in an ancillary and subordinate manner to the park, with it being private and only available for the use of guests or users of the holiday park (and not available for public recreational access or wider community use). Consideration of the interpretation of the exact nature, function and usage of the golf course is set out in detail in the Assessment section of the report below. In terms of landform and site characteristics, the site constitutes a modified and managed undulating landscape, with the ancillary 9-hole golf course split broadly over 3 distinct platforms/levels which slopes from its highest point in the south (the area closest to the boundary shared with Heads of Ayr Farm Park), down to its lowest point in the north (at the Heads of Ayr beach front).

The site hosts pockets of mature trees, landscaping, and vegetation (most of which are clearly intentional, structural planting, in place to define the existing 9-hole golf course) alongside some watercourses and burns which intersect diagonally through the site towards its northern side. A strong and well-established tree belt/woodland extends along most of the southern, western, and northern side boundary of the site and the national ecological designation of the Maidens to Doonfoot Site of Special Scientific Interest (SSSI) and the provisional wildlife site 'Goatsgreen to Katie's Gray's Rocks/Dunure to Drumbane Burn (No. 68a/68b)' neighbours the site on part of the western and northern sides. The site neighbours the operational boundary Heads of Ayr Farm Park facility (which also includes Heads of Ayr Nursery facility, a working farm; Laigh Kyleston Farm separate residential properties including Laigh Kyleston Cottage within its landholding) along its southern and part of its western boundary, with Heads of Ayr Beach and coastline situated beyond the northern boundary of the site. A section of the Ayrshire Coastal Path Core Path (Route Name: SA2) also runs immediately adjacent to the extreme northeast edge of the site boundary.

Access to the application site is firstly achieved via the existing road network; the A719/Dunure Road which runs parallel to the main park on the southern boundary edge. Directly off this road is the existing and established vehicular entrance/access to Craig Tara where the ancillary 9-hole golf course site is situated within. From within the holiday park, this ancillary 9-hole golf course site is currently accessed through a branch off the internal spine road and then via a 'Ranger Station' car park adjacent to the 'Gleneagles Close' section of the holiday park on the western side. There is also a further pedestrian beach front access point into the site via 'Muirfield Close' to the north-east of the site.

1.2 Planning History

The land subject to the development has no individual planning application history on it but does form part of a much larger tourism facility to the east which has an extensive planning history. The 'Location Plan' supplied as part of this planning application provides clarification on the extent of the surrounding land under the applicants control (area delineated by the blue boundary) and which forms part of Craig Tara Holiday Park operational and land ownership boundary.

Craig Tara Holiday Park when considered in terms of its full estate has an extensive and long-standing planning history with planning records available back to the 1990s and with some of these of directly relevant to the application site. In particular, the parent application for this site (Council Ref: 03/01246/COU) which established the main extension holiday park (including the ancillary 9-hole golf course on this exact site) would be the permission of primary relevancy in terms of planning history. This application was approved on the 23rd of December 2003 and the ancillary 9-hole golf facility subject to this application site was subsequently implemented as a result. Beyond this and from review, most of the subsequent applications with exception of internal caravan extensions have involved ancillary developments and whilst these are all within the boundary of the wider park, none would have a direct bearing on the application site for this development. In any case and for context, details of the planning history for the wider park are set out below:

- [97/01188/COU](#) - Part change of use of holiday centre to site static caravans (Permitted)
- [00/00879/COU](#) – Change of use of agricultural land and formation of fishing pond, golf driving range and a 9-hole golf course (Permitted).
- [00/01029/COU](#) - Change of use of agricultural land and formation of static holiday caravan bases, facilities for touring caravans and landscaping (Permitted).
- [03/01246/COU](#) - Change of use of Agricultural land and formation of Static Holiday Caravan Bases, facilities for Touring Caravans, landscaping, and Golf Course (Permitted).
- [11/01153/APP](#) - Change of use, alterations and extension to storage building to form class 1 retail, class 3 food & drink and class 11 leisure facility (Permitted).
- [12/00924/APP](#) – Extension to restaurant and formation of outdoor seating area (Permitted).
- [12/01428/APP](#) - Alterations and extension to existing holiday chalets (Permitted).
- [13/00121/APP](#) – Extension to restaurant and formation of outdoor seating area (Permitted).
- [13/00792/APP](#) - Part change of use, alterations to class 11 leisure building and formation of decking to form public bar, class 3 restaurant, and associated landscaping (Permitted).
- [15/00865/APP](#) - Alterations to building (Permitted).
- [15/00970/APP](#) - Infilling of boating pond, formation of 35 static caravan pitches and associated access roads, and relocation of multi sports area (Permitted).
- [16/00613/APP](#) - Change of use of agricultural land to form 41 static caravan pitches, associated access roads, hardstanding and landscaping (Permitted).
- [17/00695/APP](#) - Formation of 50 caravan pitches, hardstanding and landscaping (Permitted).
- [17/00696/APP](#) - Formation of multi-use games area (MUGA), formation of play area, and associated infrastructure and landscaping (Permitted).
- [20/01068/APP](#) - Installation of arrivals lodge, infrastructure and landscaping (Permitted).
- [21/00815/COL](#) - Certificate of lawfulness for existing siting of caravans (Permitted).
- [21/00983/APP](#) - Alterations to form 42 bases for the siting of static caravans with landscaping, boundary treatment, drainage, access, car parking and infrastructure works (Permitted).
- [22/00413/APP](#) - Erection of 2 x food and drink kiosks (Permitted).

1.3 Development Proposals

The development proposal involves the change of use and redevelopment of an existing ancillary 9-hole golf course facility to form an internal extension to the caravan provision at Craig Tara Holiday Caravan Park. The development includes an extension which would incorporate 137 new pitches/bases alongside infrastructure, landscaping, and accesses. As part of this, it should be noted that 3 existing pitches are proposed for removal on the northeast boundary in the existing park to facilitate vehicular access points into the development site, and therefore the net addition to the park is 134 pitches in total. The new pitches will comprise of 60 caravan bases measuring 13.4m x 4.2m and 77 caravans measuring 12.19m x 3.65m.

The areas proposed to host caravan pitches are set within three distinct and dispersed groups, situated on platforms of land between level changes and the existing landscape pockets which feature across the ancillary 9-hole golf course. This sub-division includes 40 caravan pitches on the lowest section (referred to as Area 1), 20 caravan pitches on the middle section (referred to as Area 2) and 77 caravan pitches (referred to as Area 3) on the highest section of the site.

The landscaping strategy and masterplan for the site includes a commitment for mass retention of existing mature landscaping (except for two small areas of low-grade trees) and includes proposals for further substantial and additional supplementary, structural and amenity tree, hedge, wild meadow, and water planting to reinforce and expand the existing mature landscaping within and on the site boundary and increase biodiversity habitat. Additional deterrent planting in the form of hawthorns and evergreen trees are also proposed along sections of the perimeter of the site which neighbour the Heads of Ayr Farm Park boundary. The landscape strategy includes detailed proposals for tree (heavy, feathered and whip size) and shrub (whip, standard and herbaceous size) planting across the site with 3,840 trees proposed (covering over 15 different species types) and 5400 shrubs (covering over 18 different species types).

Caravan pitches are to be set back approximately 80m at their closest point to the northern boundary side and as a minimum, a 20m buffer from the SSSI neighbouring the site and a 7m buffer from the existing woodland around the perimeter of the site boundary are proposed as part of the development layout. A 10m flood zone buffer and a 'water corridor' is also proposed around the watercourse, pond and tributaries that intersect through the site to exclude physical development in the most susceptible flood risk areas. The hours of opening, the annual operating period and the terms of usage and occupancy of the caravans subject to the development will be the same to those which apply to the existing holiday park. All these arrangements will still primarily be governed by the Caravan Site License process which would require to be amended to cover this site – this is a separate process under the remit of the Council's Environmental Health Service. The caravans subject to this application are to be for holiday accommodation use only.

In terms of access and egress to the application site, this will firstly be achieved through the existing park and the site will utilise the existing vehicular access and entrance to the park onto the A719/Dunure Road to the southeast. From within the park itself, the development will feed off the internal spine road and then be served by the continuation of internal tarmac roads which will extend from newly formed access points to the east of the site to provide three bespoke accesses to Area 1, 2 and 3 of the site layouts respectively. For parking, each new caravan pitch will have two car parking spaces adjacent to the individual pitches.

It is relevant to note that a series of physical alterations are proposed to the main internal access road into the holiday park as part of this development and these include road widening (to create three lanes for a section of the internal access), the formation of a footway (to connect the existing footway on the A719 into the footways within the site) and the permanent repositioning of the check-in point (150m further to the north) with the aim for them to significantly reduce any impacts of queuing traffic on the A719 entering the site whilst providing additional internal storage for around 50 cars and also ensuring the access for emergency vehicles/use and pedestrians walking to/from the site is addressed. Additional safety measures and mitigation are also proposed outwith the application on the A719 road network as part of this planning application and these include the provision of Vehicle Actuated Signage along the A719, visibility improvements to the west by trimming back the existing hedge and other vegetation on the A719 frontage to the extent possible (without affecting trees behind the hedge line) and the promotion of reduction in speed limit to 40mph for a distance of around 1km at the location of Craig Tara and the adjacent Heads of Ayr Farm Park to be pursued separately through a Traffic Regulation Order (TRO). These are considered in the Assessment section of the report.

In terms of waste infrastructure, the development will include a series of foul connection points along its eastern boundary to connect to the park's existing private wastewater treatment works (located just outside the application site) which has capacity but is likely to be upgraded should consent be granted. In terms of drainage arrangements, surface water drains are proposed as part of the development to collect surface water run-off and discharge flows into the sites existing natural pond and ditch features (offering a natural solution for water outfall) and thereafter outfall to the Firth of Clyde from the pond. The supporting information indicates that the proposed drainage network has been designed to ensure that the site's surface water flow up to and including a 100-year rainfall event (plus Climate Change), will not cause flooding in areas not designated to accommodate flooding during such an event.

Other features proposed as part of the development include a replacement 1.2m timber footbridge and ramp over the watercourse (same location as current footbridge), a replacement and extended perimeter SSSI chain link fence (varying in height from 1.5m to 1.8m) along the western and part of the southern/southwestern boundary, footpath connections, play provision including swings/climbing frames, bin stores, solar bollard lighting, entrance wall features and directional signage.

1.4 Planning Procedures

Determination route: As the application is a 'Major' development under the relevant Hierarchy of Development Regulations, the Council's Scheme of Delegation requires that it be presented to Regulatory Panel for determination. In addition to this, a letter of objection has also been received by Alloway, Doonfoot and St Leonard Community Council.

Pre-application process: Prior to the submission of this planning application, the Applicant and their appointed agent proactively engaged with the Planning Service through the submission of a detailed Pre-application process (Council Reference: 22/00756/PREAPP) which was lodged on the 30th of September 2022. This provided an opportunity for the Planning Service to initially consider the proposals and identify any constraints, obtain feedback from statutory consultees alongside other internal Council services and provide clarification in terms of planning procedural requirements for the proposals. The Planning Service provided a response to the Pre-application enquiry on the 28th of November 2022.

Environmental Impact Assessment (EIA) Regulations 2017: In terms of EIA Regulations, the Planning Service at Pre-application stage considered that the proposed development fell within the auspices of one of the criteria of Schedule 2 of the EIA Regulations, namely, 'holiday village/hotel complexes outside urban areas and associated development project which exceeds 0.5 hectares' and established that an EIA Screening Opinion request would need to be made. In response to this, the Applicant submitted an EIA Screening Opinion on the 17th of November 2022 in advance of the submission of this planning application (Council Reference: Ref. 22/00980/EIASCR). The Planning Service considered the proposed development against the criteria of Schedule 3 of the EIA Regulations and the conclusion reached was that the development subject to this application is not an EIA development and in turn this confirmed that this application did not require to be accompanied by an EIA Report. The Planning Service's response was provided on 1st December 2022 and a copy of the EIA Screening Opinion assessment/decision is available on the Council's planning portal via the case reference above.

'Major' application requirements: It was advised at the Pre-application stage that as the proposed development would constitute 'Major' under the Hierarchy Regulations, a Proposal of Application Notice (PAN) would be required. The PAN was submitted on the 17th of November 2022 and subject to agreeing that additional consultation activity would be undertaken, the Planning Service issued a response on the 29th of November 2022 (Council Reference: 22/00979/PAN). Following review, it is considered that the nature of the scheme is such that it is clearly and recognisably linked to the proposal described in the PAN. It is also considered that the subsequent Pre-application Consultation Report which accompanies this planning application, demonstrates that the consultation and engagement activities originally proposed and requested in addition to this by the Council as part of the PAN, have been undertaken and fulfilled by the applicant/agent. The Pre-application Consultation Report also clearly demonstrates that engagement levels and feedback were relatively high for the process, with data and figures provided alongside responses to the feedback received.

Finally, due to the proposed development constituting 'Major' under the Hierarchy Regulations, the Planning Service also established at Pre-application stage that a 'Design and Access Statement' required to accompany this application. This has been provided and following review, the Planning Service consider that it complies with the relevant Development Management Regulations.

2. Consultations:

- **Scottish Environmental Protection Agency (SEPA):** No objections subject to advisory notes.
- **Scottish Water:** No objections subject to advisory notes.
- **Nature Scot:** No objections subject to conditions and advisory notes.
- **AECOM Ecology (Planning Service External Ecology Advisor):** No objections subject to conditions and advisory notes.
- **Carol Anderson Landscape Associates Ltd (Planning Service External Landscape Architect Advisor):** No objections subject to conditions and advisory notes.
- **Royal Society for the Protection of Birds (RSPB):** No objections.
- **Historic Environment Scotland (HES):** No objections subject to advisory notes.
- **West of Scotland Archaeological Service (WoSAS):** No objections subject to conditions.
- **SportScotland:** No objections.
- **National Air Traffic Services (NATS) Safeguarding:** No objections subject to advisory notes.
- **Glasgow Prestwick Airport (GPA):** No objections subject to conditions and advisory notes.
- **Transport Scotland:** No objections.
- **Ayrshire Roads Alliance (ARA):** No objections subject to conditions and advisory notes.
- **South Ayrshire Council Sustainable Development (Landscape and Parks, Design and Advice Officer):** No objections subject to conditions.
- **South Ayrshire Council Sustainable Development (Ranger Services):** No objections subject to conditions and advisory notes.
- **South Ayrshire Council Environmental Health Service:** No objections subject to advisory notes.
- **South Ayrshire Council Waste Management Services:** No objections.

3. Submitted Plans/Drawings and Assessments/Reports:

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.

The planning application was initially accompanied by a drawing pack (including a series of site, elevation, and topographical plans), a Planning and Design and Access Statement, a Pre-application Consultation (PAC) Report, a Flood Risk Assessment, a Drainage Assessment and Flood Evacuation Plan, a Transport Assessment, an Archaeological Desk Based Assessment, a Heritage Statement of Significance Report, a Geo-Environmental Desk Study, an Existing Services/Utilities Report, a Landscape and Visual Impact Assessment (LVIA), a Preliminary Ecological Appraisal Report, a Badger Survey Report, a Landscape Masterplan and Strategy and a Tree Constraints Assessment (Tree Impacts and Tree Protection Study).

Following initial consultations responses, certain consultees requested additional/amended assessments and drawings to satisfy requirements relative to their remit. The additional/amended information provided in response to such requests includes an Ecological Impact Assessment Report (Containing a Light Spillage Report and Initial Species Surveys among other wildlife assessments), an addendum Technical Note to the initial SEPA Consultation Response and Flood Risk Assessment (FRA) already provided, an addendum Technical Note to the Transport Assessment comprising of a Traffic Survey Report (including a Video Survey and Vehicle Movement and Operational Procedure Plan) (June 2023), a Response to Further Comments Received from the Ayrshire Roads Alliance Document (October 2023), a Proposed Internal Access Roads Improvement Plan, a Response to Ayrshire Roads Alliance and Proposed Road Mitigation Document (January 2024), a Proposed A719 Road Safety Improvements Plan, a Supplementary Note containing a response from the Applicant/Agent to the Public Comments Received, an amended Landscape Masterplan, Development Sections and Cross Section Plans, Detailed Planting Proposal Plans, an updated Proposed Site Plan, a Phasing Plan, Boundary Treatment Plans and details and additional viewpoint visualisations to supplement the Landscape and Visual Impact Assessment (LVIA) submitted.

In accordance with Section 32A Subsection 4) of the Town and Country Planning (Scotland) Act 1997, both re-Neighbour Notification and re-Public Advertisement were undertaken following the submission of the additional and amended information outlined above and this has been undertaken on two separate occasions and following receipt of the submission of the new and additional material information to the Planning Service in October 2023 and January 2024 respectively. This has been undertaken on the basis that some of the information submitted constituted new material information which was relevant to the overall assessment of this planning application. The application also re-featured on the Council's Weekly List of applications each time a re-Neighbour Notification and re-Public Advertisement had been undertaken.

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:

224 representations have been submitted in total, comprising of 223 objections and 1 neutral representation. A number of parties/individuals have submitted two or more separate representations however for the avoidance of any doubt, these still only constitute one representation from one party in response to this application.

Representations have been submitted from both owners and visitors of Craig Tara Holiday Park, residential properties in South Ayrshire and neighbouring premises and properties to the site (both residential and commercial businesses). A representation objecting to the application has also been received from Alloway, Doonfoot and St Leonard Community Council (Dated 10th April 2023) with two objections lodged by Kyle and Carrick Civic Society (Dated 7th April 2023 and 16th December 2023 respectively).

Three written letters of objection (provided in PDF letter format) by a Planning Consultant on behalf of the owners of Heads of Ayr Farm Park, Heads of Ayr Nursery and Laigh Kyleston Farm which have been submitted (Dated 29th March 2023, 8th December 2023, and 26th January 2024 respectively) includes a series of appendices and supporting attachments. These comprise of marked-up plans with annotations showing the different uses and activities within the Farm Park/Farm in context of the boundary of Craig Tara Holiday Park site, photographs of the boundary between the Farm Park/Farm and the golf course site, photographs of the Farm Park/Farm and also two short videos which are taken from within the Farm Park/Farm during a firework display at Craig Tara. Whilst all this material could not be captured directly in the Panel Report it has been considered as part of the three objections they have submitted. In addition to this, all this supporting information contained as appendices is available on the public planning portal and has been attached to the written letter of objections so that these can be read and viewed in conjunction of one another.

It should also be noted that 13 representations have been submitted which were not deemed to be competent objections either due to them being anonymous or them not providing a valid postal address. Upon receipt, the Planning Service issued a letter to each of these parties to make them aware that their representation could not be accepted and to provide them with an opportunity to provide additional details to meet requirements. Of these 13 parties, 3 individuals did not provide any contact information (including email, telephone number or valid postal address) so they could not be reached or contacted by the Planning Service. Of the remaining 10 who were contactable, 3 parties responded to the Planning Service in writing providing the further required information in order to make their representation competent and valid and this has been actioned. No response was received from the other parties and as such, these have not able to be taken into consideration by the Planning Service on this basis.

All of the competent representations can be viewed in full online at www.south-ayrshire.gov.uk/planning. The grounds of the objections alongside a response to each objection by the Planning Service are set out in detail in the Representation sub-section of the Assessment section below but at the broadest level, matters raised can be grouped into the following topics; concerns regarding the expansion of the park, loss of ancillary golf facility, impact on wildlife/ecology, traffic, road safety, pedestrian safety, capacity of the sewage network, impact on coastal path, landscape impacts, neighbouring amenity, noise and light pollution, the provision of facilities in the park, park maintenance/management and planning procedural matters.

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, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the panel meeting at www.south-ayrshire.gov.uk/planning.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), the impact of the proposal on the amenity of the locality, planning history, representations received and consultation responses.

7.1 Statutory Development Plan Framework

7.1.1 National Planning Framework 4

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).

Section 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 and that 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 (The 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.

NPF4 and the policies which apply in the context of the development proposal subject to this planning application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/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 6 Forestry, Woodland and Trees
- Policy 7 Historic Assets and Places
- Policy 10 Coastal Development
- Policy 13 Sustainable Transport
- Policy 14 Design, Quality and Place
- Policy 18 Infrastructure First
- Policy 20 Blue and Green Infrastructure
- Policy 21 Play, Recreation and Sport
- Policy 22 Flood Risk and Water Management
- Policy 29 Rural Development
- Policy 30 Tourism

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. An assessment of the proposals against NPF4 is set out below.

NPF4 Aims

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 primary policies of relevancy to the principle of development in this case generally seek to balance development and economic growth in a sustainable manner and advocate support for rural tourism activity in this regard subject to it also protecting and enhancing communities and natural and cultural assets alongside the environmental quality and landscape of an area. In implementing this approach and considering it alongside the wider policy and strategy framework of NPF4, this requires due consideration of the merits of the proposed tourism development and to balance this in respect of the development proposals ability to respond to the specific local character of the location, to fit sensitively and appropriately into the existing landscape setting of the area, not to adversely impact on the rural area in which it is set and to provide opportunities for positive impacts, enhancements and gains. A summary of each of the relevant NPF4 policies is set out below followed by an assessment of the proposals against the policies.

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 and in particular developments which promote zero carbon, nature positive places, nature recovery and nature restoration. The policy offers support for developments which are balanced, and which offer rural revitalisation and growth.

Reviewing Policy 1 in the context of other applicable policies of NPF4 which promote the proportionate growth and investment of tourism facilities (and which have to be assessed in conjunction with this particular policy), it is considered that the application site being within the auspices of the existing park boundary (recognised as such in LDP2) and offering an internal extension does represent the most sustainable means of expansion to this tourism facility in these circumstances. The site selected is preferred to a completely undeveloped, non-operational or greenbelt land situated outwith the park boundary and it is considered when taking into account the location of the park and the neighbouring land available, the 9-hole ancillary golf course site located on the western side of the park (which allows it to utilise much of the existing infrastructure, facilities and services in place at the park which already have enough capacity) does represent the least environmentally impactful and consequential option in terms of climate and nature impacts. Weight is also given to the fact that the development makes tangible contributions towards addressing the nature crisis through biodiversity and design features for both the protection and enhancement of ecology (which is considered in detail in response to relevant natural environment policies of NPF4 and LDP2 below) and in this regard, it is considered that the proposed extension does represent a balanced development when considered in relation to this policy and the wider policy framework. On this basis, the proposed development would contribute to the overall aims of Policy 1 and therefore comply with the policy.

Policy 2 Climate Mitigation and Adaptation

The overarching aim of this policy is to encourage, promote and facilitate development that minimises emissions and adapts to current and future impacts on climate change. 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.

Whilst it is accepted that this development (by virtue of its nature, use and function) is not necessarily going to be able to offer significant and tangible contributions to addressing climate change targets, for the reasons outlined in response to Policy 1 above it is considered that the location of the site within the park itself allows the development to be sited and designed as to minimise effects on climate change and environmental impacts as far as possible, whilst at the same time supporting the investment, expansion and growth of an established rural tourism facility which are encouraged through other policies of NPF4. In addition to this and set out, measures and contributions are proposed to protect and enhance nature and biodiversity as well as promote more sustainable modes of transport, with these covered through the plans and supporting information supplied as part of the application and secured, where appropriate, through planning conditions. On this basis and with cognisance to the other policies which apply to this development, the proposed internal extension to the park is deemed to accord with Policy 2.

Policy 3 Biodiversity

The purpose of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. This policy is relevant as it sets a specific requirement for development 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 through nature networks and nature-based solutions so they are in a demonstrably better state than without intervention. Such proposals need to demonstrate that the development has been based on an understanding of the existing characteristics of the site and its local, regional and national ecological context and that where feasible, nature-based solutions have been integrated, that significant biodiversity enhancements (in addition to any proposed mitigation) have been provided and that an assessment of potential negative effects will be appropriately mitigated before identifying enhancements. Finally, the policy requires that any potential adverse impacts of development proposals on the natural environment will be minimised through careful planning and design and that this will take into account how to safeguard the ecosystem services that the natural environment provides.

The development will deliver positive biodiversity effects to this manicured golf facility site which has been demonstrated through the suite of ecological assessments to be of otherwise relatively low ecological value. This will primarily be achieved through the Landscape Masterplan, Landscape Scheme and detailed Planting Schedule which includes both the retention and substantial supplementation of ecological features and existing landscaping and potential habitats across the site. As previously set out, most of the trees, woodland and planting (with the exception of two small, isolated pockets of low-grade self-seeded tree specimens) which are already within the site are to be retained, with these further reinforced through significant additional structural, screen and deterrent planting across the site as a whole. The landscape masterplan and detailed planting plans include proposals for tree (heavy, feathered and whip) and shrub (whip, standard and herbaceous) planting across the site with approximately 3,840 trees proposed (covering over 15 different species types) and approximately 5,400 shrubs (covering over 18 different species types). The site layout and design has also been developed so that the sites key features including the existing sizeable pockets of woodland, the existing pond, and the tree belts around the perimeter of the site will not be impacted or compromised, with the development avoiding these through the provision of generous buffer zones.

In order to look to provide biodiversity gain and facilitate nature networks into the development site, specific measures are proposed as part of the ecological supporting information and this includes the eradication of Giant Hogweed and other invasive species (to create healthier habitats), installation of bird and bat boxes, specific targeted wetland meadow planting around water courses and the expansion and extension of fragmented sections of planting/woodland to provide further habitat environments. The combination of all these measures in conjunction with the detailed landscape scheme proposed allows the development to demonstrate compliance with this policy and relevant consultees including Nature Scot, RSPB, the Council's external professional Ecologist (AECOM) and the Council's Sustainable Development Ranger Services have confirmed that they have no objections to the development. The implementation of the detailed landscape scheme on the site alongside the specific biodiversity enhancements and habitat improvements set out in the Ecology Impact Assessment Report (EIAR) and other supporting information are covered by condition and their fulfilment will be secured and agreed through a Construction Environmental Management Plan (CTMP) and Habitat Management Plan (HMP) which is also covered by conditions in Section 9 below.

Policy 4 Natural Places

This policy seeks similar goals as Policy 3 and generally aims to protect, restore, and enhance natural assets and make best use of nature-based solutions but with the added expectation that natural assets are managed in a sustainable way that maintains and grows their essential benefits and services. Development proposals which by virtue of their type, location or scale would have an unacceptable impact on the natural environment, will not be supported. In addition to this, development proposals that will affect a SSSI will only be supported where the objectives of the designation and the overall integrity of the areas will not be compromised or in cases where any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, or economic benefits of national importance.

The proposed development is considered to have demonstrated that it can both effectively protect and enhance natural assets within and near to the site. In support of the application both a Preliminary Ecological Appraisal Report (PEAR) and a more detailed Ecological Impact Assessment Report (EIAR) has been undertaken and this includes a series of additional surveys and assessments. The EIAR comprises of; a Bat Survey, Breeding Bird Survey, Water Vole Survey, Otter Survey, a further assessment of the habitats within the SSSI, a design and assessment of proposed lighting and an Outline Habitat Management Plan. Specific consideration of the findings, conclusions and mitigation proposed as part of this are set out in response to the relevant ecological policies of LDP2 below.

Whilst it is noted that the development is in close proximity to a SSSI which is located to the west and north of the site, through a combination of the careful siting of the caravan pitches subject to the development combined with a suite of specific ecological mitigation measures set out in the endorsed EIAR submitted (including a 20m buffer to the SSSI, light spillage mitigation, the formation of a Construction Environmental Management Plans (CEMP) and the introduction of upgraded SSSI 1.5/1.8 fencing 1.5), it is not considered that the objectives of its designation or its overall integrity will be compromised.

Crucially, Nature Scot, the RSPB, the Council's external professional Ecologist (Aecom) and the Council's Biodiversity and Ranger Services have confirmed in their final consultation responses that they have no objections subject to the mitigation measures and additional safeguarding measures set out in the EIAR so long as they are both implemented and maintained (where relevant). A suite of conditions recommended by all three of these consultees are set out in Section 9 of this report below.

Policy 6 Forestry, Woodland, and Trees

The fundamental aim of this policy is to protect, enhance and expand forests, woodland, trees, and hedgerows and ensure that areas of woodland and trees on sites are sustainably managed. Any development which seeks to expand, enhance, and improve woodlands/tree cover will be supported. The policy also confirms the scenarios where developments would not be supported and this includes any loss of ancient woodlands, any adverse impacts on native woodlands, veteran trees or trees of high biodiversity value and fragmenting or severing native woodland habitats without appropriate mitigation.

A Landscape Masterplan, a Landscape Scheme, a detailed Planting Schedule, and a comprehensive Tree Constraints Assessment (including Tree Impacts/Tree Protection Study) and accompanying plans/drawings (comprising of Root Protection Area Plans, Shading Plans, Tree Crown Plans and Tree Retention and Protection Plans) prepared by professional Landscape Architects and Arborists have been submitted in support of this application. The design and layout of the development has been directly informed by these assessments (including a 7m buffer from the existing woodland around the perimeter of the site boundary is included) and this is reflected by the commitment for the mass retention of existing landscaping and woodland across the development site, with only two very small clusters of self-seeded trees (which have been demonstrated to be of low quality and value through the Tree Survey) proposed for removal. Beyond this, the landscape strategy for the development offers robust proposals for reinforcement of the existing planting with substantial and generous additional structural, deterrent and amenity planting across the site. This will provide additional benefit in terms of biodiversity and aid visual amenity by improving screening, and it is considered that the volume, quantity, and diversity of planting provided as part of the landscape proposals constitute enhancements and expansions which are central aims of Policy 6.

Consideration of the proposed and existing landscaping arrangements and features are set out in detail in response to the relevant policies of LDP2 below however in short, the development will result in an expansion and an enhancement of woodlands and tree cover, and the supplementary landscape proposals will be covered by conditions which ensures the requirements of Policy 6 of NPF4 will be fulfilled as part of the development. Section 9 of the report below includes conditions relating to the implementation and maintenance of the landscape scheme and tree protection measures proposed.

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 heritage assets to be assessed. Specifically, the policy requires development proposals with a potentially significant impact on historic assets or places to be accompanied by an assessment which is based on an understanding of the cultural significance of the historic assets and/or place. It states that this assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a basis for managing the impacts of change. The policy also provides detailed direction and expectations regarding proposals for alternations, re-use and partial/full demolition for listed buildings and buildings in conservation areas however none of this criterion applies to this proposal noting the location and nature of the site.

The Applicant has submitted a Cultural Statement of Significance to assess any impacts on the setting of any historic features in the wider locality with the conclusion reached that the setting of historic assets (including Greenan Castle) will not be adversely impacted as a result of the development. Historic Environment Scotland (HES) have been consulted and they have confirmed that they have no objections or further comments to make. An Archaeological Desk-Based Assessment has also been undertaken given the locality is known for being archaeologically rich. West of Scotland Archaeological Service (WoSAS) have also been consulted on the application and following review of the report supplied, they have confirmed that they have no objections subject to a standard condition requiring an archaeological watching brief and scheme of investigation to be undertaken, with this set out in Section 9 below. The proposal therefore raises no concerns when considered against this policy. Further consideration of the historic environment and the findings of the heritage-based reports submitted alongside the potential impacts of the development of any such features are set out in detail in response to LDP Policy: Historic Environment below.

Policy 10 Coastal Development

This policy seeks to offer protection for coastal areas and coastlines and in particular protect coastal communities and it afford resilience to the effects of climate change. It states that developments in coastal areas will only be supported where the proposals do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and where development is anticipated to be supportable in the long term, taking into account projected climate change. Consideration is also given to the direct impact of development proposals on undeveloped coastal areas; however, this is not relevant to this proposal noting its location and the existing park to which it relates.

The site layout and development has been designed with recognition to protecting the neighbouring coast and beachfront both in terms of its landscape and scenic contribution to the environment but also in terms of any direct or physical impacts to it as a natural resource and feature. It is relevant to note that at Pre-application stage the Planning Service set a requirement for the development to be set a sufficient distance back from its northern boundary edge nearest the beach front and this has subsequently been reflected in the final site layout provided with the planning application which shows a substantial 80-metre (approx.) set back between the nearest caravan pitches to the northern boundary side. This sizeable buffer will ensure that the proposed development during the construction and operational stage does not have any direct physical impacts upon the coast and at the same time minimise the developments visual impact and prominence on the coastal environment. The proposals are considered to be compliant with Policy 10 above on the basis of this set back. Further consideration of the potential effects of the development on the coast to the north are set out in response to Policy LDP: Landscape Quality and LDP Policy: The Coast below and this includes consideration of the proposals in relation to the Coastal Strategy Diagram and Coastal Development Guidance contained in Appendix B of LDP2.

Policy 12 Zero Waste

This policy requires development proposals to seek to reduce, reuse or recycle materials in line with the waste hierarchy and to ensure the reduction and reuse of materials in construction is prioritised.

The proposed development would not generate significant volumes of waste at either construction or operational stage and weight is given to the fact that the actual physical components of the development which largely comprise of pitches, static caravans and ancillary road networks and footpaths, are not expected to generate significant volumes of leftover waste or by-products. Sufficient details have been supplied to demonstrate how foul waste treatment will be managed by the sites own private treatment plant and facility and it is noted that the park has a private contract for the management of commercial waste from users of the development and the proposed site plan indicates communal bin store points for the separation and storage of any waste that is generated to facilitate recycling where possible. In addition to this, the Council's Waste Management Services and SEPA have been consulted and both have no objections to the proposed development. The proposal therefore raises no concerns in terms of this policy above.

Policy 13 Sustainable Transport

The purpose of this policy is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. It offers support for proposals which improve or provide active travel infrastructure and public transport infrastructure. It goes on to state that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with sustainable travel and investment hierarchies and where appropriate they amongst other matters; provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycle networks, where they will be accessible by public transport and integrate transport modes, where they provide electric vehicle charging points and cycle parking and where they adequately mitigate any impact on local public access routes. Development proposals for significant travel generating uses will only be supported if they are accompanied firstly by a Transport Assessment in accordance with relevant guidance and a Travel Plan which sets out clear arrangements for delivering against targets as well as monitoring and evaluation.

Whilst the proposals by virtue of the nature of the use are predominantly car dependant, weight requires to be given to the fact that the development seeks to extend an existing tourism facility as opposed to a completely new and independent development where requirements would differ. Both the Transport Assessment and the series of further technical assessments provided in response to the ARA requests highlights that the park is accessible by public transport and other sustainable methods and that guests are able to travel to and from the park and other facilities in South Ayrshire by using available bus, rail, walking and cycling connections. This includes an existing local bus stop at Craig Tara Holiday Park which is located within 400m walking distance to the east of the site and which is served by Stagecoach Service 97, which operates hourly Monday to Sunday throughout the day and a further bus services located 300m to the west of the holiday park site access on the A719/Dunure Road closer to Heads of Ayr. Internally within the park, guests are encouraged to walk or cycle through the park as a way to move around and access the myriad of facilities and the Ayrshire Coastal Path (which largely follows the beach around the Heads of Ayr) passes by the application site immediately to the north to provide wider opportunities for walking and cycling.

In addition to the existing sustainable and active travel opportunities which the development can utilise and benefit from, bespoke sustainable transport measures have been secured through the Transport Assessment and following discussions and input with the ARA, these are considered acceptable. Such measures include a Travel Plan and a new 1.5-metre-wide footway that will connect the site with the existing 1.5-metre-wide footway provision adjacent to the A719/Dunure Road which currently terminates on entering the site. These are both subject to conditions as set out in Section 9 of the report, with the conditions worded to ensure they are implemented in a timely manner and prior to the first caravan unit within the development being used for holiday accommodation. These measures alongside some of the additional operational changes to the infrastructure and operation wider park secured through this development, are covered in detail in response to LDP Policy: Land Use and Transport further on the assessment section below.

The existing sustainable transport opportunities in place at the park combined with the sustainable transport measures secured collectively contribute towards satisfying criteria which is set out in several policies across NPF4, and this includes Policy 13 Sustainable Transport as referenced above.

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'. 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 as defined in the policy would not be supported by the policy. In addition to the above, which is largely unchanged from Scottish Planning Policy (SPP), this policy requires developments to be "healthy: supporting the prioritisation of women's safety and improving physical and mental health".

The scale, appearance and design of the internal extension are considered to be of a high standard and generally reflects the existing holiday park and the expansion proposed is generally consistent in terms of design, layout and density will ensure that the internal extension is commensurate for its location and the surrounding use to which it relates. The site can be accessed by active modes of transport options and is well connected and capable of supporting health and wellbeing opportunities with several recreational/sports facilities and services within the park and accessible immediately outwith the site in close proximity (including the coast and beach to the immediate north). External bollard lighting and passive surveillance resulting from the inward facing orientation and arrangement of the caravan pitches combined with on-site staff and management arrangements will aid the safety of users and increase security for neighbouring land uses as well. It is considered that the proposed development demonstrates the six qualities of a successful place (Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable) and is of scale and design which would not appear incongruous in respect of its surroundings. The proposal is therefore compliant with Policy 14 and the principle design requirements it advocates.

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. Developments need to evidence and justify their infrastructure needs and any potential impacts on infrastructure as a result of the development should be mitigated.

In this instance, it has been established through the detailed Transport Assessment and subsequent further technical supporting information provided, which includes; Technical Responses from the Applicants Consultants/Engineers (Fairhurst) and a Traffic Survey (which includes the outcomes of an independent 18-day video survey and a proposed Vehicle Movement and Operational Procedure Plan) that the local road network and existing infrastructure can accommodate the additional traffic likely to be generated by the proposed development with all junctions assessed, including the site access junction, which has been demonstrated will continue to operate within capacity.

Whilst the technical assessments have demonstrated that the general suitability of the existing infrastructure to accommodate the development, the ARA as Council's Roads Authority initially issued a holding objection on the basis that they considered additional road mitigation was required to offset the specific impacts of the development and address existing road safety issues associated with the park, particularly in terms of impacts on the A719 and the known issue of queuing traffic. In response to this, internal mitigation and alterations within the infrastructure of the park and further additional safety measures on the A719 Dunure Road have been identified by the Applicant and proposed through subsequent assessments which the applicant and their appointed technical consultants consider will collectively represent a betterment of existing arrangements and which will improve traffic movement and management as a result of the increase in static caravans and the activity associated and satisfy the requirements of the ARA. The applicant is proposing to deliver all these reconfigurations identified in conjunction with this proposed development to create and secure betterments for the general operation of the park and mitigate any potential impact of the proposed development including any increase in vehicle movements, activity, and intensification of use. The merits of these are considered below.

Firstly, the internal mitigation proposed within the park boundary as part of this supporting technical information with this planning application includes:

- Proposed road widening to provide an additional 2.75m wide lane of carriageway extending north towards the check-in location within the site. This will extend from where the access road currently reduces to two lanes and continues north for approximately 160m and will in effect create three lanes for a section of the internal access and road network. The third lane will allow two lanes of traffic to access the site and continue towards the check-in location providing additional internal queuing/storage for around 30 cars. This would also provide two emergency access points for the greater park area (including for the use of the development) by ensuring that the access road into the park is of sufficient width to accommodate three lanes of traffic up to a point internally where the park roads split and there is a second point of access to the wider park area via Arran View. This would mean that there are two routes into the wider park area from this point and two separate routes into the greater park area for emergency vehicles. In turn, this means that should a blockage occur then there would still be one or two lanes giving open access to the park for emergency use.
- The provision and formation of a new 1.5m wide footway to the east to connect the existing 1.5m footway provision adjacent to the A719 into the site. The existing footway currently terminates on entering the site.

- The permanent reposition of the check-in point for the holiday park approximately 115m further north into the site. This will aim to significantly reduce any impacts of queuing traffic on the A719 entering the site whilst providing additional internal storage for around 20 cars.

The proposed road widening, extended footway provision and relocated check-in point referenced above are set out in document 'Response to Further Comments Received from the Ayrshire Roads Alliance' (Ref. 22780/03/NOW/ASL) (Lichfields) and shown on a specific drawing 'Proposed Access Road Improvements' (Drawing No. 149305/sk1003 Rev. A) which were lodged as part of additional supporting information for the planning application in October 2023. The document supplied sets out that the Applicant and their appointed technical consultants consider that these changes will provide significant improvement in terms of internal queuing/stacking during busy periods of check-in which will significantly reduce any potential for queuing traffic on the A719 on entering the site which was a primary concern of the ARA. In addition to this, they advise that the proposals will allow for additional internal storage for around 50 cars, will ensure access for emergency vehicles/use and pedestrians walking to/from the site and will provide increased road width between the A719 Dunure Road and the first internal junction from where every part of the park can then be reached from 2 points of access.

Although these internal reconfigurations are out with the application site for this application and relate to the main internal road network within the park, crucially these are still within the Craig Tara Holiday Park operational and land ownership boundary and the Applicant proposes to deliver these changes as permitted development through Class 16 of The Town and Country Planning (General Permitted Development Order) (Scotland) 1992 and implement these works through the Caravan Site License alongside this planning permission. It is on this basis, the applicant considers it possible to undertake them alongside and as part of this planning permission application should consent be granted, as opposed to being submitted/delivered through a separate planning permission or an amended planning application for this development. Following careful review, this has been deemed acceptable procedurally from a planning perspective and the applicant and their appointed agent have confirmed their agreement to the imposition of planning conditions which requires all of these internal improvement and infrastructure mitigations works shown on the drawing and set out supporting technical document provided to be undertaken prior to the use of the first static caravan unit associated with the development subject to this application being used or occupied as holiday accommodation.

Alongside these physical changes to the existing arrangements, additional mitigation is also proposed in relation to the operation of the park, and this includes a provisional Vehicle Movement and Operational Procedure Plan (as referenced Traffic Survey Report) for the park. Similar to the physical internal mitigation, the applicant has confirmed their agreement to a Service Management Plan (building on from the Vehicle Movement and Operational Procedure Plan) being subject to a pre-commencement planning condition which requires it to be submitted and approved in writing with the Planning Service in consultation with ARA and thereafter reviewed after 1 year. All of these planning conditions are set out in Section 9 and are worded as such that they either require certain technical information to be submitted prior to the commencement of development or they require these measures to be implemented and effective prior to the use of the first caravan unit being used as holiday accommodation to ensure these are all in place in a timely manner and before the development becomes fully operational within the site.

In addition to the internal mitigation proposed by the applicant on behalf of their technical consultants (Fairhurst) within the holiday park boundary, further assessment has been undertaken with additional external mitigation on the A719 Dunure Road now also being proposed and presented in the latest submission 'Response to Ayrshire Roads Alliance and Proposed Road Mitigation (Ref. 149305 TN01) (Fairhurst)' as lodged on the 20th December 2023 and 15th January 2024 in response to the latest feedback from ARA as provided on the 28th November 2023 and 12th December 2023 respectively. This further assessment and supporting drawing considers various traffic calming and improvement measures for the A719 as discussed with Ayrshire Roads Alliance and provides justification which discounts a number of these (including the provision of a ghost island junction on the A719 at the site entrance) due to a mixture of factors including third party land ownership, technical constraints (such as Scottish Water infrastructure and gas piping underground) and the removal of a high volume of existing mature trees to achieve the required visibility. The document goes on to set out the external mitigation which are achievable and deliverable, and this comprises of a suite of additional safety measures to be implemented on and along the A719 in advance of the site access junction as part of this planning application. This includes:

- The provision of Vehicle Actuated signage which would involve cutting loops in the A719 around 20m east of the Craig Tara access and which would detect if there was a queue of 3/4 cars waiting to turn right, then send a message to the signage further away to flash a warning to approaching cars to the east and west. The signage would be located around 250m to the east and west of the Craig Tara access, with options for signage including a 'right turning traffic' warning or a 'queue ahead' warning. This would provide warning to vehicles to slow down due to queuing traffic ahead.
- Visibility improvements to the west by trimming back the existing hedge and other vegetation on the A719 frontage to the extent possible, without affecting trees behind the hedge line.
- Promotion of the reduction in speed limit to 40mph for a distance of around 1km through the Craig Tara and adjacent Heads of Ayr Farm Park accesses. Whilst it is acknowledged that this could not form a planning condition or planning obligation as part of this application given it is considered through separate roads legislation (e.g. a Traffic Regulation Order), the applicant has confirmed that they will provide a commuted sum to the Council cover the costs of the Traffic Road Order being promoted and if successful, the cost of the implementation of the speed limit reduction.

These additional external proposals are detailed in latest submission 'Response to Ayrshire Roads Alliance and Proposed Road Mitigation (Ref. 149305 TN01) (Fairhurst, Dated 20th December 2023)' and shown on a specific drawing 'Proposed A719 Road Safety Improvements Plan (Drawing No. 149305/sk1007 Rev. A)' which were lodged initially lodged on the 20th December 2023 and then formally lodged on the 15th January 2024. As previously outlined, these measures are proposed in conjunction with the other internal mitigation and reconfigurations within the park and the other holiday park management measures already referenced above. The applicant considers that these road improvement measures along the A719 would address why queuing is occurring on the A719 and prevent it at the source and at the same time improve the safety of the junction for road users by reducing the speed limit through the busy junction, which in turn would make the available visibility to the west more commensurate with vehicle speeds. The supporting information asserts that the additional warning signs that are proposed will also increase driver awareness of the situation to which they are approaching. Collectively, the Applicant and their appointed technical consultants through the supporting information provided consider that the measures are proportionate to the additional traffic that will be added to the junction in connection with the application and will not only achieve the 'no net detriment' requirement but will also improve on the existing road/traffic conditions considerably.

Similar to the internal mitigation and reconfigurations proposed for within the park and with the exception of the proposed 40mph speed limit reduction which would be pursued through the separate legislative process of a Traffic Regulation Order involving the ARA as a lead, although these external mitigation measures are out with the application site for this planning application and relate to areas along the A719 Dunure Road, crucially these are still within the public road limits and therefore they are implementable and deliverable as part of this planning application. In turn, it is reasonable for these mitigation measures to be secured as planning conditions and implemented as part of this planning application for the reasons previously outlined.

Whilst initially issuing a 'Holding Objection' on the basis of requesting further assessments be undertaken to consider specific road safety concerns and the requirement to offer more robust and targeted road and infrastructure mitigation as part of the planning application, the ARA as the Council's Roads Authority have offered no objections to the development in their final consultation response and following consideration of all of the assessments, they have accepted the proposed development.

This acceptance relies heavily upon and is subject to the imposition of appropriate, bespoke worded conditions relating to the requirements for the fulfilment and implementation of all of the internal holiday park and wider A719 Dunure Road infrastructure improvements and road safety mitigation measures proposed and referenced in detail above being delivered and implemented by specific timescales and milestones alongside the submission, agreement, implementation and review of a Service Management Plan for the Holiday Park. Transport Scotland have also been consulted and have confirmed that they have no objections as the proposals will have no notable impact on the trunk road network. Given the final position of the ARA and the fact that it has been demonstrated that the development can be accommodated for within the park and the surrounding area as a result of the proposed additional internal holiday park and A719 Dunure Road mitigation and betterments to the operation of the wider park (which will be secured and delivered as a result of this application through appropriately worded planning conditions set out in Section 9 below), the proposed development is considered to be compliant with this policy. All this mitigation is considered again in detail in response to LDP Policy: Land Use and Transport further on the Assessment section of this report.

Policy 20 Blue and Green Infrastructure

This policy seeks to protect and enhance blue and green infrastructure and their networks, and this includes safeguarding access rights and core paths, including active travel routes, and encourage new and enhanced opportunities for access to wider networks. It states that developments that result in the fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposals would not result in or exacerbate a deficit in blue or green infrastructure provision.

The Ayrshire Coastal Path Core Path runs alongside the northern and northeastern boundary of the application site. The Council's Outdoor Access Officer has been consulted on this planning application and in their response, they have highlighted the proximity of this core path to the site and the importance of it not being compromised and being maintained as accessible and for use at both construction and operational stage of the development. Whilst the set back of the actual development to the neighbouring core path of approximately 80 metres will ensure that the route is not directly affected, a planning condition has been formed to this effect which will seek measures are in place to ensure that this core path is not compromised. No boundary treatments are proposed along the northern edge of the application and just like the wider park (including at various locations along the northern stretch to the east of the site), this development will offer opportunities to access the core paths, the beach, and the wider path networks.

In addition to all of the above and as set out in relation to the infrastructure improvement works outlined in response to Policy 18 Infrastructure First above and LDP Policy: Land Use and Transport below, these proposed changes have presented an opportunity to improve footway connections. On this, the Applicant has shown a commitment to include the provision of a new 1.5-metre-wide footway that will connect the site with the existing 1.5-metre-wide footway adjacent to the A719 which currently terminates on entering the site. This will improve the outdoor public access opportunities for safe walking and aligns with one of the key principles of this policy by providing and strengthening links to an existing network. Given the above and subject to the condition set out, the proposed development is capable of compliance with this policy.

Policy 21 Play, Recreation and Sport

The overarching intent of this policy is to encourage and facilitate spaces for play, recreation, and sport, with an aim to improve natural/built environments with more equitable access to opportunities for play/recreation and improve physical and mental health through the provision of and access to such facilities. It advocates that LDPs should identify sites for sports, play and outdoor recreation for people of all ages and where appropriate, these spaces should be formally recognised for their role and function through mechanisms such as open space designations or allocated as green infrastructure within the LDP. The policy goes on to define the criteria and circumstances where developments which result in the 'loss of outdoor sports facilities' will only be supported in, and this includes consideration of the extent of the loss of the facility as a result of the development alongside opportunities for replacement or alternative facility provisions to offsets impacts which are identified.

It is relevant to note that whilst the Planning Service does not consider the specific criteria policy to be directly relevant to the assessment of this application, it is included in order to address and clarify why the proposed development does not conflict with the overall spirit and principle of this policy. This primarily comes down to the nature, usage, function, and role of the application site at present.

Firstly, whilst it is acknowledged that this application site relates to an existing form of 'golf facility', it is important to make the distinction that it is not a 'golf course' in the conventional or typically understood sense. This is best evidenced by the fact that it is not registered with Scottish Golf (the Governing Body for the sport) as a course and that it does not have a measured Handicap or Standard Scratch and Sloping Rating. There is also no clubhouse, and the site or wider park does not have any supporting elements or features which would be typically associated of a conventional course, this includes the absence of practice greens, a golf shop or any provisions for golf club hire or lessons. It is also relevant to note that it does not function or operate as a typical 'golf course' in that there is no requirement to book the golf facility/get a tee-off time with the 9-hole golf facility operating on an honour/informal basis.

Instead, the ancillary 9-hole golf facility that forms the application site has only ever existed to serve the holiday park as an ancillary feature (and it has never functioned in the same way as a municipal or private member golf course would since it has been in place on the park). As part of this, the golf facility at Craig Tara is a private ancillary facility which whilst capable of being used for certain golf related activities, is only available for the use of Craig Tara guests with no wider recreational or sport related community role. In this regard, the key characteristics and benefits that come as part of conventional 'golf courses' (and which merit additional protection and safeguarding through the Tourism policy which is set out further in the assessment), are largely not considered to apply in this instance. This includes the economic, tourism, recreational and sport related benefits associated with formally recognised and conventional South Ayrshire golf courses.

In addition to this and the points regarding the status of the golf facility from a sporting perspective, it is also relevant to note that the golf facility which makes up this application site is not separately protected or designated as a formal green, open or recreational space within the Council's LDP2. Whilst this is considered in more detail in response to the relevant policies of LDP2 further on in this assessment, it is important to highlight in relation to this policy noting it refers to such spaces where they are designated or protected through open space strategies and policies of the LDP2.

In any case and notwithstanding the considerations above, SportScotland have been formally consulted on this application as a consultee to get further perspective and clarification regarding the status of this golf facility and the potential impacts on its loss. As part of their consultation, they have themselves consulted with Scottish Golf (as the Governing Body for the sport) to inform their views as a consultee. In response, they have advised that Scottish Golf have acknowledged that this facility is not on their register and that as a result they considered that there were no issues from a sports perspective in relation to the loss of this ancillary 9-hole golf facility. Given this, SportScotland conclude that the loss of the golf facility from a sport perspective is acceptable given the specific circumstances of the case.

Given all of the above, by virtue of the characteristics, nature, use and role of the application site, the proposed development is not considered to be in conflict with the spirit and aims of Policy 21 of NPF4.

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 where development 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. In situations where flood risk is a constraint, Applicants will require to demonstrate that all risks of flooding are addressed, that there is no reduction in floodplain capacity, increased risk for others or a need for future flood protection schemes, that the development remains safe and operational during floods, and that future adaptations can be made to accommodate the effects of climate change. In cases where flood risk is managed at the site, the development must be above the flood risk level and have an additional allowance for freeboard, and safe access/egress must be able to be achieved. As a non-negotiable the policy also states that development s will not increase the risk of surface water flooding risk to others, or itself be a risk, it must manage all rain and surface water through SUDS, and it must seek to minimise the area of impermeable surface.

The application site is partly within the functional floodplain based on SEPA Flood Maps, indicating that there is a high risk of tidal and fluvial flooding from the Carwinschoch Burn and one of its tributaries. A Flood Risk Assessment (FRA), a Drainage Assessment, a Flood Evacuation Plan, and a Further Technical Note to SEPA and Addendum to the FRA have been submitted in support of this application as requested by the Planning Service (in consultation with SEPA). The FRA concludes that the proposed development will not have a detrimental impact on flood risk within the site or elsewhere subject to specific mitigation including a SUDS scheme designed to meet current standards (which uses a natural solution of the existing watercourse on the site), minimum finished floor levels for the development (5.6mAOD to provide a 600mm freeboard), and the provision of safe/flood free routes in a flood event (including a replacement watercourse timber footbridge crossing and ramp which will be accessible to all). In addition to all of this, a 10m flood zone and 'water corridor' buffer forms part of the site layout, with this excluding development in these areas.

Whilst initially issuing 'Holding Objections' in their initial consultation responses received (on the basis of requiring additional technical information), both SEPA and the Ayrshire Roads Alliance (ARA) (as the Council's Flooding Authority) in their final consultation responses to the application have raised 'no objections' following review of the additional addendum and technical note to the FRA being provided. The ARA requested a condition to ensure that the flood mitigation recommendations contained within the FRA and the subsequent Technical Note to SEPA and addendum to the FRA provided by the Applicant's consultants (Fairhurst), are implemented on site as part of the development and this is set out in Section 9 of this report below. Further detailed consideration of flood risk and water management and the technical and design responses proposed to manage this by the development are set out in detail in response to LDP Policy: Flood and Development further on this assessment. Given all of the above, including the input from relevant flooding consultees, the development proposal is deemed to be in accordance with this policy.

Policy 29 Rural Development

The primary purpose of this policy is to encourage rural economic activity, innovation and diversification whilst ensuring distinctive character of rural area and the service functions of small towns, rural assets and cultural heritage are both safeguarded and enhanced. The policy promotes development proposals that contribute to the viability, sustainability and diversity of rural communications and the local rural economy and cites specific circumstances where such support should be offered. Specifically, it offers supports for sites where the use of good quality land for development is minimised and business viability is not adversely affected, proposals which offer diversification of existing businesses and developments which offer improvement or restoration of the natural environment. This policy goes on to state that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

The proposed caravan park extension is considered to be compatible for the locality and weight requires to be given to the fact that these specific proposals relate to the internal extension of an existing and longstanding holiday caravan tourism facility with a consistent and compatible use as opposed to a new rural tourism use completely on undeveloped agricultural or greenbelt land. In this regard, it is considered that the principle of the proposals is supported by the spirit Policy 30 of NPF4 and that there is a site-specific justification and locational needed. Importantly, the development proposed does not contravene any of the circumstances which would resist such tourism development in the first instance. The location of the site within the park, its characteristics (which currently comprise of a modified and manicured ancillary 9 hole golf facility) and the design and layout of the development proposed will ensure that the character of the wider rural area and environment is not significantly impacted beyond the impact already experienced as a result of the existing park and this allows compliance with the specific protective requirements of both Policy 29 Rural Development, and which seek to maintain the rural environment and local characteristics as part of development proposals. Detailed consideration of the impacts of the development upon the landscape environment are set out in response to LDP Policy: Landscape Quality.

Policy 30 Tourism

The primary aim as set out in the policy seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments and inspires people to visit Scotland. As part of this, it lends specific support for development proposals for new or extended tourist facilities or accommodation including caravan and camping sites in locations identified in the LDP. For any tourism related development such as caravan sites/ extensions, it sets out that proposals will take into account a number of factors, including; the contribution made to the local economy, compatibility with the surrounding area in terms of the nature and scale of the activity and impact of increased visitors, impacts on communities, opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas, accessibility for disabled individuals and opportunities to provide access to the natural environment.

Policy 30 lends specific support for development proposals which extend tourist accommodation facilities in locations identified in the LDP. Craig Tara Holiday Park is a designated tourism facility within LDP2 and given the development relates to an internal expansion to the park, this application is supported in principle by this policy. For the reasons set out in response to various policies of NPF4 and LDP2 it is considered that the proposals will be compatible for the site by virtue of its nature, scale and activity and it is not considered that the development would result in any impacts where it could be deemed contrary to Policy 30. It should be noted that consideration of the economic benefits of the development (including on the local economy) is set out in response to LDP Policy: Tourism, further on in the Assessment section below.

Summary of Assessment against NPF4

Following review, it has been established that NPF4 as a whole is generally supportive of the extension of the established tourism use in this location. Whilst this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation (same as LDP2), it has been demonstrated and satisfied that the proposed development is compliant with the policies which cover these topics across NPF4. Due weight has also been proportionately given to the economic and social benefits of the proposed extension development and this is considered in more detail in relation to specific requirements of LDP2 below. Subject to specific conditions restricting the usage of the caravans, supplementary conditions regarding the retention, reinforcement and enhancement of landscaping and boundary treatment on site and other technical requirements including the implementation of road and infrastructure improvements, sustainable transport, ecology and biodiversity, archaeology, and flood risk mitigation measures, it is considered that the proposal complies with the provisions of the NPF4.

Local Development Plan 2 (LDP2)

The following policies of LDP2 are 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 Policy Spatial Strategy
- Core Principle B7
- Core Principle B8
- Core Principle C1
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Tourism
- LDP Policy: Open Space
- LDP Policy: Landscape Quality
- LDP Policy: The Coast
- LDP Policy: Preserving Trees
- LDP Policy: Woodland and Forestry
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Historic Environment
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport
- LDP Policy: Outdoor Public Access and Core Paths

The provisions of the Adopted South Ayrshire Local Development Plan 2 (LDP2) must, however, 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 Policy 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 Principle' policies that form the foundation of the plan. Specific consideration of the relevant 'Core Principle' policies are set out immediately below.

- Core Principle B1

This core principle policy states that the Council will support the principles of sustainable economic development and will as part of this recognise the importance of existing business and industrial locations (within and outside towns). At the highest level, the development relates to an internal extension/expansion of an existing, established tourism business (designated within the LDP2) outwith the settlement boundary and is considered to represent sustainable economic development in the context of this core principle policy.

- Core Principle B7

This core principle policy highlights that the Council will continue to support flexible growth within the 'Kyle Investment Area' but will tend not to support development proposals on unallocated sites out with a settlement in the 'Kyle' except where there is justification through the LDP2 or where it meets a specific need. Whilst this application site is situated outwith an established settlement within the 'Kyle Investment Area', due weight is given to the fact that it relates to an area of land situated within an existing, established tourism facility (designated as such in the LDP2) as opposed to an unallocated/undeveloped site which is seeking to establish a new standalone use or development. Various policies throughout LDP2 offer strong support and encourage tourism development within South Ayrshire with particular attention given to proposals for proportionate expansion and investment in existing tourism facilities.

Given the development is for an internal extension to Craig Tara Holiday Park which will deliver further provision of holiday let caravans to support the growth and expansion of this well-established and longstanding tourism facility, it is considered that there is support for the principle of this development as flexible growth in the 'Kyle'. In addition to this, it is noted that the Applicant in 'Section 2.0 Background' and 'Section 6 Locational Criteria' of their Planning, Design and Access Statement provides reasons for the site-specific justification and the rationale underpinning the requirements for a proposed internal expansion to the park on the application site. This emphasises that the proposed extension is intrinsically linked to the existing park and is not proposed on either greenbelt or non-operational land and that it will effectively contribute to satisfying an increased demand for holiday accommodation provision of high-grade quality which can use existing infrastructure available at the park. Following review, it is considered that sufficient site and location specific justification has been provided. Given the above, the proposed extension is considered to comply with the relevant requirements of this core principle policy.

- Core Principle B8

This policy aims to support the promotion and growth of rural business in appropriate locations, only where there are no significant impacts and all other LDP2 policies are satisfied. As set out above in relation to Core Principle B7, this extension proposed is considered to represent the promotion and growth of an existing rural tourism business which is recognised and designated in LDP2. The potential for significant impacts have been assessed against all relevant policy criteria and following review it has been established that the development will not have any adverse impacts to a point which would make it unacceptable.

- Core Principle C1

This promotes the sustainable use of natural, built and cultural heritage resources and states that the Council will, among other things, ensure that developments safeguard protected natural and built heritage resources and ensure Local Landscape Areas, the coast and culturally sensitive locations are treated with due respect and follow a precautionary approach where unrecorded natural or archaeological resources may be present. The development has been considered in relation to all policies of the Development Plan which cover the above topics throughout this Assessment section and as set out, subject to mitigation secured by conditions, the proposed extension to the park can effectively safeguard (and in areas enhance) sensitivities and constraints which apply to the site.

Strategic Policy 1: Sustainable Development

This 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.
- 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 developments, due weight is given to consideration of net economic benefit.

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

With regards to the requirement of the policy to consider the 'net economic benefit' of the development and apply due weight accordingly, Paragraphs 6.28-6.35 of the Planning, Design and Access Statement supporting provide independent analysis on the economic benefits of the development. Some of the justification in this section is broad and references statistics from the Ayrshire & Arran Tourism Strategy 2012-2017 which is now out of date and as such can only have limited weight applied, however there is also specific economic analysis that has been undertaken for this development with details provided regarding employment opportunities of the proposals and other benefits for the local economy. In terms of employment opportunities, this section provides background, stating that the park currently employs a team of 750 people which includes 133 annual and 617 seasonal, with 95% of the employees living within a 20-mile radius of the park. For this development, the applicant confirms that this will lead to the creation of direct and indirect jobs through construction and operation phases, with the estimated construction value of £6.3m and a construction period of 12 months. This section goes on to state that the additional provision of high quality static pitches proposed to this extension will have the potential to generate more stable occupancy levels throughout more of the season and that this will have economic benefits to the local area and South Ayrshire as whole by; attracting new and repeat visitors to the park and an influx of footfall to the area, support for the local economy with increased potential for visitors spending money on local businesses and attractions in South Ayrshire and the generation of 'indirect' employment in the surrounding area through increased spending in local supply chains.

As set out in the policy above, economic benefit should be treated as stated, with 'due weight' being afforded rather than as the dominant criteria and it is considered from review that the Applicant has made a proportionate case in this regard. Aside from the general tourism information provided which can only be afforded limited weight given it's out of date status, the details relating to the individual business model operated by the Applicant demonstrate that there is clear evidence that the park has been successful in terms of uptake, evidenced by its progressive continual expansion over the years to look to meet demand. In addition to this, the opportunity for the development to create further employment opportunities in terms of both construction and operational jobs as well as bring an influx of people to the area is noted and due weight is afforded to these development specific factors.

Strategic Policy 2: Development Management

This represents the overarching policy for LDP2 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 of relevancy to this development proposal, including a need for it (inter alia);

- 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 delivering economic development on a site allocated for the proposed use and by having been designed to avoid any negative impacts on surrounding uses or the natural environment (as illustrated in supporting documentation),
- 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 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/landscaping that is appropriate for the location/use of the development.

Similar to Strategic Policy 1: Sustainable Development above, the development is considered to generally comply with the criteria and expectations of the overarching policy noting its layout, design, scale, mass and arrangement. Consideration of each of the criteria above which relate to the land use (both existing and proposed), its visual and landscape impacts, its compatibility, road safety and infrastructure and landscaping are assessed below in detail in relation to subject specific policies which focus on these topics.

LDP Policy: Tourism

This policy will look favourably on development which will provide or improve tourist and leisure infrastructure and improve existing significant leisure, recreation, and tourist facilities. The policy also offers encouragement for proposals that would improve tourist accommodation, allowing existing sites to be expanded provided that:

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

The policy also provides specific protection for existing golf courses, and it states that development will generally not be allowed where it is considered that it may negatively impact the status of Turnberry and Royal Troon as venues for the Open Championship.

Firstly, for the reasons set out in response to Policy 21 of NPF4, this ancillary 9-hole golf facility that forms the application site is not considered to constitute a 'golf course' in the sense or context as referenced within this policy. As a result, this specific aspect of the above policy is not considered to be relevant to the assessment of this application. Consideration of the loss of the application site as an informal, ancillary, recreational space is assessed at various points through this Assessment section, including in response to the Open Space policy of LDP2 immediately below this one.

Beyond this, LDP2 is generally supportive of tourism and leisure developments and this particular policy provides a focus and direction with regards to the aspirations of the qualities that tourism related development should satisfy and demonstrate to be acceptable within South Ayrshire. Taking the spirit of this policy within the context of the proposed development, it is considered that this represents an acceptable promotion of tourism and tourist accommodation and an acceptable growth of an existing rural business with benefits to the wider area arising from increased holiday occupancy.

Taking the first of the two bullet points above, paragraph 6.56 of the Planning, Design and Access Statement provided as part of the application confirms that the caravans subject to the extension will be for holiday accommodation use only and that it would operate in consistency with the remainder of the park. To ensure this, a suitably worded planning condition is proposed which safeguards this by limiting and defining the fact that the caravans can only be used for holiday let purposes. This is detailed in Section 9 below.

With regards to the second point in relation to screening and the appropriateness of the development in terms of the landscape setting, scale and design, the Planning Service considers that a combination of factors including the context and presence of the related, existing and established park, the appropriate site layout and proposed pattern of development (80 metre set back from coastal boundary), the retention and reinforcements of natural features (e.g. the trees and areas of woodland) and the surrounding intersecting landform will come together to mitigate against sprawl and ensure that this proposed extension will be appropriate to its setting. Detailed consideration of landscape impacts is set out below in relation to LDP Policy Landscape Quality.

LDP Policy: Open Space

This policy protects all open spaces which are valued, and which are used, or could be used, for a particular open space, amenity or recreational purpose, from development. As well as being of local importance, the open spaces identified and designated on the LDP2 proposals map as protected open spaces make a valued and valuable contribution to the wider environment and the policy requires them to be safeguarded. The policy also provides criteria/circumstances where development proposals impacting recreational open space and outdoor sports facilities will be accepted with specific reference to a need to engage with SportScotland.

In response to the policy criteria and as referenced in response to Policy 21 of NPF4, it is firstly relevant to note that the application site is not designated within LDP2 as a formal or protected open space area so the criteria within this policy relating to such areas safeguarded by the LDP does not apply in this case. Equally, it is important to highlight that the specific standards set out within the policy regarding delivering and maintaining minimum on-site open space provisions and standards does not directly apply given it relates to an existing holiday park, with such criteria and the associated planning guidance (Open Space and Designing New Residential Development) relating to permanent residential developments only.

Notwithstanding the lack of formal status or designation, consideration still requires to be given to the ancillary role of the application site for the wider park and any potential loss that would come as a result of its redevelopment. In the Planning, Design and Access Statement provided in support of the application, paragraphs 6.21-6.26 seek to provide reasons why there will not be any adverse impacts arising from the loss of this ancillary feature within the park. These reasons are summarised as follows:

- The area is not a 'golf course' as its not registered with Scottish Golf. It is an informal, ancillary, recreational facility which is only available for Craig Tara guests, with no wider community role.
- A review of guest facilities across the portfolio of holiday parks has been undertaken and the review has concluded that the golf facilities are one of the most underutilised, with interest in the provision decreasing year on year.
- The proposed development sits well within the landscape, preserving existing tree cover, improving amenity planting and providing pedestrian pathways to the beach and onward inland.
- Although not technically necessary from a planning policy perspective, the site layout includes areas of open space for guests, retaining an element of outdoor amenity space.
- The site links to the wider area, with the coastal path and beach located nearby meaning that high-quality, useable open spaces will still be available immediately adjacent to the site.
- The park provides extensive leisure facilities and holiday services including places for sport and health and wellbeing opportunities, heated indoor swimming pool, all-weather multisport areas, an interactive sports wall, and an indoor airspace sportsdome.
- For any guests of the park who may want to play golf, there is an abundance of 'golf courses' in the local area, which guests of the park using would be beneficial to the local economy.

Based on the above, the Applicant concludes that the redevelopment of the site is unlikely to be detrimental to the operation or facilities available at the park and that the site, which is a parcel of land integrated into the existing holiday park and is within the park boundary, is a logical area for expansion.

The justification provided by the applicant as set out above is noted and whilst it is recognised that the redevelopment of this part of the park will result in the physical loss of this area and its current function as an ancillary recreational facility within the park boundary, given its nature, use and role and the provision of other facilities both within the park and the immediate and wider locality, it is not considered that its redevelopment would be unacceptable to a point which would warrant refusal of application. Weight is also given to the areas of open space accommodated for as part of the proposed development alongside the abundance of recreational opportunities both within the existing park and the immediate locality and this includes formal sport related spaces as well as other informal recreation areas. In particular, the fact that the site links to the wider area with the coastal path and beach nearby means that high-quality, useable open spaces will still be available immediately adjacent to the site.

As one final point, it is recognised that this policy also requires the Council to engage with SportScotland in instances where the loss of sports facilities and spaces which provide a recognised sport related function. As set out in response to Policy 21 of NPF4, SportScotland have been formally consulted on this planning application and they have raised no objections for the reasons as set out. For all of the reasons outlined above, the proposals are not considered to contravene or conflict with LDP Policy: Open Space.

LDP Policy: Landscape Quality

The policy seeks to maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Developments must conserve features that contribute to local distinctiveness, including historic/cultural landscape, patterns of woodland, fields, hedgerows and tree, special qualities of river, estuaries and coasts, skylines and hill features. For proposals within or affecting Local Landscape Areas (LLA), guidance contained in the 'statement of importance' and management recommendations of the South Ayrshire Local Landscape Designations Review (2018) applies.

In the first instance, it is relevant to note that the application site lies within the Brown Carrick Hills and Coast Local Landscape Area (LLA), with it also situated in close proximity to the Heads of Ayr and the well-used beach and coastal path which include the 'Raised Beach Coast and Cliffs' and the 'Coastal Headlands Landscape Character Types'.

In response to this and in recognition to the landscape sensitivities and designations, a Landscape and Visual Impact Assessment (LVIA) prepared by a professional Landscape Consultant has been submitted with the application (as requested by the Planning Service as part of the Pre-application response issued). This assesses the likely visibility of the proposal within the wider landscape, including from key viewpoints such as settlements, individual houses, public roads, footpaths and notable viewpoints. The LVIA identifies that the site and the wider holiday park are within the defined LDP2 Scenic Area and that the established boundary tree planting is important to screen the site from surrounding viewpoints. The LVIA assessment was undertaken to have particular regard for the mature planting and tree buffers along the boundaries of the site being conserved and enhanced.

The report finds in relation to landscape effects that the character of the landscape will change in the short term but not significantly as it will be seen in the context of the wider holiday park. In the medium to long term, the site will sit comfortably within its existing mature surroundings which will continue to grow and be further supplemented by proposed reinforcement and structure planting and the LVIA report asserts that the proposed extension will not have significant adverse effect on the Local Landscape Area of Brown Carrick Hills and Coastal area due to their only being two very restricted partial views of the site available in the short term. The LVIA concludes that there will be no cumulative effects as a result of the development and that it can be accommodated within the landscape without being detrimental to the wider landscape setting.

In considering landscape impacts of the proposed development, the Council's external landscape advisor – Carol Anderson Landscape Associates has reviewed the LVIA assessment, photomontages and visualisations submitted by the applicant. In the first instance, it is relevant to note that whilst the landscape advisor was largely content with the scope of the LVIA and confirmed that sufficient consideration has been given to assessing landscaping and identifying mitigation, they requested additional viewpoints from the Ayrshire Coastal Path towards the proposed site from the coast to supplement the LVIA. The applicants landscape consultants provided these in April 2023, and these have been considered by the Council's Landscape Advisor.

In assessing the LVIA, the landscape advisor considers that the effects on the 'Raised Beach Coast and Cliffs' and Coastal Headlands Landscape Character Types' would be notable as the proposal would extend additional built development into these landscapes and would further diminish their rural character. Notwithstanding this, they also acknowledge that the relatively limited extent of the proposed development, combined with its location adjacent to the existing park and the screening provided by landform and vegetation mean that these effects would not be significant. They confirm in terms of visual effects that longer views inland from the A719, and settlement would be largely screened by landform and vegetation although elevated views from the Heads of Ayr and between Newark Hill and the Brown Carrick Hills (LVIA Viewpoints 1 and 2) would be possible with visibility increased. They note in their response that there would be close-by views from the coast and the Ayrshire Coastal Path but that this would be filtered and intermittently experienced to some degree by existing vegetation and would not be generally less intrusive than the existing park at this side.

The landscape advisor further advises that while the proposed extension would extend further built development into the rural landscape, it would not have widespread visibility due to screening by landform and existing vegetation on the site, which does offer a self-containment for the development. In views from the coast to the east, they assess that the existing caravan park will largely screen the proposed extension and whilst more open views will be possible between the outcrop of Craig Tara and the Heads of Ayr where existing vegetation on the coastal boundary of the proposed site is sparser, in most of these locations the site would be viewed in the context of the existing park which lessens the overall impact. They go on to advise that they consider that the site layout for the extension will further assist in the overall acceptability of the development with caravan pitches set back approximately 80 metres from this coastal boundary to the north and the remainder of the caravans proportionately split and contained within 3 distinct pockets with landscaping intersecting in between, which will further limit the opportunities for the 137 strong caravan development to be viewed in its entirety at any notable viewpoint or location. In addition to this, they note from the updated landscape strategy that it is proposed to supplement existing planting on the boundaries and within the landscape pockets in the site. They consider that this will further contribute to the overall acceptability of the development by reinforcing the existing vegetation and tree cover that offers screening and containment for the site. The proposed planting is considered in detail in relation to LDP Policy: Preserving Trees and LDP Policy: Woodland and Forestry.

As part of their final position, the Council's landscape advisor provides recommendations which could further assist to reduce and mitigate landscape impacts. This includes the use of less light reflective cladding for caravans to reduce visual intrusion, the requirement for ground works and ground modelling plans to show finished development platforms and the extent of cut and fill operations and an updated landscape masterplan to clearly depict where existing planting subject to reinforcement is situated with the site. Appropriately worded conditions have been included in Section 9 below relating to these matters with the exception of an updated landscape masterplan (as this has already been provided), which has already been submitted by the applicant and agreed by the external Landscape Architect/Advisor prior to determination of this application.

Other recommendations include exploring opportunities to enhance and tidy the sewage treatment works for the park, the groundskeepers store (for the golf facility) and the coastal boundary of the remainder of the existing park to the east of the site. Given these areas are out with the application site and largely relate to historic longstanding parts and features of the existing park which are not subject to the specific consideration of this development, it is not considered appropriate to condition these matters.

Notwithstanding this, the Planning Service has held discussions with the Applicant who have firstly confirmed that should planning permission be granted, the groundskeeping store and equipment for the golf facility would no longer be required and will be removed. This will be a betterment to the current situation by default in the first instance. With regards to the sewage treatment works which set outwith but close to the site, the applicant has confirmed that if consent is granted this will be upgraded and as part of this, they will look to introduce perimeter planting and screening to better align this feature with the rest of the park. Advisory notes will be included relating to specific recommendations of the Council's landscape advisory on these.

With regards to the other requirement of this policy above which sets a requirement retains features of local significance and distinctiveness, in this case it primarily relates to existing landscaping including trees, hedges, plants and shrubs. The applicant through their supporting information within their planning submission has demonstrated that the proposed development has been designed to retain such features on the site where possible (with minimal removal proposed) and this is considered in more detail in relation to LDP Policy Forestry and LDP Policy Woodland and Forestry below.

Given the above and taking into consideration the recommendations/conclusions of the Council's external Landscape advisor, it is not considered that the proposed extension would result in significant effects in landscape terms (subject to mitigation secured by conditions) and as a result, the proposal is in overall terms compliant with this policy.

LDP Policy: The Coast

This policy offers support for proposals that protect the foreshore from development and sets requirements for development proposed in coastal areas to safeguard the scenic and environment quality of the area and comply with the Coastal Strategy Diagram, Coastal Development Guidance, the Ayrshire Shoreline Management Plan and the Clyde Regional Marine Plan. Finally, it requires all coastal developments to be appropriately sited to avoid effects associated with managing current and predicted flood and erosion risk.

The Coastal Strategy Diagram within LDP2 categorises the land subject to this site as 'partly developed' which states this is land characterised by unobtrusive formal visitor facilities and informal recreation where sensitive development for the provision of recreation and tourism is encouraged. It states that proportionate developments which integrate well with existing land uses and the surrounding area may be supported.

As set out above in response to LDP2 Policy Landscape Quality, the site layout and development has been designed with recognition to protecting the neighbouring coast and beachfront both in terms of its landscape and scenic contribution to the environment but also in terms of any direct or physical impacts to it as a natural resource and feature. It is relevant to note that at Pre-application stage the Planning Service set a requirement for the development to be sufficiently back from its northern boundary edge nearest the beach front. This has subsequently been reflected in the site layout provided with the planning application which shows a substantial 80-metre (approx.) set back between the nearest caravan pitches to the northern boundary side. This sizeable buffer will ensure that the proposed development during the construction and operational stage does not have any direct physical impacts upon the coast and at the same time minimise the developments visual impact and prominence on the coastal environment. On this basis, by virtue of the design and layout of the proposed extension, it is considered to be compliant with LDP Policy: The Coast.

LDP Policy: Preserving Trees

This policy requires an assessment of the impact of development on the local area where the proposals involve the loss of, or work to trees, particularly where they are covered by a provisional or confirmed Tree Preservation Order or relate to ancient or veteran trees of high nature conservation and landscape value. As part of this, it sets an expectation for compensatory planting of native species when removal of existing trees is necessary and protection measures to be in place for trees which could be at risk of development.

In response to this policy, it is relevant note that none of the trees within the application site or on its boundaries are formally protected by either a Tree Preservation Order or an Ancient Woodland Inventory designation. Notwithstanding this, the site does host a variety of established and mature trees and hedgerows and the approach proposed through the site design and layout is to retain the majority of these features and reinforce and supplement with further structural planting is considered favourably. The Landscape Masterplan and Strategy, Detailed Planting Schedule and a comprehensive Tree Constraints Assessment (including Tree Impacts and Tree Protection Study) and accompanying plans/drawings (comprising of Root Protection Area Plan, Shading Plan, Tree Crown Plan and Tree Retention and Protection Plan) collectively notes that:

- There are no Category A trees within the site, with the majority either B2 (moderate value) or C2 (low value).
- A small number of trees were recognised as Category U meaning they should be removed for arboricultural reasons. The giant hogweed on the site is an invasive species and will be removed.
- Minimal removal is required and relates to two clusters of trees, one cluster which is Category B and one cluster which is Category C.

The development by virtue of the careful positioning of caravan pitches in 3 distinct zones as shown on the site layout in itself demonstrates a commitment to retain the majority of existing groups of mature trees on the central part of the site and all mature trees and hedgerows boundaries with a 7-metre buffer proposed on the site layout plans from any part of the development to existing areas of woodland or trees around the perimeter of the site and a 20 metre buffer from the SSSI (which contained various woodland habitats). In addition to this, the development proposes to introduce further planting and landscaping as part of the development across the site with a focus on enhancing the existing features and bolstering landscaping being retained across the site. From review of the updated landscape masterplan and detailed planting schedules supplied as part of the application, the landscaping includes the introduction of proposed trees, structure planting, amenity planting, native hedging, wildflower meadows and wetland meadows across the site. The proposed buffer zones combined with the minimal tree removal, alongside the proposals for substantial landscape supplementation and reinforcement mean that woodland habitats within or neighbouring the site would not be fragmented, nor would native woodland or individual trees of high biodiversity value be compromised. Instead, the landscape masterplan for the site alongside other supporting information with the planning application shows that planting and woodland within the site would be expanded through new areas of planting to link existing belts as part of the development and this is supported by the policy. The trees proposed for removal are justified based on the technical assessment undertaken and relevant consultees have raised no issues with these proposed works.

Suitably worded planning conditions are proposed in Section 9 which cover a requirement to comply with relevant tree protection for existing trees hedgerows and planting during the construction and operational stages (in line with the relevant reports and tree retention and protection plan, tree crown plan and root protection area plan), to implement the landscape masterplan and the full planting schedule plan prior to the occupation of the first caravan for holiday accommodation, to provide a detailed scheme for landscape and planting aftercare and future maintenance and to supply a ground modelling and ground works plan for the construction stage prior to the commencement of development. The Council's Design and Advice Officer (Landscape and Parks, Sustainable Development) has offered no objections to the development proposals in this regard, subject to the conditions referenced above being attached. Given all of the above, the proposals are considered to be in compliance with LDP Policy: Preserving Trees.

LDP Policy: Woodland and Forestry

This policy seeks to protect and enhance ancient semi-natural woodland as an important and irreplaceable natural resource. Where development would be located close to ancient semi-natural woodland, or other woodlands of high nature conservation value, proposals should make provision for an appropriate buffer zone and where possible prevent public access to these woodlands.

For the same reasons and justification outlined above in response to LDP Policy: Preserving Trees, the development proposals are considered to be in accordance with LDP Policy: Woodland and Forestry. In particular, the 7-metre buffer zone established to inform the development site layout and separate it from existing woodland (with the exception of one pinch point) align and resonates with the expectations of the policy to protect trees as part of development. This, alongside the careful positioning of key physical components of the development, including the landscape mitigation proposed (which will be secured through planning conditions) will come together ensure that the majority of areas of woodland within and neighbouring the site are protected and enhanced through the development proposals.

The Applicant has submitted a series of plans and supporting information to evidence how trees will be protected and this includes a tree protection method statement, tree retention plans, root protection areas, tree crown plans and theoretical shading plans all prepared by a qualified Arborist. The Council's Design and Advice Officer (Landscape and Parks) has considered all of these and has offered no objections to the development proposals in this regard, subject to the conditions requiring all of the tree protection measures shown on in the documents and plans submitted being implemented for the full construction phase of development. A suitable worded planning condition to this effect is set out in detail in Section 9 below. For the reasons as set out and subject to the mitigation secured, the proposed development is considered to be compliant with this policy.

LDP Policy: Water Environment

This policy states that the Council will support the objectives of the Water Framework Directive (WFD), 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.

As previously set out in earlier sub-sections, a section of the Carwinschoch Burn and some of its tributaries/ponds, intersect through the site, starting on the western boundary and crossing through the site in a north easterly directly. As no new attenuation ponds are proposed as part of the development, this existing watercourse and its pond are intended to form part of the drainage strategy for the site, making use of an existing natural solution to drainage. The Applicant has advised that these areas already retain water year-round and that they will continue to do so as part of this development with sufficient capacity.

Whilst the watercourse and pond within the site are to be used as part of the drainage strategy, it is relevant to note that the site layout includes a 10m 'water corridor' and a 'flood zone' buffer where no development is proposed. The caravan pitches alongside other features of the development including infrastructure have been designed and located to work around these areas, minimising the potential for flood risk but also harm and disturbance to any habitat within these locations.

Nature Scot in their re-consultation response (considered in detailed in relation in relation to LDP Policy: Natural Environment) below, have advised that following further clarification, they welcome the 10m wide buffer zone shown in the site layout around the burn and reed bed. In addition to this, they have advised that following review of the water vole and otter surveys submitted at their request (which confirm that neither of these protected species are present within the site at the time of survey), suitable mitigation as recommended by the surveys can be secured through appropriately worded planning conditions to safeguard the watercourse within the site and ensure that it can continue offer a biodiversity/habitat function. Such measures include a Construction Environmental Management Plan (CEMP) and a Habitat Management Plan (HMP). From a pollution risk and water quality standard perspective, SEPA, Scottish Water or Ayrshire Roads Alliance (as the Council's Flood Risk Authority) have raised any issues or sought mitigation in the consultation responses provided. Given all of the above, the proposed development, subject to mitigation, is considered to be in compliance with LDP Policy: Water Environment.

LDP Policy: Flood and Development

This policy seeks to ensure that development avoids areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. It sets a requirement to consider the development proposals against SEPA guidance and framework with specific requirements relating to land raising, SUDS and local flood plans.

The application site is within the functional floodplain based on SEPA Flood Maps, indicating that there is a high risk of tidal and fluvial flooding from the Carwinschoch Burn and one of its tributaries. A Flood Risk Assessment (FRA), a Drainage Assessment and a Flood Evacuation Plan have been prepared and submitted in support of the planning application as requested by the Planning Service (in consultation with SEPA) at Pre-application stage. The FRA concludes that the proposed development will not have a detrimental impact on flood risk within the site or elsewhere subject to specific mitigation including a SUDS scheme designed to meet current standards (which uses a natural solution of the existing watercourse on the site), minimum finished floor levels for the development (5.6mAOD to provide a 600mm freeboard), and the provision of safe and flood free routes in a flood event (including a watercourse timber footbridge crossing/ramp). The watercourse crossing is to be upgraded with a replacement footbridge and ramp on the western edge of the site, and this will provide an 'accessible to all' escape route in the case of flooding of the existing entrance to the site to the northeast, which is situated within the flood zone. In addition to all of this and as set out in response to LDP Policy: Water Environment above, the 10m flood zone and 'water corridor' buffer proposed as part of the layout will preclude development in these higher risk flood areas.

SEPA initially responded with a 'holding objection' requesting further information relating to clarification regarding aspects of the modelling approach and scope of the FRA. An addendum Technical Note /Addendum to the FRA was subsequently submitted in April 2023 by the Applicants' consultants Fairhurst and SEPA confirmed in their re-consultation response that this additional information was sufficient to allow them to remove their initial objection. Whilst SEPA have not requested any planning conditions as part of their latest response, they have highlighted that there are no details available as yet for the watercourse crossing because the design is yet to be finalised. They have confirmed that they are content with the fact that the crossing will be above the 0.1% AEP plus climate change event and that their only recommendation (if practicable), is that the crossing should be clear space (this will be covered as an advisory note).

The Ayrshire Roads Alliance (ARA) as the Councils Flooding Authority also initially objected to this application, with their reasons consistent with that of SEPA's initial consultation response. Similarly, the ARA withdrew their 'holding objection' on flooding grounds following the submission of the additional technical note for SEPA and the clarification it provided. The ARA's re-consultation response of 'no objections' is subject to the flood mitigation recommendations contained within the FRA being implemented. This includes:

- The surface water from the site shall be treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) Manual CIRIA C753 and other relevant standards.
- The site is developed such that there is safe and flood free access and egress. This means the provision of a safe and flood free route during the relevant flood probability events that enables free movement of people of all abilities (on foot or with assistance) both to and from a secure place that is connected to ground above the design flood level and/or wider area.
- The static caravan plots are placed out with the 1 in 1000 year + climate change flood extent and that minimum Finished Floor Levels (FFL) are set to 5.6mAOD to provide a 600mm freeboard above the significant wave crest level in a 1 in 1000 year + climate change event.

The requirement for the outlined mitigation measures to be implemented as part of the development can be secured through a suitably worded planning condition and this is as set out in Section 9 of the report below. Given all of the above, including the input from relevant flooding consultees, the development proposal is deemed to be in accordance with this policy.

LDP Policy: Air, Noise and Light Pollution

This policy states that the Council will not allow development which would expose people to unacceptable levels of air, noise or light pollution. As part of this, the policy outlines that advice requires to be taken from the Council's Environmental Health Service (as local pollution regulator) and that due weight should be given to their position as to whether the development would be likely to generate unacceptable levels of pollution.

In their Planning and Design and Access Statement and their subsequent statement provided in response to the public comments received, the Applicant considers the potential amenity impacts of the development. As part of this, they firstly set out that the use of holiday caravans is not typically regarded as a high-risk noise generating use in itself and weight should be given to the fact that this is an extension of the existing holiday park, rather than a separate, independent development.

The Council's Environmental Health Service have been consulted as part of this application and have offered no objections to the proposed development subject to advisory notes relating to waste water management arrangements, SEPA regulations, construction and noise nuisance compliance with relevant standards and requirements regarding the need to update the Caravan Site License. As part of their response, they have not requested any specific planning conditions with regards to the construction and operational phase including in relation to noise limitations, lighting arrangements, ground contamination mitigation or pollution control, stating that these are not necessary noting the scale, nature and type of development proposed.

Beyond this and taking into account general local amenity impacts, the Planning Service recognise that the site benefits from a sizeable curtilage and various forms of screening and boundary treatments on all sides. Following review, it is also noted that there are also no built-up residential areas situated in close proximity to the site, with closest neighbouring land uses relating to the Heads of Ayr Farm Park, Heads of Ayr Nursery and Laigh Kyleston Farm which are situated to the south and southwest of the site. While there are a small number of isolated residential properties in the locality to the southwest and southeast of the wider park, there is intersecting land in between them and the application site which would, in itself, minimise the potential for disturbance and maintain compatibility.

When considering the proximity of this site to Heads of Ayr Farm operational boundary and other associated uses in the same landholding, the Planning Service observed during a number of physical site visits to the application site that the effectiveness of the role of the existing tree belt and woodland around the southern and western perimeter side of the site to vary and change depending on the time of year, with it far more effective as a screening barrier when in full leaf in the summer months than compared to the winter and autumn. Following this, the Planning Service concluded that whilst it would not be appropriate to seek measures which specifically seek to secure an insurmountable barrier to prevent the potential for anti-social behaviour in the form of trespassing from occurring (given these are not material planning considerations), the existing tree belt and low-level fence would not be sufficient enough on their own in order to ensure a clear dividing separation between the development site and the neighbouring land uses and improvements could be made to strengthen this. As a result, the Planning Service recognised the need for more overt and recognisable delineation between the boundary edge of development site and these neighbouring land uses all year round (in acknowledgement to the varying effectiveness of the tree belt and woodland boundary which varied in effectiveness depending on the season) in the interests of compatibility between the existing and proposed uses. The Applicant was therefore requested to review this and provide additional measures and revised arrangements to strengthen these in the interests of compatibility and separation.

In response to this, additional development and landscape sectional drawings have been submitted by the applicant to demonstrate the existing and proposed separation afforded between the application site and the Heads of Ayr Farm and associated dwellings. In terms of physical distance, topography, and existing planting tree belts, particularly to the south of the application site, these drawings do demonstrate that the site characteristics between parts of the sites do help to offer a substantial buffer. On average to the south of the application site, there is a distance of around 30m from the farm buildings, approx. 75 metres from the residential properties and approx. 90m from the Heads of Ayr Nursery to the closest proposed caravan pitches within the site. The distance, combined with the intersecting change in levels and topography and the presence of established woodland and scrub does offer privacy and separation and that this would make it difficult for the lower lying development to result in directly overlooking these areas.

In addition to this and whilst the Applicant has advised that they do not consider additional boundary treatments and further landscape provision necessary to make the proposals acceptable, in the spirit of neighbouring relations and to satisfy the issues raised by the Planning Service regarding the unreliability of the role of the existing tree belt/woodland as delineation, the applicant has provided detailed updated landscape, planting, boundary treatment and site plans and a statement which demonstrates a commitment to deliver the following as part of this planning application:

- The existing low-level post and wire fence running along most of the western and part of the southern side of the site boundary is to be replaced and extended with a high angle iron green coated chainlink fence (varying from 1.5 metre to 1.8 metre) along the edge of the woodland area, SSSI and the side of the application site closest to the Heads of Ayr Farm where the topography is more level (e.g. less than 2 metres in difference between the site boundaries). The proposed fence includes features such as mammal gates, suspensions, gaps, and variations in height to allow movement of species and wildlife through it and detailed fencing plans including a construction method statement have been provided to demonstrate how its installation will not compromise trees and existing areas of woodland (utilisation of existing post locations and hand digging where required).

- Along part of the western and the full southern boundary with the Heads of Ayr Farm Park (where the topography is steeper than 2 metres and a fence is not as achievable) deterrent planting in the form of native hedging (including gorse, blackthorn or hawthorn species) is to be introduced into the woodland to provide additional barriers and strengthen the restrictions to make it difficult to walk through or access at these points. New planting would be subject to regular management including restocking where necessary until fully established to achieve a robust boundary.
- Additional tree planting (Scots pine at 2.5m in height), multiple feathered tree groups (between 2.0-2.5m in height) and double staggered native hedging are to be introduced at various pinch point locations on the western and southern boundary site edge within the development site, before the existing woodland and tree belt separating the site and neighbouring land use begins. These will provide evergreen screening and additional woodland tree depth and act as a further visual barrier. Similar to the deterrent planting, this new planting would be subject to regular management including restocking where necessary until fully established to achieve a robust boundary.
- Additional information signage at key points within the holiday park and development site that will advise guests of when they are leaving land within the park ownership and to be mindful of neighbouring properties.

Following review, the Planning Service consider that the suite of additional measures proposed will provide enhanced delineation between the adjoining land ownerships and assist in acting as separation between the land uses, in the interests of compatibility. On this basis, the existing site characteristics and proposed measures combined are considered sufficient to maintain the amenity between the proposed development on the application site and the neighbouring land uses to the south, southwest and part of the western boundary and that these address the initial concerns raised by the Planning Service. Conditions are proposed in Section 9 below which relate to the implementation of the replacement, additional and extended 1.5/1.8m fencing system, the implementation of the approved landscape scheme and detailed planting plan (including the proposed deterrent and structure planting), the submission of details of the ongoing maintenance and aftercare for the additional deterrent, screening landscaping and planting and the final location and content of the information signage which are to be agreed. All of these planning conditions set out in Section 9 require these measures to be implemented and be in place prior to the occupation of the first caravan unit operating as holiday accommodation to ensure these are all in place in a timely manner and before the development becomes operational. Given all of the above mitigation and noting the consultation response Council's Environmental Health Service, it is not considered that the development would unduly impact surrounding people, properties or land uses by virtue of air, noise or light pollution impacts. It 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 with specific protection for direct impacts on listed buildings, conservation areas, scheduled monuments and non-designated historic environment assets and their settings. The policy states that Historic Environment Scotland (HES) should be engaged where appropriate. In addition to this, developments that do not safeguard archaeological sites or resources in situ will not be supported unless it is demonstrated that the benefit of the proposal outweighs the archaeological value of the site. Where there is a possibility that archaeological remains exist within a site, but the extent and significance is unclear, the developer should undertake an archaeological survey of the site to establish its importance and the most appropriate means for preserving archaeological features and mitigation shall be agreed by the Council in consultation with West of Scotland Archaeological Service (WoSAS).

In support of this planning application a 'Statement of Significance' (SoS) Heritage Assessment and an Archaeology Desk-Based Assessment (ADBA) have been supplied.

The SoS Heritage Assessment findings concludes that:

- The application site is not a feature in the setting of the Scheduled Monuments at Heads of Ayr Fort and Greenan Castle with this due to the screening by substantial intervening tree belts and topography which almost entirely contains views in and out of the site.
- It is possible to catch Glimpses of Greenan Castle from the northern end of the application site, but this is limited given the intervening distance, existing holiday park and tree cover.
- There is scope to redevelop the site as an extension to the holiday park without it having an adverse effect on the surrounding heritage assets.

The ADBA concludes that:

- The one designated archaeological asset within the 1km study area, the scheduled monument of Heads of Ayr (a promontory fort from the later prehistoric period approx. 990m west of the site), will not be material affected directly or by impacts to its setting.
- There is one non-designated heritage asset within the application site, a short cist cemetery from the Bronze Age. There is potential for archaeological remains associated with this asset to survive in areas not targeted by previous trial trenches.
- The significant known archaeological remains within the study area means the archaeological potential across the site is generally high at deeper levels.
- Due to the varied level of previous ground disturbance associated with the golf facilities, utilities and landscaping in the area, this is likely to be localised and not consistent.
- The proposed development only requires low-level intrusive work, with a targeted watching brief during preliminary ground preparation and installation of utilities being adequate mitigation.

Historic Environment Scotland (HES) have been formally consulted on this application and have advised that they have no comments or objections. West of Scotland Archaeology Service (WoSAS) also offers no objection to the development and whilst they have highlighted that earlier developments in the area have shown that there is potential for further archaeological discoveries within this site, they have confirmed that this can be effectively mitigated through a planning condition relating to the requirement for archaeological written scheme of investigation and watching brief. This condition is set out in Section 9 below. Through a combination of the historic/heritage-based assessments and the feedback received from consultees, it is considered that the proposed development would protect, preserve and conserve relevant historic environment in accordance with the adopted LDP.

LDP Policy: Natural Heritage

This policy provides protection 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. Development which would affect a National Designation, or a proposed Site of Special Scientific Interest will only be permitted where ecological appraisals have demonstrated that the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, or economic benefits of national importance.

The proposed development is considered to have demonstrated that it will (subject to mitigation) be able to protect natural heritage, features of nature conservation value and designations of ecological merit (including the neighbouring SSSI). In support of this planning application and further to the initial Preliminary Ecological Appraisal Report (PEAR) submitted, a detailed and comprehensive Ecological Impact Assessment Report (EIAR) has been undertaken and this includes a series of additional surveys and assessments contained within a consolidated report. It comprises of; a Bat Survey, Breeding Bird Survey, Water Vole Survey, Otter Survey, a further assessment of the habitats within the SSSI, a design and assessment of proposed lighting, an Outline Habitat Management Plan and a method statement for the additional boundary treatments and deterrent planting. The conclusions and mitigation identified through these assessments are as follows:

- The SSSI and Semi-Ancient Woodland will be protected by a 20m buffer to the development. The SSSI fencing system between the plantation and SSSI will be upgraded and extended to restrict access to these more sensitive areas.
- The replacement and additional boundary treatment fencing system will include a series of design features, and this includes mammal gates at various points and gaps between sections of fencing over undulating terrain. The fence will also be of varying heights (1.5m to 1.8m) and will be suspended off the ground (300m) to ensure wildlife movement for a variety of species is not adversely impacted by its presence.
- No bat roosts present within the site. Any potential impact on foraging bats will be mitigated through a sensitive lighting scheme that will be addressed through a planning condition.
- To protect breeding birds, any vegetation clearance will occur outside the bird breeding season with this secured through a condition for a Construction Environmental Management Plan.
- No evidence of red squirrels, reptiles or water voles found on site through the surveys undertaken. A further water vole visit is proposed to ratify the initial findings, with the requirements for this secured through an appropriately planning condition.
- No otter holts have been identified on site however to protect otters using the Burn in transit, a 10m buffer from the development to the burn and a sensitive lighting scheme are proposed.

In addition to ensuring that the development will not adversely impact upon natural heritage through the above mitigation, the proposed development has also demonstrated that it will deliver positive biodiversity effects primarily through both the retention and supplementation of ecological features and landscaping across the site. As previously set out, most of the trees, woodland and planting which are already within the site are to be retained, with these further reinforced through substantial additional structural, screening and deterrent planting across the site as a whole and this in the first instance will ensure that areas of potential habitat for wildlife are not lost. The landscape masterplan, landscape scheme and planting schedule provided demonstrates that the site layout has also been developed so that key features including the existing sizeable pockets of woodland, the existing pond and the tree belts around the perimeter of the site will not be impacted or compromised, with the development avoiding these through generous buffer zones. In order to look to provide a net gain and encourage biodiversity and facility nature networks into the site, specific measures are proposed as part of the ecological supporting information and this includes the installation of bat boxes, specific planting around water courses and the extension of fragmented sections of planting/woodland to provide further habitats, with all of these set out in the EIAR. The pre-commencement condition proposed in Section 9 relating to the submission of a Habitat Management Plan (HMP), will allow consideration of the final details of these measures before they are implemented on site.

Whilst Nature Scot and the Council's external professional Ecology Advisor (AECOM) initially issued 'holding objections' on the grounds of requiring additional assessments/survey work to be undertaken, the applicant has since provided all of these through a comprehensive EIAR and in re-consultation responses, both consultees have withdrawn their earlier objections, endorsing the assessment and survey work undertaken. Both of these consultees have advised that their revised position of 'no objections' is subject to the mitigation set out in the assessments being implemented and maintained and other requirements being fulfilled. Conditions have been formed to secure the requirements of these consultees and these are set out in Section 9 below and this includes the requirement for a Construction Environmental Management Plan (CEMP), a Habitat Management Plan (HMP), Pre-construction Surveys and Species Protection Plans (SPPs), a final Lighting Strategy and implementation of the SSSI fencing with the ecological design features. In addition to this, the Royal Society for the Protection of Birds (RSPB) and the Council's Ranger Services have also offered no objections as relevant consultees who consider wildlife and ecology impacts. On this basis, the proposals are considered to be in accordance with the above policy.

LDP Policy: Land Use and Transport

This policy seeks to ensure that developments take appropriate measures to keep any negative effects of road traffic on the environment to a minimum and sets criteria/expectations which development should look to deliver (only some of these apply to this development noting its scale and nature). The policy requires development to; not compromise and where possible improve accessibility to local services, provide parking that reflects the role and location of the development, link to existing and proposed active travel networks (including walking, cycling and public transport) and meet the cost of new transport infrastructure which are needed as a result of the development. The policy also advocates green travel plans for all developments which have a significant effect on traffic and parking.

In this instance, it has been established through the Transport Assessment and subsequent further technical supporting information provided, which includes; Statements and Technical Responses from the Applicants Consultants/Engineers (Fairhurst) and a Traffic Survey (which includes the outcomes of an independent 18-day video survey and a proposed Vehicle Movement and Operational Procedure Plan) that the local road network and existing infrastructure can accommodate the additional traffic likely to be generated by the proposed development with all junctions assessed, including the site access junction, which has been demonstrated will continue to operate within capacity. Whilst the technical assessments have demonstrated that the general suitability of the existing infrastructure to accommodate the development, the Ayrshire Roads Alliance (ARA) as Council's Roads Authority initially issued a holding objection on the basis that they considered additional road mitigation was required to offset the specific impacts of the development and address existing road safety issues associated with the park, particularly in terms of impacts on the A719 Dunure Road and the known issue of queuing traffic. In response to this, a suite of internal mitigation and alterations to within the infrastructure of the park and further additional safety measures and mitigation on the A719 Dunure Road have been identified by the applicant and proposed through subsequent assessments which the applicant and their appointed technical consultants consider collectively represent a betterment of existing arrangements and which will improve traffic movement and management as a result of the increase in static caravans and the activity associated and satisfy the requirements of the ARA. The applicant is proposing to deliver all of these reconfigurations identified in conjunction with this proposed development in order to create and secure betterments for the general operation of the park and mitigate any potential impact of the proposed development including any increase in vehicle movements, activity and intensification of use. The merits of these are considered below.

Firstly, the internal mitigation proposed within the Holiday Park boundary as part of this supporting technical information with this planning application includes:

- Two emergency access points for the greater park area (including for the use of the proposed extension) will be provided within the park. This will be achieved by ensuring that the access road into the park is of sufficient width to accommodate three lanes of traffic up to a point internally where the park roads split and there is a second point of access to the wider park area via Arran View. This would mean that there are two routes into the wider park area from this point and two separate routes into the greater park area for emergency vehicles. This in turn means that should a blockage occur then there would still be one or two lanes giving open access to the park for emergency use.
- An additional 2.75-metre-wide lane of carriageway extending north towards the check-in location. Most of this area proposed for road widening is an existing lay-by so the proposals are maximising the use of this existing space. This will extend from where the road currently reduces to two lanes just to the south of the security barrier and continue north for approximately 180 metres. The third lane will allow two lanes of traffic to access the site and continue towards the check-in location after passing through the security checkpoint. This additional 180 metre lane would be provided to the west of the existing access road in the existing lay-by area and will allow additional internal queuing/storage for around 30 cars. This additional 180 metre lane is more than twice the queue length observed at one of the busiest times of the year for the park as set out in the Traffic Survey Report (June 2023). Some widening to the east just to the south of the first internal access road, allows the road to be re-configured and avoids the need for any alterations to existing junctions, including the existing storage yard area to the west, or the removal of any existing trees.
- The landscaped area to the east on entry will be re-graded and landscaped to provide a new 1.5-metre-wide footway that will connect the site with the existing 1.5-metre-wide footway provision adjacent to the A719 which currently terminates on entering the site.
- The check-in area will be permanently moved further into the site within the new location approximately 115 metres further north than its current location. This itself will provide additional internal queuing storage for around 20 cars.

The proposed road widening, extended footway provision and relocated and new check-in point referenced above proposed within the park are set out in document 'Response to Further Comments Received from the Ayrshire Roads Alliance' (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 30th October 2023) and shown on a specific drawing 'Proposed Access Road Improvements' (Drawing No. 149305/sk1003 Rev. A) which were lodged as part of additional supporting information for the planning application in October 2023. The document supplied articulates that the Applicant and their appointed technical consultants consider that these changes will provide significant improvement in terms of internal queuing/stacking during busy periods of check-in which will significantly reduce any potential for queuing traffic on the A719 on entering the site which was a primary concern of the ARA. In addition to this, they consider that the proposals will allow for additional internal storage for around 50 cars, ensure access for emergency vehicles/use and pedestrians walking to/from the site and provide increased road width between the A719 Dunure Road and the first internal junction from where every part of the Holiday Park can then be reached from 2 points of access.

Although all of these improvement alterations are out with the application site subject to this development and relate to the main internal road network and infrastructure which serves the wider holiday park, these are proposed following a technical assessment of development and weight is given to the fact that they are still within the Craig Tara Holiday Park land ownership and operational boundary which means that they are within the applicants control and so are capable of implementation and delivery. As set out in the technical assessments and statements provided for the consideration of the ARA, the applicant proposes to deliver these internal reconfigurations and mitigation measures within the holiday park boundary as permitted development through Class 16 of The Town and Country Planning (General Permitted Development Order) (Scotland) 1992 which in relation to Caravan Sites states '*development required by the conditions of a site license for the time being in force under the 1960 Caravan Act*' is permitted. The Site License for Craig Tara Holiday Caravan Park under Condition 7 requires that '*Carriageways shall be adequate to carry vehicles and be not less than 3.7 metres wide with passing places as necessary and turning places at the end of cul-de-sac. On the approaches to communal buildings or on any other heavily frequented parts of the site, footpaths of a suitable material and not less than 0.75 metres wide shall be provided*'. The alterations and reconfigurations proposed work within the parameters of the Caravan Site License and show the provision of carriageways no less than 3.7 metre wide and footpaths no less than 0.75 metres wide and as the works would not extend up to the bell mouth where the internal access roads meet the A716/Dunure Road the permitted development rights are not affected by Part 2 Paragraph 3 which restricts rights relating to works affecting an existing access onto a classified road.

It is on this basis, the Applicant considers it possible to undertake them alongside and as part of this planning permission application should consent be granted, as opposed to being submitted/delivered through a separate planning permission or an amended planning application for this development. Following careful review, this has been deemed acceptable procedurally from a planning perspective and the applicant and their appointed agent have confirmed their agreement to the imposition of negative suspensive planning conditions which requires all of these internal improvement and infrastructure mitigations works shown on the drawing and set out supporting technical document provided to be undertaken prior to the use of the first static caravan unit associated with the development subject to this planning application being used or occupied as holiday accommodation. Alongside these physical changes to the existing arrangements, additional mitigation is also proposed in relation to the operation of the park, and this includes the formation and implementation of as a Vehicle Movement and Operational Procedure Plan (as referenced Traffic Survey Report) for the park. Like the physical internal mitigation, the applicant has confirmed their agreement to a Service Management Plan (building on from the Vehicle Movement and Operational Procedure Plan) being subject to a pre-commencement planning condition which requires it to be submitted and approved in writing with the Planning Service in consultation with the ARA and thereafter reviewed after 1 year. All of these planning conditions are set out in Section 9 and are worded as such that they either require certain technical information to be submitted prior to the commencement of development or they require these measures to be implemented and effective prior to the use of the first caravan unit being used as holiday accommodation to ensure these are all in place in a timely manner and before the development becomes fully operational within the site.

In addition to the internal mitigation proposed by the Applicant and on behalf of their technical consultants (Fairhurst) within the holiday park boundary, further assessment has been undertaken with additional external mitigation on the A719 Dunure Road now also being proposed and presented in the latest submission 'Response to Ayrshire Roads Alliance and Proposed Road Mitigation (Ref. 149305 TN01) (Fairhurst, Dated 20th December 2023)' as lodged on the 20th December 2023 and 15th January 2024 in response to the latest feedback from ARA as provided on the 28th of November 2023 and 12th December 2023 respectively. This further assessment and supporting drawing considers various traffic calming and improvement measures for the A719 as discussed with the ARA and provides justification which discounts a number of these (including the provision of a ghost island junction on the A719 at the site entrance) due to a mixture of factors including third party land ownership, technical constraints (such as Scottish Water infrastructure and gas piping underground) and the removal of a high volume of existing mature trees to achieve the required visibility. The document goes on to set out the external mitigation which are achievable and deliverable, and this comprises of a suite of additional safety measures to be implemented on and along the A719 in advance of the site access junction as part of this planning application. This includes:

- The provision of Vehicle Actuated signage which would involve cutting loops in the A719 around 20m east of the Craig Tara access and which would detect if there was a queue of 3 or 4 cars waiting to turn right, then send a message to the signage further away to flash a warning to approaching cars to the east and west. The signage would be located around 250m to the east and west of the Craig Tara access, with options for signage including a right turning traffic warning or a queue ahead warning. This would provide a warning to vehicles to slow down due to queuing traffic ahead.
- Visibility improvements to the west by trimming back the existing hedge and other vegetation on the A719 frontage to the extent possible, without affecting trees behind the hedge line.

- Promotion and support of a proposed reduction in speed limit to 40mph for a distance of around 1km through the Craig Tara and adjacent Heads of Ayr Farm Park accesses. Whilst this could not form part of a planning condition or planning obligation as part of this application, if supported by ARA and the Council, the Applicant has confirmed that they will provide a commuted sum to the Council cover the costs of the separate Traffic Regulation Order being promoted and if successful, the cost of the implementation of the speed limit reduction.

These additional external proposals are detailed in latest submission 'Response to Ayrshire Roads Alliance and Proposed Road Mitigation (Ref. 149305 TN01) (Fairhurst, Dated 20th December 2023)' and shown specifically on drawing 'Proposed A719 Road Safety Improvements Plan (Drawing No. 149305/sk1007 Rev. A)' which were initially lodged on the 20th December 2023 and then formally lodged on the 15th January 2024. As previously outlined, these proposed measures are proposed in conjunction with the other internal mitigation and reconfigurations within the park and the other holiday park management measures already referenced above. The applicant considers that these improvement measures along the A719 would address why queuing is occurring on the A719 and prevent it at the source and at the same time improve the safety of the junction for road users by reducing the speed limit through the busy junction, which in turn would make the available visibility to the west more commensurate with vehicle speeds. The supporting information asserts that the additional warning signs that are proposed will also increase driver awareness of the situation to which they are approaching. Collectively, the applicant and their appointed technical consultants through the supporting information provided consider that the measures are proportionate to the additional traffic that will be added to the junction in connection with the planning application and will not only achieve the 'no net detriment' requirement but will also improve on the existing road and traffic conditions.

Similar to the internal mitigation and reconfigurations proposed for within the park and with the exception of the proposed 40mph speed limit reduction which would be pursued through the separate legislative process of a Traffic Regulation Order with the ARA as lead, although these external mitigation measures are out with the application site for this planning application and relate to areas on and along the A719, crucially these are still within the public road limits and therefore they are implementable and deliverable as part of this planning application. In turn it is reasonable for these mitigation measures to be secured as planning conditions and implemented as part of this planning application for the reasons previously outlined.

Whilst initially issuing 'Holding Objections' on the basis of requesting further technical assessments be undertaken to consider specific road safety concerns and the requirement to offer more robust and targeted road and infrastructure mitigation as part of the planning application, the ARA as the Council's Roads Authority have offered no objections to the development in their final consultation response and following consideration of all of the assessments, they have accepted the proposed development. Their final position reached is heavily reliant upon the road and infrastructure mitigation proposed and detailed above and is subject to the imposition of appropriate, bespoke worded conditions relating to the requirements for the fulfilment and implementation of all of the internal holiday park and wider A719 Dunure Road infrastructure improvements and road safety mitigation measures proposed and referenced in detail above being delivered and implemented by specific timescales and milestones alongside the submission, agreement, implementation and review of a Service Management Plan for the Holiday Park. Transport Scotland have also been consulted and have confirmed that they have no objections as the proposals will have no notable impact on the trunk road network.

Given the final position of the ARA and the fact that it has been demonstrated that the development can be accommodated for within the park and the surrounding area as a result of the proposed additional internal holiday park and A719 Dunure Road mitigation and betterments to the operation of the wider park (which will be secured and delivered as a result of this application through appropriately worded planning conditions set out in Section 9 below), the proposed development is considered to be compliant with this policy.

LDP Policy: Outdoor Public Access and Core Paths

This policy aims to improve and protect all core paths and other significant access routes including recognised rights of way and other formalised access routes. It states that development which are next to or near core path networks should not negatively affect them and where appropriate and practical should provide suitable links to the network.

Whilst there are no recorded rights of way through the application site (with the ancillary 9-hole golf course privately owned and operated and for use of guests of the park only) a section of the Ayrshire Coastal Path Core Path (Route Name: SA2) runs immediately adjacent to and alongside the northeast edge of the site boundary. The Council's Outdoor Access Officer has been formally consulted and have highlighted that this path has a low and high tide route, with the low route recognised as part of the core path and the high tide route unofficial. They go to advise that at high tide it can be impossible to walk along the beach around the Heads of Ayr, with users of the path needing to come up onto the edge of the land adjacent to the application site and use the unofficial inland route to bypass the high tide and continue along the core path route. This arrangement has been recognised by the applicant in paragraph 6.20 of their 'Pre-application Consultation Report' that whilst the unofficial inland route is not outlined by the Council as part of the core path, they are agreeable to walkers using an unofficial inland route through the park and will ensure that, insofar as their landholding is concerned, this remains unencumbered to maintain walkers right to roam.

The Council's Outdoor Access Officer acknowledges that the development does not propose to change or directly disturb the core path. As part of this, they note 20m buffer zone to the SSSI and they advise that this buffer zone, whilst primarily included to preserve the ecological designation neighbouring the site, will also ensure that there is sufficient space for walkers to be able to follow the Ayrshire Coastal Path at high tide so long as the access from the shore up on the edge of the buffer zone is kept open/available. A suitably worded planning condition is included in Section 9 which requires this core path to always be maintained as accessible at all times during both the construction and operational stages of development.

In addition to all the above and as set out in relation to the infrastructure and internal road improvement works outlined in detail in response to LDP Policy: Land Use and Transport above, this has presented an opportunity to improve footway connections. On this, the Applicant has proposed a new 1.5-metre-wide footway that will connect the park with the existing 1.5-metre-wide footway provision adjacent to the A719 which currently terminates on entering the site. This is viewed favourably from a planning perspective and it is considered that it generally improves the outdoor public access opportunities for safe walking and aligns with one of the key principles of this policy by providing and strengthening links to an existing network. An appropriately worded planning condition is set out in Section 9 below which requires the footway connection to be implemented and in place prior to the occupation of the first caravan unit as holiday accommodation forming part of this development. Given the above and subject to the conditions as set out, the proposed development is considered to be capable of compliance with this policy.

Summary of Assessment against LDP2

Following review, it has been established that similar to NPF4, LDP2 is generally supportive of the extension of the established tourism use in this location. Whilst this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation (same as NPF4), it has been demonstrated and satisfied that the proposed development is compliant with the policies which cover these topics across LDP2. Subject to specific conditions restricting the usage of the caravans, supplementary conditions regarding the retention, reinforcement and enhancement of landscaping and boundary treatment and other technical requirements including the implementation of road and infrastructure improvements, sustainable transport, ecology and biodiversity, archaeology, and flood risk mitigation, it is considered that the proposal complies with the provisions of the LDP2.

7.2 Material Considerations

7.2.1 General Impact on the Locality (Residential/Neighbouring Amenity and Visual Amenity)

It is considered that the development will not give rise to unacceptable visual or general local amenity concerns given both the location and nature of the site, its design and layout combined with the compatibility of the related development. In particular, the location for the internal extension is considered to be appropriate with it relating to land situated within the boundary of the existing, established caravan park on its western side. Due to the integrated relationship of the site within the park, it is considered that the site offers an appropriate location for an extension to the holiday park.

Taking general local and residential amenity factors into consideration first, the nearest properties and neighbouring land uses constitute the Heads of Ayr Farm Park facility boundary which neighbours the site on part of the southern and western boundaries. Heads of Ayr Farm Park boundary also comprises of Laigh Kyleston Farm (working farm enterprise), Heads of Ayr Nursery and other separate and distinct private residential properties including Laigh Kyleston Cottage which also neighbours the site on this same side. Whilst they share a common boundary along the southern and part of the western application site side, it is not considered that the proposed internal extension to the holiday park will unduly compromise these land uses due to a combination of existing site characteristics and additional mitigation secured through the planning process. As previously set out, although there is notable level and topographical changes, intersecting land, existing established woodland/tree belt and an existing fence along the southern and western boundary of the site and between the sites, this was not considered sufficient in isolation by the Planning Service to provide a consistent level of separation and delineation between uses all year round for the reasons set out in response to LDP2 Policy: Air, Noise and Light Pollution above.

Notwithstanding this, additional boundary treatments (replacement and extension of existing post and wire fencing with high angle chain-link fencing measuring between 1.5 metres and 1.8 metres along the common boundary between the uses before a 2 metre level change) and the supplementary soft landscape arrangements (deterrent and structure planting in the form of staggered native hedging along the steeper topography on the western and southern boundary and native hedging, evergreen tree planting and feathered tree groups for further screening within the site) secured by the Planning Service through requests made to the Applicant will come together alongside the existing arrangements and features will provide the required separation and delineation between the uses. Beyond this, the proposed development is not considered to have any significant impacts on any other residential amenity receptors or land uses for the reasons as set out in response to LDP Policy: Air, Noise and Light Pollution above and due weight is given to the fact that the Council's Environmental Health Service response of no objections.

With regards to visual impact specifically, as previously outlined, regard requires to be given to the extent of intrusion and impact of the existing holiday park, and the extent to which the landscape has been altered and changed by its presence, particularly noting the series of extensions and expansions the park which have been granted and implemented over recent years. Following review, it has been established that the introduction of this further extension which comprises of 137 caravan units (a net gain of 134 units) will not be of significant consequence, particularly noting that it is proposed on the more secluded and self-contained western side of the park.

Where visible in intermittent views, the extension proposed will be primarily seen in the context of the wider existing holiday park and due weight in this regard is given to the fact it is well-sited and designed to be set back within defined areas of the site and contained in pockets of the site which is well screened and self-contained by existing landscaping and vegetation so that it does not begin to influence landscape characteristics of otherwise unaffected views and landscapes in the locality. This position is reinforced by the findings of the Council's external Landscape Architects assessment which demonstrates that the application site itself is not visible from any notably viewpoints outwith the park looking towards it, including from views from a northern and north-eastern direction due to the presence of screening which will be further reinforced by additional structure planting across the site.

Once developed, it is considered that it will represent a generally commensurate, compatible, and proportionate development which includes features and built form which is now both ordinarily and commonly associated with the existing and established landscape in the immediate locality. Given the use proposed, the design and arrangement of the extension combined with the characteristics of the application site itself as previously set out, it is also not considered that the development would have any significant effect on the visual amenity and landscape character of the area.

7.2.2 Planning History

As previously set out in an earlier sub-section above, there has been a number of planning applications granted at Craig Tara Holiday Park which span over at least a 30-year period. The most relevant recent applications prior to this current application date relate to other internal extensions to accommodate and increase further caravan pitch provisions in different areas across the operational park boundary.

As previously referenced, the implementation of these extensions and the general expansion of the park have resulted in a marked change in the landscape with the park generally a more notable and established feature now in the rural and coastal setting. The increased visual presence of the caravan park on the landscape as a result of these extensions granted (particularly on the more open eastern and southern sides) does play a role in the overall acceptability of the consideration of this application from a visual and landscape perspective with it forming a direct extension on from these areas. Notwithstanding the existing presence of the park however, given the location of the current application site, the characteristics of the site which benefits from existing screening combined with the design approach and layout proposed for this extension (including the landscape strategy and other environmental mitigation), it is not considered that the proposed development will result in any new significant landscape or visual impacts upon the surrounding area which would be considered unacceptable. This has been confirmed by the Council's External Landscape Architect/Advisor in their assessment and consultation response provided.

The planning history also clearly demonstrates that there is demand for additional holiday accommodation at this park and continual investment and expansion shows that there is capacity within the operational boundary to provide this, and this includes this current planning application.

7.2.3 Representations Received

224 representations have been received in relation to the application, comprising of 223 objections and 1 neutral representation. The points of representation are summarised in the bullet point sub-sections below and responded to (in ***bold and italics***) as follows:

Road Safety, Access, Congestion, Parking and Traffic Impacts

- The development, which includes adding 137 caravans entering on the unsafe junction onto Dunure Road will exacerbate the existing traffic issues and accidents and fatalities will increase.
- The increase in the number of caravans will have a significant impact on the flow of Southbound traffic with local residents bearing the brunt of the disruption caused by the resulting tailbacks becoming a more regular occurrence.
- Craig Tara guests treat the junction to the site as their own right of way and constantly pull out in front of vehicles heading towards Ayr and currently the majority of drivers exiting Craig Tara do so without looking in both directions and stopping at the junction.
- Some vehicles try to overtake the queuing traffic at peak times for Craig Tara on a two-lane road and this includes on a blind corner facing the north bound traffic from Dunure.
- Frustrated drivers in the queue who are not bound for Craig Tara often decide to overtake the queue nearing the entrance, placing them in danger from oncoming northbound traffic.
- There have already been numerous accidents involving people exiting Craig Tara and not giving way to oncoming traffic that is travelling at the national speed limit.
- The journey from Ayr to Dunure during peak times/changeover days for Craig Tara changes from 15 minutes to 50 minutes and sometimes longer due to traffic waiting to check-in at Craig Tara backs up onto Dunure Road.
- When its busy and during peak times and changeover days, traffic tails back onto Dunure Road as visitors to the park who are checking in have nowhere to go within the Craig Tara site.
- The congestion can be so severe that traffic at peak check-in backs up as far as Burton Bridge.
- The local road network in the surrounding area, including Dunure Road, is already under pressure and is not designed to handle the increased traffic from this development.
- The development would lead to increased pollution and hazardous conditions for drivers, vulnerable road users and pedestrians alike.
- The proposed development includes 274 new parking spaces. This translates to an extra 274 cars which would clearly add to the existing traffic problems.
- The development will bring further danger to residents of Doonfoot who live on the Browncarrick side of the Dunure Road, with more traffic making it dangerous to cross the road at the roundabout. There are no crossings along the road.
- The whole check-in process and traffic holding arrangements needs reviewed before any further caravans are added to the park.
- The Transport Assessment claims that the electronic check-in app is working effectively and that there is no holding of traffic on the A719. The reality is that Craig Tara's new electronic check in system is contributing to traffic and congestion road issues as opposed to resolving them.

- The Transport Assessment and its data is in direct contradiction to the experience of motorists using the road and the lived experience of locals using this road on a daily basis.
- The Transport Assessment is not credible. To suggest that 'once' during 2022 the A719 was blocked by arriving traffic shows a complete disregard to what is happening on the ground. Assurance and evidence that there is capacity to absorb all queuing traffic off the A719 in peak arrival periods to ensure safe unhindered passage of emergency service vehicles is needed.
- In the Traffic Assessment, the accident figures only mention incidents with injury reported, this does not tell the whole story of abandoned wrecks and regular near misses.
- The Transport Assessment states, 'to the east of the Holiday Park, the A719 Dunure Road provides a connection to the A77 via Greenfield Avenue, the B7024, Murdoch's lone and Doonholm Road in the south of Ayr'. This may be the signed route, but many people use their Satnavs or their knowledge of the area, for which the route is along Longhill Avenue. This route is already traffic calmed and significantly busier than a road of this nature should be. The traffic calming does little to help and is also the cause of a number of near misses.
- The impact of the recent road closure at Burton Bridge has highlighted the importance of the A719/Dunure Road for residents, commuters, the farming community, buses etc and the last thing that is needed is an increase in traffic which will queue on the road and not the site.
- Many of the visitors and residents at Craig Tara access Doonfoot Co-op for all their food shopping. To get there, they have to walk with children on a dangerous 60mph road. Traffic calming should be considered to limit speed to 20-30mph either side of the park.
- Craig Tara should seek to reduce parking spaces on the site to stimulate use of public transport. The site is self-contained with shops, restaurants and activities and visitors only need cars to arrive and depart from the site. Current emissions and future use of renewables can be reduced by motivating guests to use public transport to get from home to the site. This can be achieved by reducing parking on the site and definitely not permitting any new parking spaces. It will be up to the operators of the site to implement a business plan that encourages the use of public transport.
- The operators of the site should be required to implement additional public transport during change-over, for example from the site to Ayr station. There is an existing bus service for guests to get to/from the site at other times. The reduction in cars will benefit the current traffic issues.
- It is unclear why there not any changes to the access to accommodate the additional traffic from their own premises. If the expansion is to be approved, it should be subject to a condition that Craig Tara drastically change the access/egress arrangements.
- Craig Tara has sufficient land to make a new or second entrance/exit point or create a holding area within the site to take their clients vehicles off the A719.
- Historically, there was an entrance further along the property boundary of Craig Tara (at the site of the old fountain). It should be feasible to reinstate that as an entrance and leave the exit where it is now to make the road safer for both visitors and residents.
- The Applicant should move the existing junction 100 metres or more closer to Ayr and close off their existing junction as it would give traffic exiting Craig Tara more time and more vision to leave the site safely as well as passing traffic more time to stop or slow down.
- There are various ways to resolve the road safety issues, and these include; taking enough of the adjacent field to create a 3rd lane for a distance of about 100 metres to facilitate a central lane for queuing site traffic, insist that the Applicant create a corral area within the site for incoming check-in traffic to circulate around so that the queue forms inside the site (not the road), install a merging lane heading north from the site entrance, so that, like joining a dual carriageway, emerging traffic turning left can accelerate prior to joining the carriageway or implement a no-right turn rule for traffic emerging from the site so that they only have to go to the Co-op roundabout to turn south.
- The changes proposed to the internal road as part of the additional information submitted by the Applicant are small scale and are going to make little to no difference during the busy times.
- Adding a further internal lane to the park does not solve the established road safety/traffic issues.
- The modest changes to the internal road of Craig Tara are going to make little to no difference during the busy times as cars are backed up for up to 2 miles sometimes more and can take more than an hour to get by Craig Tara entrance. More needs done before there is a serious accident.
- Despite the road's changes proposed, the main carriageway needs upgraded including the entrance/exit where vehicles emerge without consideration for flowing traffic at speed.
- Asking pedestrians going to Craig Tara to emerge from a bus onto a busy road to cross is reckless.

- It is very concerning that despite so many local people reporting their concerns on road impacts, the applicant has dismissed these in their supporting documents to ARA.
- The Applicant has tried to diminish concerns using information collected from a "18-day video survey" from "31st March - 17th April". For the first week of this period the road was already being managed by temporary traffic lights during the construction of the Burton Bridge Underpass. This meant access was restricted and this resulted in significantly less traffic. Clearly this would make the survey appear much quieter and less congested than is. Conducting this survey over this period provided inaccurate information which could misinform the ARA/Council.
- Due to the fact that traffic was being managed by the temporary traffic lights, the flow/volume of traffic was reduced in part because local drivers, to avoid delays, were using other routes, for example, to Maybole and Girvan. Flows here during the construction were therefore reduced and not typical of what would be experienced.
- The survey limited to the period of 31st March – 17th April while being described as 'one of the busiest times of the year' extrapolating and driving conclusions from this appear to ignore recent aforementioned circumstances on the A719 which are likely to have influenced these.

Planning Service response: In support of this application, a Transport Assessment has been provided. Following a series of consultation responses received from the Ayrshire Roads Alliance (ARA) as the Council's Roads Authority and an initial stance of 'Holding Objections', a series of further technical assessments have been provided by the applicant (through their appointed technical consultants and engineers; Fairhurst) and this includes a Traffic Survey (providing the outcomes of a 18-day video survey recording), a Vehicle Movement and Operational Procedure Plan, a Statement in response to the initial ARA consultation response, a plan showing Proposed Internal Access Road Improvements to the park, a further Statement in response to the Site Access Junction Review Proposals and a plan showing Proposed A719 Road Safety Improvements. Whilst the supporting information collectively demonstrates and evidences that the junction and infrastructure is of sufficient capacity to allow for the increase in units on site subject to this planning application, ARA identified a requirement for further targeted mitigation to address known road safety issues both within the park boundary and on the external A719 Dunure Road as raised in a number of the representations submitted. In response to this, the applicant has provided a commitment to deliver and implement a suite of additional improvement measures both internally with the road network and infrastructure within the park and site and externally on the A719 all for the significant betterment of the existing arrangements and to improve general arrangements. Whilst summarised below, all of these measures and are set out in detail in response to NPF4 Policy 18 Infrastructure First and LDP Policy: Land Use and Transport in the Assessment section above.

The internal alterations to the park include road widening (to create three lanes), formation of a footway provision (to connect the existing footway on the A719 into the footways within the site) and the permanent reposition of the check-in point will aim to significantly reduce any impacts of queuing traffic on the A719 entering the site whilst providing additional internal storage for around 50 cars and also ensuring the access for emergency vehicles/use and pedestrians walking to/from the site is addressed. The additional safety measures to be implemented on and along the A719 in advance of the site access junction and include the provision of Vehicle Actuated signage along the A719, visibility improvements to the west by trimming back the existing hedge and other vegetation on the A719 frontage to the extent possible (without affecting trees behind the hedge line) and a reduction in speed limit to 40mph for a distance of around 1km through the Craig Tara and adjacent Heads of Ayr Farm Park which would be addressed separately through a Traffic Regulation Order. Collectively, the applicant and their appointed technical consultants through the supporting information provided consider that the measures are proportionate to the additional traffic that will be added to the junction in connection with the planning application and will not only achieve the 'no net detriment' requirement but will also improve on the existing road and traffic conditions.

Whilst the ARA initially issued 'Holding Objections' (raising concerns and requesting the submission of further information and road and infrastructure mitigation), they have confirmed in their final re-consultation response to the planning application (and following review of all of the additional technical submissions and proposed mitigation outlined above) that they have no objections to the development as proposed. Their final position is based heavily upon the specific road and infrastructure mitigation proposed and subject to the imposition of appropriate, bespoke worded conditions relating to the suite of mitigation this includes the fulfilment of all of the internal holiday park improvements and A719 mitigation measures summarised above and set out detail in response to NPF4 Policy 18 Infrastructure First and LDP Policy: Land Use and Transport in the Assessment section above being implemented and delivered by set timescales in association with this planning application. A further condition is also proposed which requires the submission and implementation of a Service Management Plan for the development and which builds on from the Vehicle Movement and Operational Plan referred to in the Traffic Survey Report. These matters are secured through appropriately worded planning conditions as set out in Section 9 below.

On the specific points raised in the objections relating to the requirement for a secondary point of vehicular entrance access to and from Craig Tara Holiday Park onto the A719 Dunure Road as a result of this development, this was a matter considered by the ARA and requests were made to the applicant and their appointed consultants as part of the initial ARA consultation response issued to consider and respond to the potential delivery of a secondary point of access to and from the park. This has been reviewed by the Applicant and their technical consultants and additional supporting technical information provided on the 30th of October 2023 by the Applicant has demonstrated why it is not possible to deliver a completely separate secondary point of access onto the A719 Dunure Road. This relates to a mixture of constraints including third party land ownership issues alongside ecological, amenity and landscape consequences of delivering a secondary point of access at various locations considered along the southern boundary edge of the park.

In lieu of the Applicant delivering a completely and distinct secondary point of access and as set out in various points throughout this report, the Applicant has proposed a series of reconfigurations to the internal road network, access and infrastructure to the wider park and the adopted extents of the A719 which are both achievable and deliverable. Whilst situated out with the site subject to the development, these alterations are proposed within areas which are either owned and operated by the Applicant or within the public road limits and therefore they propose and have set out commitments to deliver and implement these as part of the development subject to this application. As previously set out, the ARA have endorsed these proposals and appropriately worded planning conditions are included which require all of these reconfigurations and alterations to be implemented and completed prior to the use of the first caravan unit as holiday accommodation as part of this development. This will ensure these mitigation measures are in place and effective before any operational activity associated with this development commences.

Finally, on the points and examples raised in the representations above regarding specific and individual vehicle behaviour and illegal activity of other road users on the A719 Dunure Road, these in themselves would not constitute material planning considerations and in the first instance these would be matters for Police Scotland. In terms of the concerns raised that this development has the potential to influence the increase of such activity and negatively impact vehicular safety, the technical roads assessments provided as part of this application have demonstrated that this will not be the case and a series of robust and additional road and infrastructure mitigation (in the form of physical changes to the internal access and road network and commitments to changes to the operational arrangement of the park) are proposed which will not only contribute to minimise any additional impact of the activity of the development to a point of acceptability but improve on the existing arrangements for the wider park itself which would otherwise remain unchanged.

Impact on Emergency Services, Anti-social Behaviour, Crime and Public Safety Risks

- Craig Tara already uses a disproportionately high amount of local police and emergency services time, and this will only increase through this expansion.
- Police Scotland were called out excessively last year due to anti-social behaviour and criminal activities taking place within Craig Tara.

- Many incidents of crime and anti-social behaviour at Craig Tara have been reported in the local press. The Ayrshire Post reported in January 2020 that Police Scotland had to attend on 395 occasions in three years.
- There are constant bad reports in the press including referring to Craig Tara as a 'crime hotspot' in the Ayrshire Post and Daily Record. This is not the sort of impression of Ayrshire the community would like visitors to have, and Craig Tara should not be allowed to grow further without fixing its problems with anti-social behaviour.
- The park is already a hotspot for Police Scotland during peak season and it is questionable whether they have the resources locally to cover the proposed extension.
- Summer visitors to the Holiday Park cause damage to local parks in the area.
- The extension would require additional cover from emergency services. This, in turn, could overburden local emergency resources, leading to longer response times and potentially diminishing the effectiveness of emergency response in the surrounding area.
- As the site has expanded over the years, so too has the number of fires being lit. The local fire service is called out frequently to extinguish fires that have spread out of control.
- Guest at Craig Tara intrude into neighbouring properties including the cottages which are on farming areas of Heads of Ayr Farm Park. On multiple occasions these property owners have witnessed Craig Tara guests breaking into sheds, vandalising equipment and scaring animals with both dogs and by themselves. On many occasions when approached and demanded to stop and leave, guests of the park respond with serious verbal abuse and threats.
- In the 'Supplementary Notes in Response to Public Comments' document submitted, the Applicant claims that by adding more guests, anti-social behaviour will decrease because of 'passive surveillance' but there is no evidence as to why this will work.
- The possibility of antisocial behaviour is recognised as a material consideration and actual antisocial behaviour and the threat of antisocial behaviour are as well. The proposals as they stand are not sufficiently robust enough to lead to a diminution in the number of incidents. More caravans are likely to increase rather than decrease the incidence of antisocial behaviour.
- The Applicant has said in the submitted "Applicant Response to Public Comments/Representations" that anti-social behaviour is "not a material consideration" but the plans effect on neighbours is a material consideration and therefore so is their problems with anti-social behaviour and its effect on neighbours, their safety, well-being and security.
- The concept of increased passive surveillance from the introduction of caravans into this area has not got a sufficient track record to suggest that a decline would be a clear outcome. The applicant suggests that it is based on experience, but no locations are specified.

Planning Service response: As set out in detail in response to the transport policies of NPF4 and LDP2, supporting information has been provided which considers impacts on emergency services in so far as it applies and relates to the proposed extension subject to this planning application. In response to this, specific alterations and reconfigurations are proposed to the internal road network of the wider Craig Tara Holiday Park to deliver two emergency access points for the greater park area. This is to be achieved by road widening to accommodate three lanes of traffic up to a point internally where the park road splits and where there is a second point of access to the wider park area via Arran View. Once the internal road network is widened this would mean that there are two routes into the wider park area from this point and two separate routes in the greater park area for emergency services. This in turn means that should a blockage occur then there would still be one or two lanes giving open access to the park for emergency use and this represents an improvement for the operation of the Holiday Park as a whole and not just the proposed extension.

These proposed alterations to the internal road network of the park and the additional external A719 Dunure Road adoptable limits have been considered by the ARA as the Council's Roads Authority and they have confirmed that they accept these measures on the basis that they consider this will now ensure that emergency vehicle provision and access are both accommodated for as part of this specific development but also that the wider emergency service access and arrangements are significantly improved to the benefit of the operation park as a whole. As previously set out, the implementation of these specific alterations will be secured through an appropriately worded planning condition which will require them to be implemented and completed prior to the occupation of the first caravan subject to this development being used as holiday accommodation.

Beyond this and taking into consideration the other responses given, the points raised above regarding the potential impacts of the development upon local emergency services has been raised with the Applicant and in their supplementary note in response to the public comments they have set out that the strongly refute the level of antisocial behaviour that is implied in the representations and the proposed strain on local services. They go on to advise that whilst there have regrettably been incidents of emergency call out to the park, these are low and they contest that the number of incidents impacting neighbouring properties in the representations does not accord with the recorded incidents reported to park management and the applicant has reinforced the point that neighbouring properties have contact information for on-site security and that they encourage them to report these to management of the park so that they can investigate and address them. They finalise by advising that they consider that they anticipate a reduction in potential antisocial behaviour compared to existing due to the increased passive surveillance that would arise from the site and layout of caravans within the application site alongside the introduction of an appropriate lighting scheme throughout the development to increase general safety for users. It is considered that the Applicant has provided appropriate safety measures as part of the design and layout of the development to ensure it is both secure and safe for users and visitors alike.

Finally, in response to the specific examples and incidents given above, it is relevant to note that specific incidents and examples of anti-social behaviour which have taken place within the existing holiday park are not a material planning consideration for the determination of this application. These matters would be the responsibility of the owners and operators of the park and where appropriate the local emergency services to respond to and this current planning application requires to be considered and assessed on its own merits.

Impacts of Loss of Ancillary Golf Facility Site

- Major concerns for the local environment given that the golf course, which is few remaining green spaces within Craig Tara is proposed to be removed to facilitate this development.
- Over recent years, Craig Tara have put caravans on all open space areas and even filled in the boating lake. The golf course is the last sizeable area of open space left and should be retained.
- This is an unacceptable expansion into designated greenbelt land.
- The proposed development is in contravention of the 'Green Space' policies of LDP2.
- NPF4 Spatial Strategy sets a target to make better use of spaces to support physical activity, relaxation and play to bring people. It also aims to improve green infrastructure in order to bring nature into urban areas. This proposal to remove the golf course would contravene this.
- Craig Tara is likened to a medium sized town in population and as such it should have elements of open space, biodiversity, leisure, sport, landscaping and play which generally contribute to a sense of wellbeing and place. The loss of the golf course site goes against this approach.
- The golf course provides and contributes to a sense of place, local distinctiveness and promotes a positive image of South Ayrshire's desire to promote tourism and leisure.
- Redeveloping the golf course would reduce the quality of the experience for visitors by reducing the open spaces on site and removing opportunities for recreation, physical activity and exercise.
- Despite the nearby beach, there simply must be a provision of outdoor grassy areas in the site.
- A managed golf course may not be the most environmental and biodiversity rich area, but it provides healthy outdoor recreation and is preferable to this extension.
- The site has, with varying degrees of success, provided a buffer zone from the more intense uses currently further east within Craig Tara.
- The Applicant unfairly discredits the role of the ancillary golf course on the site where they only say that it is underutilised. This summary comes from a commercial agenda and whilst it is accepted that it is not a commercial golf course, it does have recreational value.
- Existing caravan owners who enjoy golf contradict the applicant's position and say that the golf course is well used and an asset which brought them to the park in the first place.
- Craig Tara should be utilising the golf course to encourage visitors to exercise and get interested in golf. This could be done through volunteers/practice sessions within the course with a target to involve and interest young people within the park.
- Engagement and consultation from Craig Tara are poor, with the owners of caravans never consulted as to whether they wanted to lose the golf course.

Planning Service response: *The role and function of the application site has been considered and addressed in detail in response to Policy 21 Play, Recreation and Sport of NPF4 and LDP2 Policy: Open Space in the Assessment section above. The conclusion reached is whilst it is recognised that the redevelopment of this part of the park will result in the physical loss of an ancillary recreational facility within the park boundary, given its nature, use and role and the provision of other facilities both within the park and the immediate and wider locality, it is not considered that its redevelopment would be unacceptable from a planning perspective. As part of this, weight has been given to the fact that it is not a registered golf course or protected area of open space alongside the abundance of recreational opportunities both within the existing park and locality and this includes formal sport related spaces as well as other informal recreation areas. In particular, the fact that the site links to the coastal path and beach nearby means that high-quality, useable open spaces are available immediately adjacent to the site.*

Beyond this and in direct response to some of the specific comments raised above, it is relevant to note that this application site is neither designated as greenbelt land nor protected open space within the Council's LDP2. Instead, it is land which forms part of a tourism facility designation in LDP2, and this offers support for the principle of a caravan park extension. In terms of the specific comments that have been raised regarding retaining the site for its qualities as a 'golf course', as set out in detail in response to Policy 21 Play, Recreation and Sport of NPF4 and LDP2 Policy: Open Space above, both SportScotland and Scottish Golf who have provided consultation responses and input to this planning application have confirmed that this site is not a registered or recognised golf course and that given its lack of status in this regard, they have no objections to its redevelopment.

Scale and Extent of Development

- This extension to Craig Tara would mean that this park has a similar population to Girvan and a footprint similar to the size to Doonfoot. It is becoming too large and overpopulated.
- The extension would cross a threshold and result in overdevelopment of the park.
- There is no explanation as to why there is a need for 137 additional caravans. A lower number with more space between them and the most sensitive boundaries of the Farm Park would add to the level of security enjoyed.
- The park is already more than twice the size of all other parks in the Prestwick and Ayr areas combined and the expansion cannot therefore be needed for business sustainability.
- Concern regarding the impact of more people using the few facilities in Doonfoot (such as Co-op and Spar) during the summer months. These are not designed to cope with the additional footfall.
- Craig Tara have already removed the motor home and touring area closest to the entrance and converted this into an area for additional static vans. These were worthwhile tourism features of the park which have been removed to provide more of the same development.
- There is a substantial amount of ground available on the other side of Craig Tara which should be considered for expansion before this site is redeveloped.
- The applicant's assertion that the number of pitches, even with additional caravans, does not exceed the licensed number implies that utilising the golf course is permissible. This rationale is flawed as the size and distribution of existing pitches must be considered.

Planning Service response: *The application site is situated within the auspices of the existing operational boundary of the park, with the proposed extension seeking permission for an additional 137 caravan pitches (134 net gain noting the removal of 3 existing pitches) to extend the park on the western side. Following review and assessment of the proposals in response to the suite of policies of NPF4 and LDP2, it is considered that there is justification for the extension, that the internal site represents the most appropriate and suitable site to extend/expand the park in this instance and that the park is capable of accommodating the extension, without it constituting overdevelopment of the site or having wider negative impacts in the locality. This position reached is partly informed by the fact that no consultees in their final consultation responses to this planning application have advised that from their own remit that the infrastructure, utilities or surrounding amenities (in some cases subject to mitigation) are not capable of accommodating the extension to the park alongside the suite of mitigation measures secured relating to biodiversity, road and infrastructure improvements and landscape enhancements which are all covered through planning conditions in Section 9 below.*

In terms of the specific comments regarding the consideration of availability of land outwith the site and the comparisons of the application site and wider park to other towns and other caravan park facilities, these are not material to this planning application on this basis that every application requires to be considered and assessed on its own individual merits.

Waste Treatment, Pollution, Environmental and Water Quality Impacts

- Concerned about the water quality in the Heads of Ayr Bay which has been reported as poor due to pollution. Increasing Craig Tara and the number of people staying close to the beach, will only increase the pollution and make the situation worse.
- Concern that the current sewage systems would be able to cope with the extra 137 caravans.
- Craig Tara does not have the capacity to treat its waste, therefore the danger of releasing untreated waste onto the beach and into the sea with the resultant contamination to the whole bay along to Ayr, is extremely high. The safety of Ayr Bay for bathing for its population would therefore be put at risk, as well as endangering sea life.
- More gas required for the caravans leads to more power consumption. This is leading to further environmental implications and Craig Tara is not offsetting its carbon footprint.

Planning Service response: The plans submitted as part of the application alongside the narrative contained with the supporting statements confirm that the foul/waste drainage strategy for the development will make connections and link to the existing treatment plant and sewage network which serves the park. The existing sewage treatment works, and plant is situated just out with the application site on the northeastern side. The applicant has confirmed that there is capacity within the existing sewage treatment works for the park as existing with scope for expansion beyond the current proposal. As part of this, they have advised that assuming the application is developed, only approximately 60% of the available treatment capacity will be utilised. The foul/waste strategy proposed would in effect the same type of arrangement which has been proposed for handling waste/foul drainage for earlier caravan park extensions granted and Scottish Water, SEPA, the Council's Environmental Health Service and the Council's Waste Management Services have raised any issues or objections to the arrangements proposed and as such these are acceptable at this stage from a planning perspective.

Beyond the information supplied as part of this application, the technical design requirements for the waste treatment facility including its exact design, make-up and capacity would be a matter for the Council's Building Standards Service and this would be addressed through a Building Warrant application (which the Applicant is still yet to obtain). On the specific point raised above regarding risks for water quality from leakages or failures of the waste/foul drainage treatment plant, this would ultimately be a matter for the applicant/developer to ensure that they comply with the relevant standards and regulations including those set by SEPA, to avoid and mitigate such issues at both construction and operational stages.

Residential and General Amenity Impacts

- The potential for nuisance caused by noise/light pollution, odours, fumes and glare from lights could cause significant disturbance to locals including residential properties closest to the site.
- The noise from Craig Tara's outdoor entertainment venues has undoubtedly increased in recent years as the capacity of the park increases. This affects tourists, walkers enjoying the renowned coastal path as well as local residents. This will increase with this development.
- Noise from socialising in the early hours within Craig Tara can be heard within 1 mile distance.
- Craig Tara have stated in their application that it is considered 'low risk' for noise intrusion. The main park at the other side of the golf facility is very noisy and can be heard throughout the night, particularly over the weekends and holidays. By comparison, the golf course is relatively quiet and redeveloping it will simply bring the very loud activities to private residential homes.
- In relation to paragraph 6.86 of the Planning, Design and Access Statement, it is asserted that, regarding potential noise impact, the proposals should not be assessed independently of the Craig Tara development as a whole. Very little noise is generated by users of the golf course at present and noise levels will increase significantly from extending into this space.
- The development will result in severe light pollution from street lighting and flood lighting.

Planning Service response: *In the first instance it is relevant to note that the Council's Environmental Health Service as a key consultee to this planning application has no objection to the proposals in relation to noise, odours, fumes, or amenity. They have recommended advisory notes to protect neighbouring amenity during construction from noise, vibration, and dust and these are included at the end of the panel report and would feature on the decision notice should this application be granted. Any issues that arise at either construction or operational stage would be reviewed by Environmental Health under their own statutory nuisance legislation and powers.*

In terms of the specific concerns regarding light pollution and glare, an initial lighting assessment has been supplied by the applicant and this demonstrates that lighting has been designed to ensure that night-time light levels reaching the woodland edges fringing the site and the Burn are not above existing night-time levels. There are a small number of exceptions affecting the internal woodland blocks and footbridge over the burn which are required for health and safety reasons and consist of low-level bollards. Whilst the primary motive for lighting design is to protect ecological receptors and the SSSI, the design proposed will also ensure that it will not result in any light impact beyond the application site boundary, including any residential properties or other land uses neighbouring the site or the wider locality. Similar to the above, the Council's Environmental Health Service have not raised any objections with regards to lighting in their consultation response and whilst they have not sought a condition, a planning condition is proposed in Section 9 which requires final details of the construction and operational lighting to be submitted and approved in writing by the Planning Service before works commence on site. Whilst this is primarily seeking to ensure that lighting will not impact upon the qualities of the nearby SSSI or any other ecological receptors, the same scheme will require ensure that there is no adverse impact on neighbouring properties or land uses by virtue of the type, positioning and arrangement of lighting throughout the development site.

As set out in response to LDP2 Policy: Air, Noise and Light Pollution and Section 7.2.1 when considering general impacts, the development is not considered to have any significant impacts on residential amenity. Specific consideration of the potential impacts on the neighbouring Heads of Ayr Farm Park (and associated uses and facilities within its operational boundary) is set out in a specific sub-section relating to public comments below.

Heritage and Archaeological Impacts

- The development's impacts on conservation areas, listed buildings and archaeology must be considered as damage to these important cultural and historical resources could have significant long-term consequences for the area.
- South Ayrshire's rural environment has a historical dimension that contributes to its quality and character that encompasses the setting in which the golf course site sits. The pattern of past use in landscapes and scenic associations of Ayrshire's golfing places and landscapes in this case within the bounds of the volcanic Heads of Ayr, the bay and the public amenity over to Arran.
- This area has proven to be rich in archaeological finds including bronze age burial cists with the likelihood of even older remains at a deeper level but too much damage would be done by the necessary groundworks for the development to salvage anything of archaeological merit.
- Archaeologically, the site is close to the remains of a chapel. The coastal strip in this area contains a very wide variety of sites from many eras and further developments mask much of that and obliterate the historical landscape and assets.
- The Heads of Ayr demonstrates the internal structure of a volcanic vent of Lower Carboniferous age. Apart from its obvious educational value, Heads of Ayr has been found to contain in addition to numerous fragments of volcanic and country rock rare, nodules consisting of an assemblage of rocks characterised by richness in iron/magnesium. These nodules supply critical data as to the nature of the lower crust and the underlying upper mantle beneath Britain during Carboniferous Period. Evidence which is of importance to understanding volcanic activity at this time.

Planning Service response: *This application has been supported by both a Heritage Statement of Significance and an Archaeological Desk Based Assessment in recognition to the development's potential impacts upon the historic environment and archaeology. Detailed consideration of these assessments and their findings are set out in response to LDP Policy: Historic Environment in Section 7 Assessment above, with the conclusion reached that neither heritage nor archaeologically will be adversely impacted by the development subject to relatively standard mitigation. Crucially, neither Historic Environment Scotland (HES) or West of Scotland Archaeological Service (WoSAS) as key consultees on these matters have raised any objections. WoSAS have requested a programme of archaeological works including a scheme of written investigation for the construction phase to be conditioned and this has been covered in Section 9 below.*

Finally, on comments raised regarding the role and geological and archaeological merits and make up of Heads of Ayr rock, particularly those raised by Alloway, Doonfoot and St Leonard Community Council in their objection, it is relevant to note that this is outwith the application site for the development and therefore will not be directly impacted by the development itself.

Visual Amenity and Landscape Impacts

- Craig Tara is already visually prominent from the sea and coastline, from Ayr esplanade and from other local beauty spots and this will intensify if this extension goes ahead.
- Driving along the coast to Culzean Castle, the view will be diminished by the increase of caravans.
- It is impossible to view Ayr Bay, Greenan Castle or the Heads of Ayr from the Carrick Hills without Craig Tara dominating. This will be even worse with the removal of the 9-hole golf course site.
- Heads of Ayr is a nationally recognised conservation area, and this development will have a severe impact on the character of the area, particularly at night when lit.
- Bracken bay is a beautiful bay which has avoided the worst effects and impacts found at Greenan Beach. With the Craig Tara extension, this impact will be felt at Heads of Ayr and diminish its natural beauty and affect the experience of the area.
- The development will have a detrimental impact on the special landscape setting. The Heads of Ayr is one of the most iconic landforms of the Ayrshire coast and, while nothing can be done about the impact of the existing park, this scheme clearly will have an adverse effect on the 'quality of the landscape and distinctive local characteristics' as quoted from the landscape policy of the LDP.
- The iconic beauty of the Heads of Ayr cliffs will be negatively impacted due to the number of caravans proposed and this should be considered and assessed as part of the Landscape and Visual Impact Assessment (LVIA). At this point, it is clear that this has not been considered.
- Despite the contents of the LVIA, when you stand on the Ayr seafront looking to the Heads of Ayr and visualise the impact of 10 hectares of caravans creeping closer to the view of this important landscaping, it is clear that there will be a detrimental impact.
- The LVIA does not include the public amenity views from Ayr to Prestwick esplanades nor from the sea all of which will be disrupted and distracted by this development.
- In reference to the Applicant's response to public comments/representations submitted on the 10th October and 30th October, Section 4 of that note deals with the Landscape Impacts and refers to Kyle and Carrick Civic Society's objection based on the potential impact of the development on the setting of the Heads of Ayr Monument. The additional information and mitigation measures in the amended plans only deal with views from the nearby coastal path and immediate vicinity do not address the fundamental issue about the visual intrusion at the seafront of Seafield and Ayr.

Planning Service response: *The planning application has been supported by a comprehensive Landscape and Visual Impact Assessment (LVIA) and an LVIA addendum which considers the potential visual impacts of the development from a variety of coastal viewpoints within the locality. To assess and consider this, the Planning Service consulted their external professional Landscape Architect (Carol Anderson Landscape Associates Ltd) to review the LVIA and provide expert advice and recommendations. Following the submission of the LVIA addendum (which was requested by the Landscape Architect to consider specific viewpoints from the beach towards the development), they have provided a detailed response and their observations have been assessed in detail in the policy section above.*

As set out in detail in response to LDP2 Policy: Landscape Quality and LDP2: Policy The Coast in the Assessment section above, the conclusions reached by the Council's External Landscape Architect/Advisor is that whilst the proposed extension would extent further built development into the rural landscape, it would not have widespread visibility due to screening by the existing landform and existing vegetation/woodland on the site, which does offer a self-containment for the development. This combined with appropriate development site layout, which will see caravan pitches set back approximately 80m from the coastal boundary to the north and the remainder of the caravans proportionately split and contained within 3 distinct pockets with landscaping intersecting in between, will further limit the opportunities for the extension proposed to be viewed in its entirety or in isolation at any notable viewpoint or location. Finally, the Council's External Landscape Architect/Advisor references the updated Landscape Masterplan which includes proposals to supplement existing planting on the boundaries and within the landscape pockets in the site, with further structure and reinforcement planting to further bolster its role for screening the site. Their final consultee position reached is subject to planning conditions which include the implementation of the Landscape Masterplan, the requirement to submit details of the material finishes and colours of the static caravan units (with an expectation to use the least reflective cladding possible) and the submission of ground modelling plans to monitor and control elevational changes. These are included as conditions in Section 9 of the report below. For all of these reasons as set out in response to the applicable policies, it is not considered that the development will have significant unacceptable impacts upon the landscape qualities of the surrounding area.

Impact on Heads of Ayr Farm Park and Laigh Kyleston Farm Enterprise

- The extension which will redevelop the golf course and bring the park closer to the Farm Park will adversely impact upon the Farm Park animals, staff, owners, residents and guests.
- As a result of the proposals, the length of the boundary where the Farm Park and Craig Tara become neighbours is vastly increased. This will lead to increased negative interaction.
- The caravans proposed will be placed just meters away from the Farm Park animal enclosures including animal isolation sheds and units for sick, injured, vulnerable and pregnant livestock. These animal areas are intentionally kept some distance from the public and these areas are essential for the animal's health and welfare. Disruption at construction stage and operational stage from the increased guest numbers so close to them along with their vehicles, lights, noise, music, dogs barking potentially 24 hours a day will be extremely distressing to the animals.
- Currently the animals at the Farm Park have controlled hours of human interaction. The expansion this will have a negative effect on animal welfare with caravans and holidaymakers being so close.
- The animals of the Farm Park which would be affected by this development are an asset to the area and do important work in conservation, breeding programmes and education of the public.
- On a number of occasions, Craig Tara guests have broken into the Farm Park. Given the proximity of the development to the Farm Park boundary, this will increase in frequency.
- The Farm Park has already experienced the welfare of its animals suffer from anti-behaviour from park guests, including vandalism of shelters, fencing and water troughs, chasing/scaring animals, letting animals out of their enclosures and even throwing missiles at livestock.
- The anti-social behaviour and incidents experienced by the Farm Park in the past have occurred despite the ownership being separated by the golf course which has acted as a buffer.
- Craig Tara's guests are permitted to bring dogs and their plans would see them kept a few metres away from the Farm Parks lambs and goat kids which is dangerously close.
- In November 2022, one of the Farm Park's stags died from injuries caused by trying to escape the explosions of Craig Tara's official firework display after the launch site was moved to just a few metres off the boundary to the Farm Park.
- The combined area of the Farm Park amounts to 40 plus ha. It is home to a wide variety of species, a number of which roam in large paddocks. Although the overall area is well supervised by the owners, the scope for vandalism/intrusion is inevitably increased.
- The site acts as a physical natural buffer and exclusion zone between caravans and the Farm Park and prevents direct impacts of potential antisocial behaviour from caravan residents, potential vandalism and limits noise pollution.
- There are a number of vulnerable points between the boundary of golf course site and the Farm Park which require additional boundary treatments.
- This application does not make adequate provision for the requirements for enhanced security for the Farm Park, which, if not provided, will impact on animal and human safety and welfare.

- In response to paragraph 6.85 of the Planning, Design and Access Statement it is important to clarify that the concerns of Farm Park are not with overall visual impact but with the part of the red line boundary with the most significant implications for the day-to-day operation of the Farm Park.
- In relation to paragraph 6.22 of the Planning, Design and Access Statement, this recommends the erection of signage at 'key points'. This alone is not going to provide a robust enough response to security management. There is also question marks over who is going to confirm what they 'key points' are, how is observance going to be policed and whether there will be CCTV.
- In terms of paragraph 6.87 of the Planning, Design and Access Statement, the applicant suggests that 'passive surveillance' would help self-police the scope for antisocial behaviour but provides no information about successful examples of this in operation.
- No decision should be taken on this application until significant material considerations relating to security, animal welfare and the safety of humans are considered and addressed.
- The Farm Park do not suggest that the development should be 'fully enclosed' and are well aware of the requirements of 'right to roam' however they are nevertheless quite rightly of the view that in the interests of security, animal welfare and human safety, additional measures are needed.
- Any new security fence would need to be far more substantial than the livestock fencing which currently stands. The fencing should be designed to stop intruders and dogs and the location of any fence would need to be given careful consideration.
- A security fence should be erected on the Craig Tara side before the tree line. This would create the most secure boundary possible and retain the trees, while strengthening this would also reduce visual impact so that that the caravan owners will not feel hemmed in.
- It is crucial that details of security fencing should be agreed, including such details as its height, materials, construction and location, before this planning application is determined.
- Whilst the planning application mentions trees on the boundary between Craig Tara and Heads of Ayr Farm Park/Laigh Kyleston Farm, these trees are deciduous and therefore are not evergreen or in leaf all year. They provide no visual screening for 6 months of the year.
- It must be emphasised that Laigh Kyleston within the Farm Park, is a working farm and there are areas of intense use. The farmyard can be dangerous, and it is important that unauthorised persons and animals/farm machinery do not come into contact.
- While Laigh Kyleston is a typical lowland farm, Heads of Ayr Farm Park has many of the characteristics of a zoo. This is not a typical agricultural neighbour, and the requirements of safety/security are greatly heightened as a consequence.
- The Applicant has added a landscape plan for a fence, but the fence is chain link so will not provide a barrier for privacy, light, sound and at its highest, it is only 1.8m tall which is the same height as a domestic garden. The proposed fence is too small and not adequate to be effective as a barrier.
- The proposed fence does not run the length of the closest boundary with the animal sheds and the park buildings, so it does not secure anything. The fence only runs along the boundaries which are quietest and not on the one closest to the animal sheds and attractions.
- The additional information demonstrates that the Applicant does not recognise the problems of noise and light disturbances to their closest neighbours, the Farm Park. These are valid concerns which have been dismissed when stated 'animal health and well-being is not quantifiable'.
- Issues in terms of compatibility with other uses in the area, safety of the public and users of the development (community safety), possibility of antisocial behaviour, fears and concerns about crime and other legal controls are generally accepted as material considerations and all of these will legitimate impact the Farm Park as a result of this development.
- Para 2.1 of the Supplementary Note provided states that 'Remaining matters such as the movement /anti-social behaviour of guests off the park and the fireworks displays are 'non-material considerations. Whilst the Applicant is relegates them to non-material, these are material.
- It is expected that developments will incorporate community safety measures and 'Secure by Design' principles should inform development. Notwithstanding this, the Applicant has taken a relatively flippant approach to such concerns and has not offered any tangible measures.
- The response from the Council's Environmental Health Service is limited and disappointing. That said, there is no evidence in the response to substantiate the Applicants assertion in the role of Environmental Health in assessing the impact of the development on the Farm Park animals.
- The Applicant claims that Environmental Health are satisfied with the noise disturbance levels, however Environmental Health provides no evidence of site visits, either to the site or Heads of Ayr Farm Park sites and therefore, have not taken appropriate steps to justify their conclusion.

- The Planning Service will be aware that Environmental Health over time has taken into account the potential interrelationship between a proposal and, for example, a nearby existence of cattle or horses i.e., matters of significance to both human safety and animal welfare. Why they should have chosen not to do so on this occasion is difficult to understand and requires explanation, particularly given Heads of Ayr Farm Park is the only licensed zoo in Ayrshire.
- In terms of assessing the physical separation between the Farm Park site and the application site, the Applicant has been selective as to where measurements have been taken from. Their development sections plans do not include the locations of most concern including the most vulnerable animal areas, livestock buildings and birthing areas.
- The existing tree belt is tall but not dense and made up almost entirely of deciduous trees which only carry foliage for part of the year, making for poor separation between the sites.
- The Farm Park are firmly of the view that without a substantial security fence and obvious division, the scope for intrusion is significant, with consequences for personal and animal safety/welfare.

Planning Service response: A number of the public comments received have raised concerns regarding the potential impacts of the development on Heads of Ayr Farm Park (including the residential dwellings, livestock nursery, the farm park and the working farm within its boundary). The material aspect of these representations concerns the potential noise disturbance, amenity issues and compatibility of uses between the development proposal and this neighbouring land use. The remaining matters raised above which include impacts on animal health and well-being, movement off guests of the park, antisocial behaviour of guests off the park (including trespassing) and isolated incidents such as the fireworks display, or specific police related incidents are non-material planning considerations and are either assessed further below or picked up separately in other sub-sections of this response.

As previously outlined, in the first instance it is relevant to note that the Council's Environmental Health Service has no objection to the development in relation to noise, light or amenity. They have not requested any specific noise related conditions and have only recommended the inclusion of advisory notes in the interests of amenity during construction from noise, vibration and dust and these are included at the end of this report. It is the case that Environmental Health's function is to consider external factors that affect human health and well-being as a result of the development and following review, the Council's Environmental Health Service have not raised any objections. Whilst they have been made aware of the concerns raised in representations regarding animal health and well-being of various species at the Heads of Ayr Farm Park, the Council's Environmental Health Service have advised that they have no basis in which to quantify or assess the perceived impacts on such animal species as raised in the representations received.

Beyond this, the Planning Service has carefully assessed the relevant material planning considerations associated with developing the application site in relation to neighbouring land uses and beyond the amenity considerations referenced above (which have already been subject to a review from the Council's Environmental Health Service), these largely relate to ensuring sufficient compatibility, delineation and separation between the proposed development and the neighbouring land uses located within the Farm Park operational boundary. As set out in detail in response in various parts of the Assessment section of this report above, whilst the Planning Service did not consider that it would be appropriate to seek measures which specifically seek to prevent the potential for anti-social behaviour in the form of trespassing from occurring (given these are not material planning considerations), the Planning Service recognised the need for more overt and recognisable delineation between the development and these neighbouring uses all year round (in acknowledgement to the varying effectiveness of the tree belt and woodland boundary which varied in welfare effectiveness depending on the season) in the interests of compatibility between the uses.

In response to this and alongside the existing features which already help to provide a degree separation between the common boundary between the uses (the distance, the presence of intersecting land, the existing tree belt and areas of woodland and the distinct changes in levels and topography between the sites at various points), the Planning Service has secured further measures to provide a more robust and consistent treatment of separation between the sites. This includes the replacement of the existing low level post and wire fencing with a high angle iron chain-link SSSI fence (measuring between 1.5 metres and 1.8 metres in height) along the western and southwestern boundary (where levels between the boundaries are flatter) alongside the introduction of deterrent planting and restriction hedging (including a series of native hedging such as blackthorn) along the western and southern boundary edge (with a focus on the areas where topography is steeper and additional fencing is not feasible) and additional evergreen tree group planting within the site immediately adjacent to the woodland (to increase tree belt depth and screening at certain locations on the south western corner).

For the reasons set out, the combination of existing characteristics along the boundaries, combined with the additional measures secured will come together to provide a clearer separation between the uses, in the interests of maintaining compatibility and ensuring overt delineation between the different uses. All of these details have been submitted upfront through additional and revised plans and drawings and the implementation of the proposed replacement and extension to the fencing and the additional landscaping are subject to planning conditions which require these features to be implemented and completed (in line with the approved details) prior to the occupation of the first caravan unit as holiday accommodation within the development. This will ensure these are in place in a timely manner and whilst it will not constitute an insurmountable barrier to movement between the uses, it will provide further delineation before the development becomes operational.

As a final point, it is relevant note that as part of the objections to the planning application from Heads of Ayr Farm, video recordings and photographs were submitted which depict noise and activity from a Craig Tara firework display in November 2022 from different areas within the Heads of Ayr Farm Park site and incidents of fire-starting attempts from within the Farm Park boundary. In terms of the fireworks incident, it is understood that the display took place on the west side of the Holiday Park, adjacent to the planning application site. Whilst this matter is not linked to the proposed development and is not a material consideration in the determination of the application and whilst the Planning Service has no control over such events within the existing Craig Tara Park facility, the Planning Service has brought the video recordings to the attention of the applicant. In their supplementary note in response to the public comments they have advised that 'a firework display on the 5th of November has taken place at the Holiday Park annually for more than 7 years. Following the complaint of the event in November 2022, Craig Tara has agreed with the Heads of Ayr Farm that future displays will be moved to the east side of the Holiday Park to minimise any impact on them. Furthermore, the park's management team proposes to send a note about upcoming fireworks displays annually to ensure ongoing communication around the matter'. In terms of the specific fire-starting attempts within the Farm Park, these criminal acts and specific incidents of anti-social behaviour would be a matter for Police Scotland to address and respond to and would be relevant to the consideration of this specific planning application for the proposed extension.

Impact on Heads of Ayr Nursery

- The development brings caravans just a few meters from Heads of Ayr Nursery and the noise disruption and security concerns will impact this facility including the wellbeing of children.
- No consideration has been given to the affect this development will have on Heads of Ayr Nursery. The nursery offers children safe, secure, private grounds to learn and explore and this will be compromised should guests be able to enter the Farm Park.
- The extension would look onto the nursery, and this means that children of the nursery may be able to hear and be exposed to behaviour which would not be appropriately.
- The development being so close to Heads of Ayr Nursery will detract from the businesses appeal for outdoor learning in an open, private, and safe setting.

Planning Service response: As set out in response to the sub-section above relating to Heads of Ayr Farm Park and Laigh Kyleston Farm, matters relating to concerns for potential trespassing and anti-social behaviour to occur as a result of the development, are not material planning considerations which could be afforded weight as part of the assessment of this application.

In terms of general amenity concerns and the requirement for compatibility between uses, in the first instance due weight is given to the fact that the Council's Environmental Health Service have not raised any objections regarding impacts on Heads of Ayr Nursery and this includes in terms of noise or light. In addition to this and as previously outlined measures have been secured by the Planning Service which will ensure an increased and improved physical separation between the application site and the Farm Park site, and this would include the Heads of Ayr Nursery which is situated within this boundary. For the reasons set out with the Assessment section of the report, it is considered that the existing characteristics in place between the site on the boundaries (distance, topography, intervening woodland and trees), combined with the additional mitigation measures secured (chainlink fencing and structure and deterrent planting) will provide sufficient separation between the development site and Heads of Ayr Nursery to prevent any unacceptable impacts.

Ecology and Wildlife Impacts

- The extension will adversely impact upon the local wildlife within the golf course and adjacent to it including the natural coastal habitat and other areas of biodiversity.
- The golf course site is right next to a SSSI designation, which is home to a large variety of wildlife, including protected species. The disruption from caravans and more Craig Tara guests will disrupt and scare all the native wildlife away from this area.
- The Landscape Masterplan refers to the introduction of an 'SSSI buffer' but it is unclear how this is intended to work. Whilst the applicant maintains that this aligns with the guidance recommended by Nature Scot, it is questionable whether this will stop intrusion.
- The golf course plays a key role in providing a buffer zone to deter visitors to trespass and walk into the SSSI. Losing this will increase the change for offences and for guests of the park to damage the protected natural features of this SSSI.
- The disruptions from caravans and guests will be detrimental to species such as Peregrine Falcons, Lesser Whitethroats, Kestrels, Roe Deer, Hares, Otters and Badgers.
- Being next to the coastline, thousands of migrating birds flock to this area every year. This expansion will detrimentally impact this activity.
- The concentration of footfall in this area has already had a negative impact on this fragile coastal ecosystem, this development will make it worse.
- The consultation response from the Council's Ranger Services concludes that the extension will have little impact however the development will clearly affect wildlife.
- The development should include the creation of some small ponds, in suitably low-lying areas of the golf course. This could deal with drainage and also be of benefit to wildlife.
- The proposed fencing and the proximity of the static caravans to local wildlife habitats raise significant environmental concerns. These issues, flagged in previous comments, remain unaddressed in the applicant's new submissions.
- The SSSI is owned/managed by Heads of Ayr Farm Park who remain unconvinced that the proposals will, for example, prevent dogs and litter penetrating into ecologically important areas.

Planning Service response: This application has been supported by a suite of ecological assessments and this includes a Preliminary Ecological Appraisal and a detailed Ecological Impact Assessment which comprises of a Bat Survey, Breeding Bird Survey, Water Vole Survey, Otter Survey, a further assessment of the habitats within the SSSI, an assessment of proposed lighting and an Outline Habitat Management Plan. The conclusions and mitigation identified through these assessments are:

- ***The SSSI and Semi-Ancient Woodland will be protected by a 20m buffer to the development. The fencing between the plantation and SSSI will be upgraded and extended as to restrict access to these more sensitive areas.***
- ***No bat roosts present within the site. Any potential impact on foraging bats will be mitigated through a sensitive lighting scheme which will be covered by planning condition.***
- ***To protect breeding birds, any vegetation clearance to occur outside bird breeding season.***
- ***No evidence of red squirrels, reptiles or water voles found on site. A further water vole visit alongside a series of species surveys will be submitted before work commences on site to ratify the initial findings. These are secured through conditions.***
- ***No otter holts have been identified on site however to protect otters using the burn in transit, a 10m buffer from development to the burn and a lighting scheme are proposed.***

In addition to ensuring that the development will not adversely impact upon natural heritage through the above mitigation, the proposed development has also demonstrated that it will deliver positive biodiversity effects primarily through both the retention and substantial supplementation and increase of ecological features and landscaping across the site. As previously set out, most of the trees, woodland and planting which are already within the site are to be retained, with these further reinforced through additional structural planting across the site as a whole and this in the first instance will ensure that areas of potential habitat are maintained. The site layout has also been developed so that key features including the existing sizeable pockets of woodland, the existing pond and the tree belts around the perimeter of the site will not be impacted or compromised, with the development avoiding these through generous buffer zones. In order to look to provide biodiversity net gain and facilitate nature networks into the site, specific measures are proposed as part of the ecological supporting information and this includes the installation of bat and bird nest boxes, specific wetland meadow planting around water courses, ecological design features for the replacement and additional boundary fencing (including variations in heights and mammal gates), native structure planting across the site and the extension of fragmented sections of planting/woodland to provide additional habitats. This meets the planning policy requirements.

Nature Scot, the RSPB, the Council's external Ecologist consultant/advisor (AECOM Ecology) and the Council's Ranger Services Section have reviewed all of the ecological supporting information submitted and have all confirmed in their final consultation responses that they have no objections subject to the proposed mitigation being implemented. The conditions covering the suite of ecological mitigation are set out in Section 9 below.

Economic Considerations and Impact on Local Economy

- Craig Tara have claimed in the press that this development would provide up to 100 new jobs, however, given this would be 2 staff for every 3 caravans, this claim is clearly exaggerated.
- The construction jobs associated with the development would only be short term.
- The claim that extra long-term jobs will be created should not be afforded weight. Whilst some jobs will be created, these benefits should not outweigh the other material considerations.
- The facilities at Craig Tara including the shops, bars, restaurants are all private and the money generated is retained by the owners with limited benefit to the economy of South Ayrshire.
- Whilst it is accepted that some local supermarkets, restaurants and facilities outwith the site will benefit from the footfall to the area, it is not enough when compared to the benefits for the park.
- Given Craig Tara has most types of facilities within the park boundary, there is no good reason for guests to leave and use other facilities elsewhere in South Ayrshire.

Planning Service response: The statutory development plan framework requires the potential net economic benefits of the development to be considered and specific policies of both NPF4 and LDP2, including LDP2 Policy Sustainable Development, sets a requirement to assess and apply 'due weight' to quantifiable economic benefits in conjunction with other relevant material planning considerations. The potential economic benefits of the development set out by the Applicant have been assessed in response to these policies and the conclusion reached is that the further growth and investment into this existing, established tourism facility through an internal expansion will deliver economic benefits to South Ayrshire and this includes through local employment opportunities, additional provision of tourism accommodation and attraction of tourists and footfall to South Ayrshire. As set out in response to this policy above and whilst the economic benefits identified are not being treated as the dominant criteria to supporting the development, they are a material consideration, and a proportionate case has been presented by the applicant to demonstrate how the parks business and operational model through the delivery of this extension will contribute effectively to this context. The assessment undertaken has recognised these benefits and considered these alongside the suite of other material planning considerations and policy requirements, and it is not considered that any economic factors raised would result in a recommendation other than approval.

Procedural Planning Matters

- There has been a lack of adequate notification. The changes made by the Applicant, while perhaps attempting to address initial comments, have not been communicated effectively to all interested parties. An advert in a local paper does not suffice for such significant amendments. To ensure a fair and transparent process, each individual who has previously commented should be directed notified the Planning Service given the opportunity to review/comment on the new documents.

- Given the extent of the amendments, the timeline for submitting comments should be reset, allowing adequate time for all stakeholders to respond to the revised application.
- The methodology employed by the Applicant in updating the planning application circumvents the established process, particularly the stipulation for a 5-minute Hearing.
- There has been a failure to fully inform previous objectors of the change of plans during the consultation process. Given the weight and extent of the objections to this proposal, those submitting comments should have been informed individually and a timescale set for further responses rather than reliance on a newspaper advert. The Council needs to maintain openness and transparency in dealing with potentially contentious development proposals.

Planning Service response: Following the formal submission of the new and amended information, the planning application has been subject to two separate re-Neighbour Notification and a re-Public Advertisement in the local press processes and the application has also featured on the Council's published Weekly List of applications a further two times. The Planning Service has undertaken these as they constitute the statutory requirements of the planning regulations in the event of the submission of new material information subject to any planning application. It is relevant to note that there is no requirement or indeed allowance made in any of the relevant planning legislation or regulations which would provide an opportunity for the Planning Service to inform each party who had already submitted representations of the new information submitted in response to this planning application.

Separately and in response to the concerns raised regarding parties not having an opportunity to submit further comments and representations, the issuing of a re-Neighbour Notification and re-Public Advertisement does provide a formalised statutory extension period for any party to submit further comments, and this accounts for 21 days from when the re-Neighbour Notification and re-Public Advertisement were issued. Notwithstanding this and on the specific point raised above regarding resetting the timeline for submitting comments, it is relevant to note that this was not necessary as the comments function and ability to submit representations (either via the 'make a comment' tab on online planning file or to the Planning Service via other platforms) has never been closed by the Planning Service since the planning application was initially made valid in March 2023. On this basis, any party can and has been able to submit representations/comments at any point up until this planning application has been formally considered at the Regulatory Panel.

Finally, on the comments made that the Applicant has circumvented due planning process, including the requirement for a 'Hearing' which would allow interested parties to speak and verbalise their concerns to the Regulatory Panel, this is not the case. Given the application constitutes a 'Major' development, it requires to be considered/determined at the Council's Regulatory Panel and given representations have been lodged, the consideration of the application will be subject to a 'Hearing' in which all parties who lodged representations will be able to present and raise their concerns verbally. The submission of the new, additional, and amended information cannot prevent this.

Impacts on Rights of Way and Active Travel

- The development may well compromise the coastal rights of ways which run along the beachfront and northern boundary of the site.
- Request that the Council take account of the restrictions placed on development of dismantled railway track-beds by LDP2. The site plan appears to show that the railways track-bed is not included given the potential use of the track-bed for The Culzean Way active travel route which is to be included in the Council's active travel strategy.

Planning Service response: As set out in the Assessment section above, the development will not directly impact upon the core path/right of way which is situated beyond the site on the northern site boundary. Whilst the Applicant has confirmed in their supporting information accompanying that this right of way will not be compromised, to ensure this, a planning condition has been included which requires access of the core path to be maintained and unaffected at both construction and operational stage of development. The Council's Outdoor Access Officer has raised no objections and have confirmed their acceptance of the proposed condition.

In specific response to the comments above regarding the proposed Culzean Way, the Council's Outdoor Access Officer has confirmed that the golf facility site does not extend as far as the old railway line and that as a result the development will have no impact on the dismantled railway/The Culzean Way active travel route as this path is outside the application site to the south.

Management and Operation of Craig Tara Holiday Park

- The Applicant should focus on investing in the upkeep/upgrade of existing facilities instead of looking to expand the park further. The infrastructure is not fit for purpose to cope with the existing park with frequent power cuts, water supply disruption, poor drainage, and gas supply shortages.
- The existing park has insufficient facilities and venues to accommodate the expansion, with existing facilities overbooked and overcrowded on a daily basis.
- There are insufficient recycling facilities within the holiday park site.
- Lighting in the park is poor. Adding more people increases risk of anti-social behaviour at night.
- Pavements are virtually non-existent on the main section of road through the park complex meaning pedestrians are forced to walk on potholed/damage roads.
- Car parking for the venues facilities in the park are currently insufficient at peak periods.
- There's a severe lack of staff in all departments. Simply requests like a replacement mattress for a caravan unit are not being fulfilled due to staff shortages.
- During the peak season, drugs, alcohol abuse and physical fights between guests within the park is an issue due to the security within the park is not equipped to effectively deal with it.
- The park is being used to host pool tournaments, which is leading to anti-social behaviour.
- Staff at the park are being allowed to stay on park during closed season.
- The park is not managed properly and illegal activity within Craig Tara is increasing year on year.
- If Craig Tara want to make better use of the golf course site, a community garden/mini allotment would improve the parks green credentials and offer users a uniquely therapeutic use.
- Support could be provided for this development if the park improved lighting, created pavements for safe walking, increased parking for staff and public as well as improved infrastructure.

Planning Service response: These matters are not material to the consideration and determination of this application for planning permission. These matters, which relate to the day to day running of the wider and existing holiday park and specific issues with the provision and operation of facilities and infrastructure within the existing holiday park would be for owners/operators of Craig Tara Holiday Park to review and manage separately.

Hygiene, Litter and Fly-tipping

- Craig Tara clearly has no respect for the surrounding countryside judging by the mountain of discarded mattresses and rubbish at the roadside along their site boundary.
- Craig Tara removed a large amount of greenery and dumped a very large amount of dirty, used mattresses and damaged caravans in an area adjacent to Heads of Ayr Farm Park.
- Concern that if consent is granted, Craig Tara would use areas close to Heads of Ayr Nursery for dumping. This would impact the safety and health of the children and nursery workers.
- Craig Tara visitors generate litter on the beach. There will be a greater volume of litter up the Carrick Hills and along the coastline as a result of the development. Craig Tara seems to accept no responsibility for this at present and it is left to locals and volunteers to clean.
- The beach at Craig Tara is already a mess of discarded rubbish, cans, plastic bottles and this will get worse by increasing the number of visitors and users.
- Craig Tara does not install rules of cleanliness on or off the site. People throw litter out their car windows, dump household and there is always a mess left from visitors of the park.
- The venues and communal areas with the park are not cleaned properly.
- The Applicant asserts that litter and fly tipping is a park management issue and not related to the merits of the planning application however this is widely recognised as an example of antisocial behaviour which is viewed and accepted as a material consideration. Whilst the applicant advises that the park will monitor levels of litter and will take proactive action to manage impacts of littering, the on-site evidence suggests that this is not viewed as a priority.

Planning Service response: The matters raised above are park management issues and are not related to the merits of this application specifically. In terms of waste management considerations for this planning application, sufficient details have been provided which confirm how general waste generated from the development is to be managed and handled and the Council's Waste Management Services who have been consulted on the application have confirmed that they have no objections. Any issues regarding fly-tipping from the existing holiday park would require to be raised and reviewed by the Council's Environmental Health Service under separate legislation.

7.2.3 Consultation Responses Received

As previously set out, some consultees requested additional information to address initial concerns and holding objections and this included Carol Anderson Landscape Associates Ltd., the ARA (as both the Council's Roads and Flooding Authority), SEPA, AECOM Ecology and Nature Scot. It is relevant to note that all consultees who requested additional information have now confirmed that the previous outstanding matters raised have been appropriately satisfied through the additional information provided by the Applicant and their technical consultants as part of this application.

No objections have been received from any consultees in their final consultation responses, and this included statutory consultees. Some consultees have requested mitigation or further details, and, in all cases, these can be addressed through the imposition of appropriately worded planning conditions and advisory notes which are all included in the recommendations sub-section below.

8. **Conclusion:**

Following review, it has been established that both LDP2 and NPF4 which make up the statutory development plan are supportive of the extension of the established tourism use in this location and the benefits of the development have been afforded due weight as required by the framework. Whilst this support is subject to the consideration of matters including landscape/visual impacts, ecological receptors, transport implications and requirements for environmental mitigation, it has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

Subject to specific conditions restricting the usage of the caravans, the requirements for the retention, reinforcement and enhancement of landscaping and boundary treatments on site and other technical requirements including ecology, transport and infrastructure and drainage mitigation, it is considered that the proposal complies with the provisions of the planning framework and that there would be no significant adverse impact on the rural setting and 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 planning application be approved subject to conditions.

9. **Recommendation:**

It is recommended that the application is approved with conditions as scheduled below.

Conditions:

1. That the development hereby permitted must be begun within three years of the date of this permission.
2. 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 Service.
3. That the proposed caravan units forming part of this development shall be sited and occupied in accordance with any Caravan Site License and associated conditions which applies to the site.
4. That the proposed caravan units forming part of this development shall not be promoted, advertised, let or used for any purpose other than as holiday let accommodation.
5. Prior to the commencement of development on site, exact details, and specifications (including physical samples) of all proposed materials to be used on external surfaces and cladding (in respect of type, colour and texture) of the caravan units shall be submitted to and approved in writing by the Planning Service. Thereafter, these materials shall be implemented as approved unless otherwise agreed in writing by the Planning Service.

6. Prior to the first caravan unit being occupied as holiday accommodation within the application site, the approved 1.8m/1.5m high fencing system to be installed along the western and part of the southern boundary of the application site shall be erected and installed in full. The fencing system shall be installed in strict accordance with the details (including the construction methods, design specifications and location/route) as shown on approved plans; 'Site Plan Proposed' (Drawing No. CT/LD03/03 Rev J) and 'Replacement Boundary Fencing Plan' (1 of 4 Drawing No. 1003 Rev B), (2 of 4 Drawing No. 1004 Rev B), (3 of 4 Drawing No. 1005 Rev B) and (4 of 4 Drawing No. 1006 Rev B). The fencing system shall also be installed and erected with all of the ecological design and mitigation features which are annotated and shown on these approved plans and also specified within the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023). Thereafter and once erected and installed in full, the 1.8m/1.5m high fencing system shall be maintained in strict accordance with the approved details on the approved plans and retained in its location and alignment for the lifetime of the development, unless otherwise agreed in writing by the Planning Service.
7. Prior to the commencement of development on site and further to paragraph 6.87 of the approved 'Planning, Design and Access Statement' (Lichfields, Dated 22nd February 2023), details of the locations, design, and content of the directional/information signage to be erected within the site shall be submitted to and approved in writing by the Planning Service. Thereafter, the approved directional/information signage shall be erected and be in situ prior to the first caravan unit being occupied as holiday accommodation within this development site. Once erected, the approved directional signage shall be retained and maintained on site for the lifetime of the development, unless otherwise agreed in writing by the Planning Service.
8. Prior to the commencement of development on site, a Bird Hazard Management Plan (BHMP) shall be submitted to and approved in writing by the Planning Service (in consultation with Glasgow Prestwick Airport). The BHMP shall include details of measures to minimise the attractiveness of the site during both the construction and operation of the site for birds and discourage any increase in the number of birds in the vicinity which could potentially compromise the operations from Glasgow Prestwick International Airport. Thereafter, the BHMP shall be implemented as approved with any measures identified installed prior to the completion of the construction of the development unless otherwise agreed in writing by the Planning Service (in consultation with Glasgow Prestwick Airport). Once completed and fulfilled, the BHMP shall remain in force for the lifetime of the development and no subsequent alterations are to be made to the plan unless firstly approved in writing by the Planning Service (in consultation with Glasgow Prestwick Airport).
9. Prior to the first caravan unit being occupied as holiday accommodation within the application site, the approved structure and deterrent planting (comprising of the native hedging and additional screen Scot pine tree planting and feathered tree groups) proposed as part of the approved detailed landscape scheme (including along the southern and southwestern boundary of the application site) shall be implemented in full in strict accordance with approved plans 'Detailed Planting Proposals South' (Drawing No. W2585 1002 Rev. G) and 'Landscape Masterplan' (Drawing No. W2585 MP01 Rev. L). In the first planting season following the first caravan unit being occupied as holiday accommodation on any individual phase as shown on approved 'Phasing Plan' (Drawing No. W2585 1007), the remaining aspects of the planting forming part of the approved detailed landscape scheme shall be implemented in full for that phase in accordance with approved plans 'Detailed Planting Proposals North' (Drawing No. W2585 1001 Rev. G), 'Detailed Planting Proposals South' (Drawing No. W2585 1002 Rev. G) and 'Landscape Masterplan' (Drawing No. W2585 MP01 Rev. L). Thereafter, the approved detailed landscape scheme once complete and in place either in full or a respective phase shall be maintained in strict accordance with the management and aftercare arrangements as agreed through Condition 10 below, unless otherwise agreed in writing by the Planning Service.
10. Prior to the commencement of development on site and further to Condition 9 above, details of the future management and aftercare of the retained/existing and proposed landscaping (including the approved detailed landscape scheme) across the whole site shall be submitted to and approved in writing by the Planning Service. As part of this, the future management and landscape maintenance arrangements provided shall confirm that any trees, shrubs, plants or grass forming part of the approved detailed landscape scheme implemented through Condition 9 above, which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced by a suitably qualified landscape contractor with others of similar sizes and species unless the Planning Service gives written approval to any variation. Thereafter, the approved management and aftercare of the landscaping and planting shall be carried out in accordance with the approved details and be maintained on site for the lifetime of the development, unless otherwise agreed in writing by the Planning Service.

11. Prior to the commencement of development on any individual phase of development as shown on approved drawing 'Phasing Plan' (Drawing No. W2585 1007) and further to the approved 'Topographical Survey Sheet 1 and 2' (Drawing No. 06_220394_01 Rev A), 'Indicative Landscape Cross Sections' (Drawing No. CS01 Rev C), 'Development Sections Sheet 1 of 2' (CT/LD03/04 Rev. A) and 'Development Sections Sheet 2 of 2' (CT/LD03/05 Rev. A), ground works and ground modelling plans for that phase shall be submitted to and approved in writing by the Planning Service. The plans shall clearly indicate:

- The extent of the proposed development site for that phase, the existing and proposed levels across that development phase and the ridge level of the highest part of the development for that phase.
- The ground modelling and extent of cut and fill operations proposed as part of the construction to create development platforms for that phase.
- The precise locations and positions of caravan plots/pitches, roads, infrastructure and other services and utilities for that phase.

Thereafter, each phase of the proposed development shall be implemented and constructed in strict accordance with details shown on the ground works and ground modelling plans approved for that phase, unless otherwise agreed in writing by the Planning Service.

12. All construction work and activity on site relevant to the development hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures outlined within the approved 'BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement' (B.J. Unwin Forestry Consultancy Ltd, 3rd March 2023) alongside the associated approved drawings 'Tree Retention and Protection Plans 1 of 2 and 2 of 2' (Drawing No CTGFTRP1-MAR23 and CTGFTRP2-MAR23), 'Root Protection Areas 1 of 2 and 2 of 2' (Drawing No. CTGFRPA1-JUN22 and CTGFRPA2-JUN22), 'Theoretical Shading Plan 1 of 2 and 2 of 2' (Drawing No. CTGFSH1-JUN22 and CTGFSH2-JUN22) and 'Tree Crowns Plan 1 of 2 and 2 of 2' (Drawing No. CTGFTR1-JUN22 and CTGFTR2-JUN22). Specifically, the existing trees, woodlands and hedgerows to be retained across the site shall be protected during the course of development to the British Standard BS 5837(2012) 'Trees in Relation to Construction' and no changing of levels, movement or parking of vehicles, storage of building materials, machinery, plant equipment or soil/aggregate shall take place within the protected areas of the trees and woodland subject to retention. All recommendation and mitigation measures proposed in the approved statement and accompanying plans shall be installed prior to construction work starting on site and shall be maintained as such for the duration of the construction works until the development on the site is complete in its entirety.

13. The development hereby approved shall be constructed and implemented in strict accordance with all of the recommendations and surface water and flood risk mitigation measures outlined and contained within the approved 'Craig Tara Golf Facility Flood Risk Assessment and Flood Evacuation Plan' (Fairhurst, March 2023) and the approved 'SEPA Response Technical Note and Addendum to Flood Risk Assessment' (Ref. 149395/GL-W-TN-01) (Fairhurst, 18th April 2023) being fulfilled in full. This includes that:

- The surface water from the site shall be treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) Manual CIRIA C753 and other relevant standards.
- The site is developed with a safe and flood free access and egress. This means the provision of a safe and flood free route during the relevant flood probability events that enables free movement of people of all abilities (on foot or with assistance) both to and from a secure place that is connected to ground above the design flood level and/or wider area.
- That the static caravan pitches are placed out with the 1 in 1000 year + climate change flood extent and that minimum Finished Floor Levels (FFL) are set to 5.6mAOD to provide a 600mm freeboard above the significant wave crest level in a 1 in 1000 year + climate change event.

Any alterations or deviations to these recommendations and mitigation measures are not permitted unless first agreed in writing with the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Flood Authority). Once implemented, these recommendations and mitigation measures shall remain in place for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Flood Authority).

14. No development shall take place within the development site as outlined in red on the approved plan until the applicant/developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Planning Service (in consultation with West of Scotland Archaeological Service (WoSAS)). Thereafter, the applicant/developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved arrangements. Any alterations or deviations to these agreed arrangements are not permitted unless otherwise agreed in writing with the Planning Service (in consultation with West of Scotland Archaeological Service (WoSAS)).
15. That the Ayrshire Coastal Path Core Path (Route Name: SA2) which runs along part of the north-east and northern boundary of the application site shall be unaffected and always remain accessible for public use during both the construction stage and operational stage of the development.
16. Prior to the commencement of development on site and further to the recommendations of the approved 'Ecological Impact Assessment Report'(Tyler Grange, 2nd October 2023), a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Service (in consultation with Nature Scot and the Council's appointed Ecology Advisor). The CEMP shall include an Invasive Non-Native Species (INNS) Eradication Plan and ongoing management plan to eradicate recorded species (including giant hogweed and giant rhubarb) from the development site. Thereafter, the approved CEMP shall be implemented on site for the duration of the full construction period of the development and will remain in place until the entire construction period of the development has been completed, unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor).
17. Prior to the commencement of development on site and further to 'Appendix 8 - Outline Habitat Management Plan' of approved 'Ecological Impact Assessment Report'(Tyler Grange, 2nd October 2023), a detailed Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Planning Service (in consultation with Nature Scot and the Council's appointed Ecology Advisor). The HMP shall set out proposed habitat management of the site during the period of construction and operation and shall provide specific details for biodiversity enhancement and biodiversity net gain alongside a programme for the improvement, maintenance, monitoring and reporting of habitats and species. The approved HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives and the approved HMP. Thereafter, the development shall be implemented in strict accordance with the approved HMP, and all measures and mitigation implemented as part of the fulfilment of the HMP shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor).
18. Not more than 3 months prior to commencement of development on site, pre-construction surveys for red squirrel, otter, badger, water vole, reptiles, amphibians, and birds shall be undertaken to inform Species Protection Plans (SPP). Prior to the commencement of development, the SPP's and the pre-construction surveys to inform the SPP's shall be submitted to and approved in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor). Thereafter, any required work identified in the approved SPP's shall be carried out in strict accordance with the approved mitigation measures and timescales set out and agreed. In the event that any red squirrel, otter, badger, water vole, reptiles, amphibians or birds be recorded, a licence must be obtained from NatureScot prior to works commencing if this is required.
19. Prior to the commencement of development on site and further to the approved 'Appendix 10 Light Spill Report' of the approved 'Ecological Impact Assessment Report'(Tyler Grange, 2nd October 2023), a final lighting scheme and strategy for the site shall be submitted to and approved in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor). The lighting scheme and strategy submitted shall demonstrate:
 - How external lighting (including floodlighting) at both the construction and operation stage of development will be developed and sited as to not impact wildlife.
 - How and by which means all external lighting will be positioned or designed so that it does not directly face towards or shed light onto the Maidens to Doonfoot Site of Special Scientific Interest.
 - How all lighting has been informed by the Bats Conservation Trust; 'Bats and Artificial Lighting in the UK Guidance Note 2023'

- How it has taken into account all of the lighting needs associated with the development during operational hours and how it will work to the minimum lighting levels required to perform relevant lighting tasks or functions.

The development shall thereafter be implemented in strict accordance with the approved lighting scheme and strategy at both construction and operational stages of development, with the operational lighting maintained in accordance with the approved scheme/strategy for the lifetime of the development. No changes to the location or positioning of any of the lighting as approved through the lighting scheme and strategy shall be undertaken unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor).

20. Unless otherwise agreed in writing by the Planning Service, the development hereby approved shall be constructed and thereafter be implemented and operate at all times in strict accordance with all of the mitigation measures set out within the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023). This includes the mitigation outlined in Section 4.39 and Appendix 5, Section 5 of the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023) relating to the results of the spring and summer 2023 breeding bird surveys. All measures and mitigation implemented on site shall thereafter be maintained and/or retained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor).
21. Further to Condition 20 above, the minimum 20-metre buffer proposed between the edge of the development (including landscaping) and the boundary of the Maidens Head to Doonfoot Site of Special Scientific Interest (SSSI) as shown on approved plan 'Site Plan Proposed' (Drawing No. CT/LD03/03 Rev. J) and 'Landscape Masterplan' (Drawing No. W2585 MP01 Rev. L) shall be formed/established and come into force before the commencement of the construction of the development on the site. Once established and effective, the 20-metre buffer shall be managed so that it provides grassland shrub mosaic habitat and so that it also forms a barrier to plant species potentially invading the coastal grassland strip in accordance with Section 4.14 and Appendix 1, 7 and 8 of the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023). Thereafter and once the development is implemented in full, the minimum 20 metre-buffer shall remain in force post-construction and shall continue to be managed in accordance with the approved 'Ecological Impact Assessment Report' (Tyler Grange, 2nd October 2023) for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Service (in consultation with Nature Scot and the Council's external Ecology Advisor).
22. Prior to the first caravan unit being occupied as holiday accommodation within the application site, a Travel Plan shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage sustainable modes of travel to and from the development other than by single occupancy private car trips and also clearly define the system of management, monitoring, review, reporting and the duration of the Travel Plan. The approved Travel Plan and all associated measures and initiatives shall become effective within 2 month of the Planning Service's approval and thereafter the Travel Plan and all associated initiatives and measures shall be maintained as such for the lifetime of the development, unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority).
23. Prior to the commencement of development on site and further to the details show on approved drawing 'Proposed Access Road Improvements' (Drawing No. 149305/sk1003 Rev. A) and approved document 'Response to Further Comments Received from Ayrshire Roads Alliance' (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 30th October 2023), precise details and specifications of the additional 2.75 metre lane construction proposed from the site access junction of Craig Tara Holiday Park in the vicinity of the public road, shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the approved details and specifications shall be implemented as part of the fulfilment and compliance of the requirements of Condition 24 below.

24. Prior to the first caravan unit being occupied as holiday accommodation within the application site and further to the specific details approved as part of Condition 23 above, all internal road network and infrastructure mitigation measures proposed within Craig Tara Holiday Park boundary as shown on approved drawing Proposed 'Access Road Improvements' (Drawing No. 149305/sk1003 Rev. A) and referenced in approved document 'Response to Further Comments Received from Ayrshire Roads Alliance' (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 30th October 2023) shall be implemented and in full in strict accordance with this approved plan and document alongside the details agreed through the discharge of Condition 23. This includes the road widening (to create three lanes for a section of the internal access), the formation of a footway provision (to connect the existing footway on the A719 into the footways within the site) and the permanent repositioning of the check-in point within Craig Tara Holiday Park. Once implemented in full, the Applicant shall provide written confirmation to the Planning Service of fulfilment and compliance in order to allow it to be inspected and reviewed by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority).
25. Prior to the commencement of development on site and further to approved drawing 'Proposed A719 Road Safety Improvements Plan' (Drawing No. 149305/sk1007 Rev. A) and approved document 'Response to Ayrshire Roads Alliance and Proposed Road Mitigation' (Ref. 149305 TN01) (Fairhurst, Dated 20th December 2023), precise details and specifications of the locations and design of all Vehicle Actuated Signage infrastructure improvements, including detection technology and associated features proposed within public road limits on the A719 Dunure Road, shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the approved details and specifications shall be implemented as part of the fulfilment and compliance of Condition 26 below.
26. Prior to the first caravan unit being occupied as holiday accommodation within the application site and further to the specific details approved as part of Condition 25 above, all external road and infrastructure mitigation measures proposed within the public road limits on the A719 Dunure Road as shown on approved drawing 'Proposed A719 Road Safety Improvements Plan' (Drawing No. 149305/sk1007 Rev. A) and referenced in approved document 'Response to Ayrshire Roads Alliance and Proposed Road Mitigation' (Ref. 149305 TN01) (Fairhurst, Dated 20th December 2023) with the exception of the proposed reduction in speed limit to 40mph shall be implemented in full in strict accordance with this approved plan and document alongside the details agreed through the discharge of Condition 25. This includes the provision of Vehicle Actuated Signage, and a programme of visibility improvement works to the west of the site entrance by trimming back of existing hedge and other vegetation on the A719 Dunure Road frontage. Once implemented in full, the Applicant shall provide written confirmation to the Planning Service of fulfilment in order to allow it to be inspected by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority).
27. Prior to the commencement of development on site and further to Section 4 'Vehicle Movement and Operational Procedure Plan' of the approved 'Traffic Survey Report (Fairhurst, Dated June 2023)', a Service Management Plan (SMP) shall be submitted to and approved in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority). The SMP shall provide details of all management measures associated with vehicular movements required in the regular servicing activities on the application site and the operation of the development, including the delivery and removal of caravan units to and from the site and provide details of measures to limit the impacts that servicing activity may have on the adjacent local road network. Thereafter, the approved SMP and associated details and arrangements shall be implemented as approved prior to the first caravan unit being used as holiday accommodation within the application site and shall be maintained as such for a period of 1 year from that date, unless otherwise agreed in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority). Following a period of 1 year from the date of the first caravan unit being used as holiday accommodation within the application site, an updated SMP reflecting and responding to the initial year of operation shall be submitted to and approved in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the approved updated SMP shall be implemented as approved for the lifetime of the development unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority).
28. That the edge of any proposed signage at either construction or operational stage of the proposed development shall be no nearer than 0.5 metres from the edge of the carriageway and the underside of the signage shall be a minimum of 2.25 metres above the public footway.

29. Prior to the commencement of development on site, precise details, and specifications of how the discharge of water onto the public road carriageway will be prevented (by drainage or other means) shall be submitted to and approved in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). Thereafter, the development shall be constructed, implemented and operate in strict accordance with the approved measures and details, and these shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service (in consultation with Ayrshire Roads Alliance as the Council's Roads Authority).
30. 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 Service (in consultation with the Ayrshire Roads Alliance as the Council's Roads Authority). The CTMP shall include the following:
- Full confirmation of the approved and agreed routes for use by construction traffic movements.
 - A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
 - Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/ construction details;
 - Details of measures and contractual agreements to be put in place to manage the compliance of contractors and sub-contractors with using agreed/approved construction traffic routes. This shall include any associated monitoring procedures, and any specific training and disciplinary measures to be established to ensure the highest standards are maintained;
 - Full details of all arrangements for emergency vehicle access;
 - Full details of measures to minimise traffic impacts in existing road users where practicable, including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
 - Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
 - All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
 - Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;
 - Details of the provision of construction updates on the project website and a newsletter to be distributed to residents within an agreed distance of the site;
 - Full details on the process for the identification and undertaking of any necessary repairs to the construction traffic route, including the mechanism for coordination with the Roads Authority.

Thereafter and unless otherwise agreed in writing by the Planning Service (in consultation with the Ayrshire Roads Alliance as 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:

1. *To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.*
2. *To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.*
3. *To be in compliance with the Caravan Site License in place for the site and in the interests of visual amenity.*
4. *In order to retain full control over the development and to avoid the creation of any additional permanent dwellings.*
5. *In the interests of visual amenity and to minimise the visual intrusion and reach of the caravan units proposed as part of the development.*
6. *In the interests of amenity and delineation between the land uses and to ensure that the fencing system installed does not impact upon the integrity of the Maidens to Doonfoot Site of Special Scientific Interest, the movement of wildlife/species or the health and vitality of trees situated on the boundary of the site.*

7. *To ensure the content and location of the directional/information signage are effective in assisting in delineating the application site from neighbouring land uses to the south and west.*
8. *To avoid endangering the safe movement of aircraft and the operation of Glasgow Prestwick Airport including the nearby 'Visual Reporting Points' at Heads of Ayr and Doonfoot through the attraction of birds and an increase in the bird hazard risk from the development.*
9. *To ensure that the approved landscape scheme is implemented and in place in a timely manner in the interests of residential amenity, visual amenity, and the screening of the development.*
10. *In the interests of visual amenity and to ensure that the agreed landscape measures are effective.*
11. *In the interests of visual amenity and to ensure that the ground works and cut and fill operations as part of the construction of the proposed development do not significantly increase the visual intrusion and prominence of the development on the surrounding landscape and environment.*
12. *In order to ensure that the measures proposed are implemented so that no damage is caused to trees, hedges or woodlands within or adjacent to the site during development operations.*
13. *In the interests of mitigating flood risks for the development.*
14. *To establish whether there are any archaeological interests on the site and to ensure sufficient provisions are in place for archaeological excavation and recording if it is deemed necessary.*
15. *To ensure that this development does not directly or indirectly impact or compromise the use of this core path for members of the public.*
16. *To ensure that all construction operations are carried out in a manner that minimises their impact on the environment, and that the mitigation measures contained in the Ecological Impact Assessment accompanying the application, or as otherwise agreed, are fully implemented.*
17. *In the interests of the protection and enhancement of habitats and species, including the integrity of the adjacent Maidens to Doonfoot Site of Special Scientific Interest (SSSI) and in response to the specific requirements of Policy 3 of National Planning Framework 4 (NPF4).*
18. *In the interests of safeguarding protected species.*
19. *To ensure the integrity of the Maidens Head to Doonfoot Site of Special Scientific Interest is safeguarded through appropriate mitigation and to ensure the lighting does not adversely impact upon ecology and wildlife.*
20. *To ensure the integrity of the Maidens Head to Doonfoot Site of Special Scientific Interest is safeguarded through appropriate mitigation and in the interests of securing and achieving nature and biodiversity protection and enhancement.*
21. *To ensure the integrity of the Maidens Head to Doonfoot Site of Special Scientific Interest is safeguarded through appropriate mitigation.*
22. *To encourage sustainable means of travel as part of the development.*
23. *For the purposes of road safety and the functional operation of the local road network.*
24. *For the purposes of road safety and the functional operation of the local road network and to ensure that the proposed road mitigation proposed within Craig Tara Holiday Park are implemented in a timely manner and in conjunction with the development subject to this planning application.*
25. *For the purposes of road safety and the functional operation of the local road network.*
26. *For the purposes of road safety and the functional operation of the local road network and to ensure that the road mitigation proposed on the public road limits of the A719 Dunure Road are implemented in a timely manner and in conjunction with the development subject to this planning application.*
27. *For the purposes of road safety and the functional operation of the local road.*
28. *In the interest of road safety.*
29. *In the interest of road safety and to avoid the discharge of water onto the public road.*
30. *In the interests of road safety during the construction phase of the development.*

Advisory Notes:

Glasgow Prestwick Airport (GPA)

As part of Condition 8 above, GPA request the following is included in any submission to discharge:

- *Measures for the management of any flat/shallow pitched roofs within the site which may be attractive to nesting, roosting and loafing birds and this may include netting applied to the roofs of structures and/or ancillary buildings (where necessary).*
- *Management of solar installations (if proposed) to prevent these becoming potential bird habitats and details of the type of waste bins and the waste management arrangements for the development.*

National Air Traffic Services (NATS) Safeguarding

- *The NATS response does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise and NATS response is based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NATS regarding 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 prior to any consent being granted.*

SEPA

- *Whilst no details are available at this time for the replacement watercourse footbridge crossing, it has been confirmed that the new/replacement watercourse crossing will be above the 0.1% AEP plus Climate Change Event. SEPA recommend that the footbridge crossing is clear span.*
- *Details for regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of SEPA's website. For all other planning matters, please refer to SEPA's triage framework and standing advice which are available on SEPA's website: www.sepa.org.uk/environment/land/planning/.*

Scottish Water

- *Water Capacity Assessment – There is currently sufficient capacity in the Bradan Water Treatment Works to service the development however further investigations may be required once a formal application has been submitted to Scottish Water.*
- *Network Assessment - Further studies are required to determine if Scottish Waters existing water network can adequately service the demands of the development or if any mitigation/enhancement work is necessary. A Network Assessment will be required to establish if there is sufficient capacity within the existing infrastructure to accommodate the demands of the development. Scottish Water is currently undertaking a Stage 2 Strategic Water Impact Assessment in this area however this study does not include this site. A separate Hydraulic Water Impact Assessment (WIA) will be required for a development of this size. There are other proposed developments in this area and therefore, Scottish Water strongly recommend that the strategic study model is adopted.*
- *Wastewater Capacity Assessment – According to Scottish Water records, there is no public Scottish Water Wastewater Infrastructure within the vicinity of this proposed development, therefore it is advised the Applicant investigates private treatment. In this regard, it is noted that the proposed site is being developed next to a private wastewater treatment facility which may have a detrimental impact on amenity. The Applicant should be aware that Scottish Water is unable to reserve capacity for their water/wastewater treatment works for the development. Once if a formal connection application is submitted to Scottish Water, Scottish Water will review the availability of capacity at that time and advise the Applicant accordingly.*
- *Surface Water – For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept surface water connections into Scottish Water's combined sewer system. In order to avoid costs/delays where a surface water discharge to Scottish Water's combined sewer system is anticipated, you should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan, prior to making a connection request.*
- *Asset plans can be obtained from: www.sisplan.co.uk, sw@sisplan.co.uk, 0333 123 1223.*
- *Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customers boundary internal outlet. If the Developer wishes to enquire about Scottish Water procedure for checking water pressure in an area, they should write to the Customer Connections department. If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the Developer must provide evidence of formal approval from the affected landowner (a deed of servitude). Scottish Water may only vest new water/wastewater infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the Developer. The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.*
- *Next Steps – All developments require to submit a Pre-Development Enquiry (PDE) Form prior to any formal Technical Application being submitted. Where it is confirmed through the PDE process that mitigation works are necessary, the costs of these works is to be met by the Developer, which Scottish Water can contribute towards through Reasonable Cost Contribution Regulations.*
- *Non-Domestic/Commercial Property – Since the introduction of the Water Services (Scotland) Act 2005, the water industry has opened to market competition for non-domestic customers.*
- *Trade Effluent Discharge from Non-Domestic Property - If in any doubt as to whether any discharge from the proposed development is likely to be trade effluent, please contact Scottish Water on 0800 778 0778 or email TEQ@scottishwater.co.uk.*

South Ayrshire Council Environmental Health Service

- *The wastewater/sewage system shall be constructed and installed in accordance with BS6297 Code of Practice for Design and Installation of drainage fields for use in wastewater treatment. BS6297 is applicable to systems for handling discharges from domestic to commercial sources. These sources are typically septic tanks and package sewage treatment plants.*
- *Work shall be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found on the website of the SEPA; www.sepa.org.uk.*
- *In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used shall be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.*
- *If planning permission is granted, the Applicant shall contact South Ayrshire Council Environmental Health Service as soon as possible to update their current Caravan Site Licence. This will need to be undertaken before the proposed development on the site becomes operational. Once updated and agreed, the site must meet the conditions stated in the Caravan sites and the Control of Development Act 1960 and amendments therewith included in the Act at all times.*
- *The EH response was prepared by Elaine Little (Environmental Health Officer), to whom any further enquiries can be made: 01292 616341 or elaine.little@south-ayrshire.gov.uk.*

South Ayrshire Council Outdoor Access Officer

- *There is a public Right of Way (Ref SKC0029) which runs along and adjacent to the main entrance/access road into wider Craig Tara Holiday Park. Whilst this is some distance from the application site, the park should ensure that the public can use this route given it is a Right of Way (RoW) recorded by the Council and by the Scottish Rights of Way Society (ScotWays).*
- *Increased traffic, as a result of the increased number of caravans proposed as part of the development could have a significant impact on this RoW near the entrance/access to the site. As a result, the Applicant should take measures to decrease any negative impact on this RoW. As part of this, it is recommended that the Applicant considers providing an improved path adjacent to the access road, to keep walkers safely segregated from the traffic.*

Carol Anderson Landscape Associates (Council's Landscape Advisor)

Should planning permission be granted, it is advised that:

- *The details provided for external surfaces and cladding of the caravan units for Condition 5 shall seek to utilise the least reflective materials as possible to minimise their visual presence.*
- *The Applicants includes perimeter landscaping around the sewage plant works as part of its upgrade. This will not only allow it to better integrate with the development, but it will improve the appearance of the park environment as it is seen and experienced from the coast/beach.*
- *Remove the groundskeeper store/equipment which is sited around the sewage plant works.*
- *Extent planting proposed as part of this development along the remainder of the coastal edge of the existing park (using robust species to reduce intrusion).*

West of Scotland Archaeological Service (WoSAS)

- *WoSAS note that the archaeological desk-based assessment submitted concluded that mitigation would be possible under a watching brief, but that this would lead to delays in the construction programme if buried remains were identified and then had to be subsequently excavated ahead of construction proceeding. Given the demonstrated richness of the area in terms of producing significant buried remains, WoSAS strongly advise that the mitigation should be more pro-active and in advance of construction so that there is then time available for subsequent excavations to take place without impacting on the construction programme.*

- WoSAS advise that the archaeological condition should be implemented in a staged manner, with the first stage being archaeologically led topsoil stripping of the application area in advance of construction. This will involve hiring a professional archaeological contractor (see list on WoSAS website www.wosas.net) to undertake the required investigations. The results of this initial investigation will thereafter dictate the need for any further archaeological works on the site prior to or during any further disturbance as necessary. Any such discoveries will have to be excavated before their destruction including any post excavation analyses and publication required. Early contact should be made with WoSAS to agree the approach; WosasEnquiries@glasgow.gov.uk.

Nature Scot

In addition to the conditions requested, Nature Scot advise and recommend the following:

- It is recommended that no direct footway access is made from the development to the shoreline but rather should connect to existing well-established footpaths. The existing informal access from the golf facility to the shore should be removed.
- Any planting established as being required within the 20-metre buffer zone of the SSSI will require to avoid the need for the importation of any topsoils to prevent the risk of importing any Invasive Non-Native Species (INNS) and only use appropriate native species.
- Further to Condition 17, the HMP provided shall build on from the positive mitigation and initially outlined in the OHMP and should include additional work to demonstrate positive effects for biodiversity enhancement. This should seek to respond to NPF4 Policy 3b) 'proposals for major development will only be supported where it can be demonstrated that the proposals will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management'. Nature Scot guidance, developed in support of the Scottish Government's work on securing positive effects for biodiversity contains a wide range of prescriptive measures which can help enhance the outline proposals made to date; [Developing with Nature guidance | NatureScot](#). Where possible, the applicant should look to enhance positive connectivity to the Local Wildlife Sites identified within 2km of the site.
- Further to Condition 18, for species that can be surveyed at any time of the year (otter), the pre-construction surveys should be undertaken as close to the construction period as possible, and no more than 3 months before the start of works. For species that have a restricted survey window (water vole), the pre-construction surveys should be undertaken as close to the start of works as possible and within the most recent survey window.
- Further to Condition 19, Nature Scot advise that the 2023 version of the Bat Conservation Trust - 'Bats and Artificial Lighting in the UK Guidance Note' is used to augment the current Light Spill Report (Appendix 10 of the approved EIAR) to demonstrate how a sensitive lighting scheme will be developed/implemented; ['Bats and Artificial Lighting at Night' ILP Guidance Note update released - News - Bat Conservation Trust](#)

Ayrshire Roads Alliance (as Council's Roads Authority and Flood Risk Authority)

- Road Opening Permit - That a ROP is required in addition to planning consent for any work to be undertaken within the public road limits. An application for a Road Opening Permit should be made separately to the ARA as Roads Authority, prior to works commencing on site.
- Roads (Scotland) Act – All works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- New Roads and Street Works Act 1991 - In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local road's authority and the relevant utility companies.
- Costs of Street Furniture - Any costs associated with the relocation of any street furniture shall require to be borne by the Applicant/Developer.
- Costs of TROs - The promotion of TRO resulting from this development shall require to be fully funded by the Applicant – including any relevant road signs and markings.
- Signage to TSRGD 2016 - Only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.

- *Flood Prevention* - Whilst no details are available at this time for the replacement watercourse footbridge crossing, it has been confirmed that the new/replacement watercourse crossing will be above the 0.1% AEP plus Climate Change Event. SEPA recommend that the crossing is clear span. Details for regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of SEPA's website. For all other planning matters, please refer to SEPA's triage framework and standing advice which are available on SEPA's website: www.sepa.org.uk/environment/land/planning/.

List of Determined Plans/Drawings and Supporting Documentation:

- Topographical Survey Sheet 1 and Sheet 2 (Drawing No. 06_220394_01 1 of 2 and 2 of 2 Rev. A)
- Drainage Strategy Layout (Drawing No. 149305/2200 Rev. D)
- Indicative Constraints Plan (Drawing No. W2585 CP01 Rev. E)
- Location Plan (Drawing No. CT/LD03/01)
- Site Plan Existing (Drawing No. CT/LD03/02 Rev. B)
- Root Protection Areas Plan 1 of 2 (Drawing No. CTGFRPA1-JUN22)
- Root Protection Areas Plan 2 of 2 (Drawing No. CTGFRPA2-JUN22)
- Theoretical Shading Plan 1 of 2 (Drawing No. CTGFSH1-JUN22)
- Theoretical Shading Plan 2 of 2 (Drawing no. CTGFSH2-JUN22)
- Tree Crowns Plan 1 of 2 (Drawing No. CTGFTR1-JUN22)
- Tree Crowns Plan 2 of 2 (Drawing No. CTGFTR2-JUN22)
- Tree Retention and Protection Plan 1 of 2 (Drawing No. CTGFTRP1-MAR23)
- Tree Retention and Protection Plan 2 of 2 (Drawing No. CTGFTRP2-MAR23)
- Indicative Concept Plan (Drawing No. W2585 SK01 Rev. F)
- Archaeology Desk-based Assessment (Lichfields, Dated February 2023)
- Drainage Assessment (Fairhurst, Dated September 2022)
- Existing Services/Utilities Report (Fairhurst, Dated June 2022)
- Flood Risk Assessment and Flood Evacuation Plan (Ref. 149305/GL/W/R01) (Fairhurst, Dated March 2023)
- Geo-Environmental Desk Study Issue 05 (Fairhurst, Dated June 2022)
- Heritage Statement of Significance (Lichfields, Dated February 2023)
- Landscape and Visual Impact Assessment (Andrew Davis Partnership, Dated March 2023)
- Planning, Design and Access Statement (Lichfields, Dated 22nd February 2023)
- Pre-application Consultation Report (PAC) (Lichfields, Dated 21st February 2023)
- Preliminary Ecological Appraisal Report (Report No. 14252_R03F_JM_CW) (Tyler Grange, Dated 6th March 2023)
- Transport Assessment (Ref. 149305 TA01) (Fairhurst, Dated March 2023)
- Tree Constraints, Tree Impacts and Tree Protection Method Statement (B. J. Unwin Forestry Consultancy Ltd., Dated 3rd March 2023)
- Site Plan Proposed (Amended) (Drawing No. CT/LD03/03 Rev. J)
- Development Sections Sheet 1 of 2 (Drawing No. CT/LD03/04 Rev. A)
- Development Sections Sheet 2 of 2 (Drawing No. CT/LD03/05 Rev. A)
- Detailed Planting Proposals North (Drawing no. W2585 1001 Rev. G)
- Detailed Planting Proposals South (Drawing No. W2585 1002 Rev. G)
- Replacement Boundary Fencing Plan 1 of 4 (Drawing No. W2585 1003 Rev. B)
- Replacement Boundary Fencing Plan 2 of 4 (Drawing No. W2585 1004 Rev. B)
- Replacement Boundary Fencing Plan 3 of 4 (Drawing No. W2585 1005 Rev. B)
- Replacement Boundary Fencing Plan 4 of 4 (Drawing No. W2585 1006 Rev. B)
- Indicative Landscape Cross Sections (Amended) (Drawing No. W2585 CS01 Rev. C)
- Landscape Masterplan (Amended) (Drawing no. W2585 MP01 Rev. L)
- Supplementary Note – Applicants Response to Public Comments/Representations (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 11th July 2023)
- Ecological Impact Assessment Part 1 of 3 (Report No. 14252_R06e_JM) (Tyler Grange, Dated 2nd October 2023)
- Ecological Impact Assessment Part 2 of 3 (Report No. 14252_R06e_JM) (Tyler Grange, Dated 2nd October 2023)
- Ecological Impact Assessment Part 3 of 3 (Report No. 14252_R06e_JM) (Tyler Grange, Dated 2nd October 2023)
- Landscape and Visual Impact Assessment Supplementary Photograph 1 of 2 (Andrew Davis Partnership, Dated April 2023)

Regulatory Panel (Planning): 28 February 2024

Report by Housing, Operations and Development (Ref: 23/00182/APPM)

- Landscape and Visual Impact Assessment Supplementary Photograph 2 of 2 (Andrew Davis Partnership, Dated April 2023)
- Landscape and Visual Impact Assessment Addendum - Additional Coastal Path Viewpoint Locations (Andrew Davis Partnership, Dated April 2023)
- SEPA Response Technical Note and Addendum to Flood Risk Assessment (Ref. 149395/GL-W-TN-01) (Fairhurst, Dated 18th April 2023)
- Traffic Survey Report (Fairhurst, Dated June 2023)
- Response to Further Comments Received from Ayrshire Roads Alliance (Ref. 22780/03/NOW/ASL) (Lichfields, Dated 30th October 2023)
- Proposed Access Road Improvements Plan (Drawing No. 149305/sk1003 Rev. A)
- Response to Ayrshire Roads Alliance and Proposed Road Mitigation (Ref. 149305 TN01) (Fairhurst, Dated 20th December 2023)
- Proposed A719 Road Safety Improvements Plan (Drawing No. 149305/sk1007 Rev. A)
- Phasing Plan (Drawing No. W2585 1007)

Reason for Decision (where approved):

The siting and design of the proposed internal tourism extension and proposed expansion to Craig Tara Holiday Park is considered to accord with the provisions of the statutory Development Plan and through a combination of factors including the appropriate site layout and design and landscape, boundary treatment and road and infrastructure mitigation and conditions to safeguard site specific matters such as ecology and archaeology, there is no significant adverse impact on surrounding infrastructure, amenity of neighbouring land or the surrounding environment and landscape that would warrant refusal of the application.

Background Papers:

1. Application form, plans/drawings and submitted documentation/reports.
2. National Planning Framework 4 (NPF4) and Adopted South Ayrshire Local Development Plan (LDP2).
3. Representations received.
4. Consultation responses received.

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 Ross Lee, Supervisory Planner (Place Planning), 01292 616 383.

REGULATORY PANEL: 28 FEBRUARY 2024

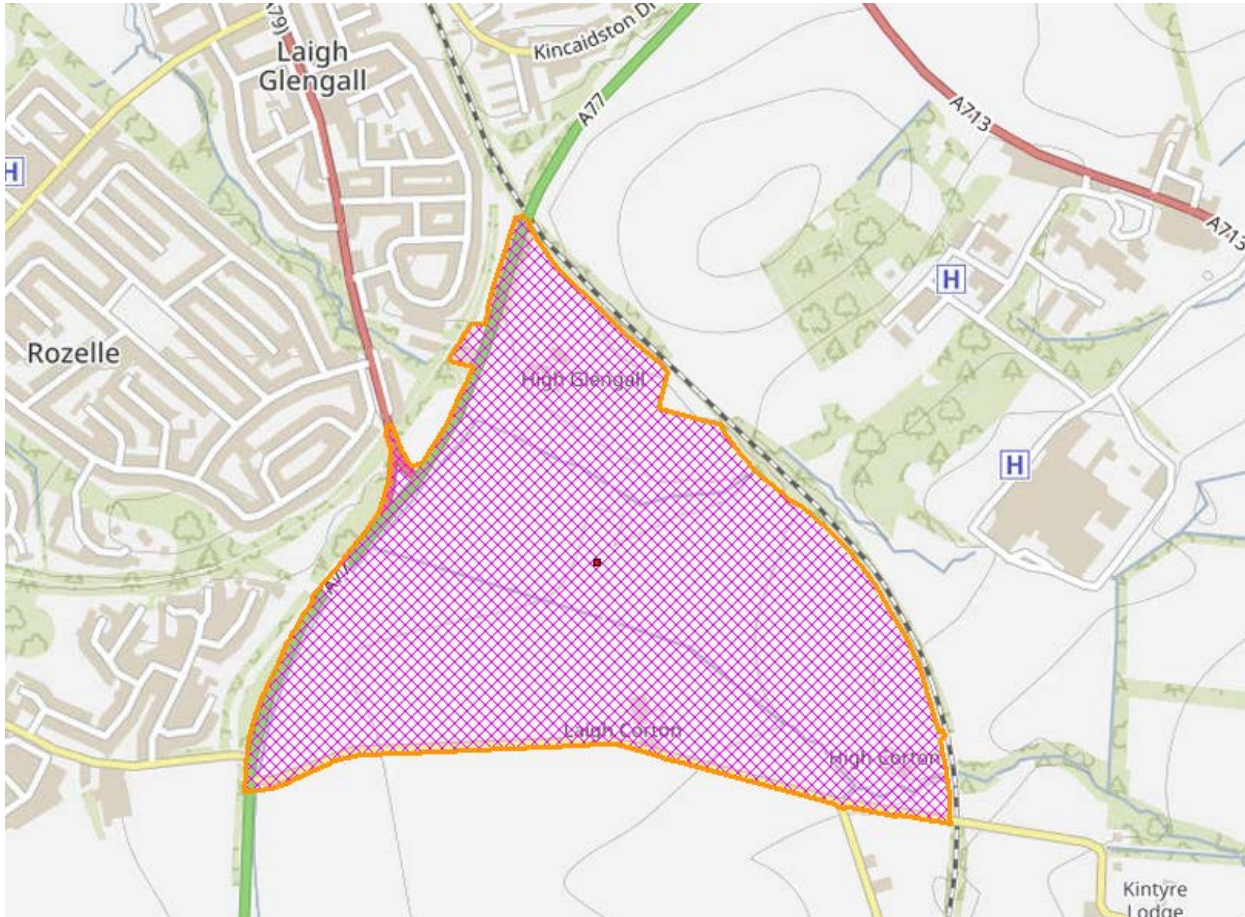
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

23/00261/FURM

CORTON A77T FROM BANKFIELD ROUNDABOUT - B7034 JUNCTION AYR SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended to modify and delete conditions attached to Planning Permission in Principle (Ref 14/00220/PPPM) for a mixed-use development within the Corton phase of the AYR4 housing allocation (also known as South East Ayr) in the Council's Adopted Local Development Plan 2 (LDP2).

The conditions which the applicant has sought to amend through the current Section 42 application are conditions 1, 4, 5, 6,9, 10, 11, 12, 14, 19, 20, 25, 33, 38, 40, 48, 57, 58, 62, 70. The conditions the applicant proposes to delete are 8, 15, 18, 21 and 29.

The revised proposals would see the replacement of the proposed large supermarket approved in 2014, with a smaller 2000 sqm Supermarket, an increase in housing from 750 units to 850 units including provision of 72 affordable housing units and the provision of a revised masterplan with voids. These proposals would see a significant reduction in the planning obligations secured within the original 2014 Planning Permission Ref. 14/0220/PPPM.

The Applicant has indicated that the separate planning application Ref. 23/00345/APPM for a retail park is intrinsically linked to this development, filling the void in the masterplan and has asked that they be considered at the same Regulatory Panel (Planning).

The applicant has provided a Development Viability Appraisal in support of the applications which demonstrates that this project is only financially viable if; the 2014 planning permission obligations are reduced, the affordable housing requirement is reduced from 25% to approximately 8.5%, an additional 100 houses are permitted, a retail park proposal (separate application Ref. 23/00345/APPM) is approved and the Council provides funding of approximately £17million over the next two and a half years. The applicant proposes that the provision of £17m from the Council is repaid through other future developments in South East Ayr.

For the avoidance of doubt, this funding arrangement has not been agreed or encouraged by Council Officials or the Council. In addition, this Regulatory Panel (Planning) only has the delegated authority from the Council to determine applications submitted under various Planning legislations. It does not have authority to approve or commit the Council on any fiscal expenditure matter.

As set out in the section of the Report on Public Subsidy considerations, external legal advice indicates that there is significant risk that the proposed funding from the Council would constitute a subsidy to the applicant relative to the Subsidy Control Act 2022 to the extent that the viability of the Corton development depends on the Council funding infrastructure. It would not be possible for Elected Members to proceed on the *assumption* that the Council has the powers to provide such finance.

Therefore, if Members are minded to approve this application, it cannot be based on the Council providing the approximate £17million initial funding as proposed and detailed within the applicant's Development Viability Appraisal. Independent expert legal advice advises that there is a significant risk that a court would find that it is irrational/perverse to grant planning permission relying on a viability case, when the evidence shows the development is not deliverable without significant forward funding from the Council and also shows that there is a strong likelihood of that funding not being available for legal and financial reasons.

It is considered that the revisions proposed to the original 2014 planning permission (Ref.14/00220/PPPM) within this section 42 application are unacceptable for the reasons specified in the report.

The principal reasons relate to the non-compliance of the retail element of the proposals with the relevant policies within NPF4 and LPD2, the inadequate and incomplete masterplan proposal which fails to appropriately plan for the entire application site and the non-compliance of the proposals to provide an adequate level of affordable housing in line with NPF4 and LDP2.

In coming to this conclusion, it was found that there were no material considerations which would outweigh the non-compliance of the proposals in relation to the National and Local planning policy position.

If Members accept the recommendation of refusal, the determination route is via this Regulatory Panel. However, if Members are minded to grant permission, the application must be notified to Scottish Ministers who may 'call-in' the application

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 28 FEBRUARY 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00261/FURM
SITE ADDRESS:	Corton A77T From Bankfield Roundabout - B7034 Junction Ayr South Ayrshire
DESCRIPTION:	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)
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 31.03.2023.
- The application was validated on 31.03.2023.
- The case officer visited the application site on 07.04.2023 and various other dates.
- 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 18.04.2023, 05.09.2023 and 08.12.2023.
- 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 25.04.23, 12.09.2023 and 12.12.2023.

1. Proposal:

Site description:

The site to which this application relates is located to the South East of Ayr on the eastern side of the A77 trunk road and it has an area of approximately 63 hectares. The site is broadly triangular in shape and bounded to the west by a 1km stretch of the A77, to the north by a 1.3km stretch of the Ayr to Stranraer railway line and to the south by a 1.2km stretch of the C39 public road. The red line site includes the A77 trunk road, the existing junction between the A77 and the Maybole Road (A79), the landfall area on the west side of the A77 (opposite the former High Glengall farm steading) and the C39 public road. The site is currently undulating agricultural land with fields, hedge field boundaries, steadings (including High Glengall, High Corton and Laigh Corton), embankments, some limited tree cover and is dissected by watercourses including the Slaphouse Burn.

Development proposal:

This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended to modify conditions attached to Planning Permission in Principle (ref 14/00220/PPPM) for a mixed-use development within the Corton phase of the AYR4 housing allocation (also known as South East Ayr) in the Council’s Adopted Local Development Plan 2 (LDP2). If approved, the effect of the current Section 42 application would be to grant a new Planning Permission in Principle for Corton, subject to conditions which are different from those attached to Ref.14/00220/PPPM - hereafter referred to as ‘the original permission.’ Further details on the procedural matters surrounding Section 42 applications are captured under Section 2 below.

The conditions which the applicant has sought to amend through the current Section 42 application are conditions 1, 4, 5, 6,9, 10, 11, 12, 14, 19, 20, 25, 33, 38, 40, 48, 57, 58, 62, 70. The conditions the applicant proposes to delete are 8, 15, 18, 21 and 29.

The manner of these significant changes that are proposed to the conditions would allow, if approved, for a different development than what was approved through the original permission, including:

Original 2014 Planning permission in principle consent (including legal agreement)	Current proposal
750 houses of which 25% is affordable (approximately 187 affordable homes)	850 houses of which 8.47% is affordable (72 affordable homes)
<p>Four stream primary school accommodating 868 pupils and approximately 240 early years pupils.</p> <p>Transfer of proposed Corton school site to the Council.</p> <p>Phased forward funding for education provision totalling £9,500,242 to be paid by the 400th house.</p>	<p>Three stream primary school accommodating 651 pupils and 180 early years pupils.</p> <p>Transfer of proposed Corton school site to the Council, in lieu of developer contributions.</p> <p>The Council will front fund the primary school based on the cost being recovered via a roof tax on houses constructed at South East Ayr. Process to be finalised via the Supplementary Guidance Design Brief, once approved.</p>
Community hall.	Community hall incorporated into primary school complex and community sports pitch.
Retail unit (‘ <i>Supermarket</i> ’) with up to 9404sqm gross and 5574 sqm net floor space and petrol filling station.	<p>Retail unit with up to 2000 sqm gross floor space and net sales area of up to 1500sqm and petrol filling station.</p> <p>(hereafter referred to as ‘<i>supermarket</i>’).</p>
Neighbourhood centre comprising hotel, restaurant, public house, and units to be used for Use Class 1, 2 and 3.	<p>Neighbourhood Centre comprising hotel, restaurant/public house and units to be used for Use Classes 1, (shops) 2 (financial and professional services) and 3 (food and drink for consumption on the premises) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended.</p> <p>*It should be noted that Use Classes 1 and 2 have been combined and are collectively now Class 1A as of 31 March 2023 (post submission of this application) following The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment</p>

Original 2014 Planning permission in principle consent (including legal agreement)	Current proposal
	Order 2023 coming into force. Hereafter, these units will be referred to as Class 1A for this reason.
Construction of Class 2 and Class 4 business/ office units with a total floor space of 2300 sqm.	Land for Class 2* and Class 4 business/office units with a total floorspace of 700 sqm. *It should be noted that use Class 2 has been combined with Class 1 and are collectively now Use Class 1A as of 31 March 2023 following the Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023 coming into force.
Park and ride facility measuring circa 1.0 hectares with parking for 178 cars.	Park and ride facility measuring circa 1.2 hectares with parking for 178 cars.
A complete masterplan for the development of Corton.	A different and incomplete masterplan for the development of Corton.
Development Brief and Design Code for Corton	A different Development Brief and Design Code to reflect the changes proposed to the masterplan.
The supermarket was 'enabling' development and was required to fund and make key aspects of the development including infrastructure works, financially viable. Thus, removing the financial burden from other land owners.	In addition to the provision of additional retail and the reduction of affordable housing provision, the applicant proposes through their Development Viability Appraisal that the Council provides them with approximately £17 million* to fund their initial infrastructure works to enable and make their proposed development viable. The applicant proposes that the provision of approximately £17 million* from the Council is repaid through other future developments in South East Ayr. *The Council has not and cannot agree to this proposal.
Public Transport Provision for 10 years (subject to details)	Transport Contribution £250,000 over three years from the commencement of the development.
Financial contributions towards expansion of off-site primary and secondary schools	Financial contributions towards a revised list of off-site primary and secondary schools.

The original 2014 permission was the subject of a legal agreement under Section 75 of the Town and County Planning (Scotland) Act 1997 as amended. While the applicant has submitted indicative proposals to modify this legal agreement to include different heads of terms as set out under Section 7 of this report, it should be noted that the formal mechanism for applying to modify an existing Section 75 agreement is through a separate application under Section 75A of the Act.

It is noted that the revised Masterplan proposed within this Section 42 application contains three blank areas, one of which is the subject of planning application 23/00345/APPM for a retail park.

2. Procedural Matters and Approach to Assessment:

Hierarchy of Development

The proposed development it is classified as 'Major' development under the Town and Country Planning Hierarchy of Development Regulations 2009. Applications submitted under Section 42 of the Act are however exempt from the statutory requirement to undertake pre-application consultation (PAC) with the community and accordingly no PAC Report or other information associated with 'Major' development applications was required to be submitted with this application.

Environmental Impact Assessment

The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Impact Assessment (EIA) was undertaken in 2014, under the requirements of the previous 2011 Regulations, for the original application and this concluded that the development, subject to mitigation, will have no significant impacts on the environment. An EIA Screening Request under the 2017 regulations and relating to the current application was submitted in August 2022 and the Council issued a Screening Opinion on 16 November 2022 confirming no requirement for a further EIA.

Section 42

The application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997, as noted above. Section 42(4) of the Act requires that such applications must be submitted prior to the expiry of time limit for commencement of the development. It is considered that the application was submitted timeously i.e., one day before the expiry date and is therefore competent. The effect of approving the application would be to create a new planning permission in principle for the development which is separate from the previous permission. It should be noted that since the date of submission of this application, the original planning permission has expired as the time period for implementation under Section 59 has passed and no development has commenced.

Section 42(2) of the Act requires that the Planning Authority consider only the question of the conditions subject to which the planning permission should be granted and the Scottish Government Circular 3/2022 'Development Management Procedures' provides further guidance on the assessment of Section 42 applications; this includes that in some cases it does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has since lapsed or is incapable of being implemented. Given the scope for interpretation within the legislation and guidance, the Planning Service sought independent expert legal advice on the legal interpretation of Section 42(2), the associated guidance and relevant case law for this application. Specifically, advice was sought on whether the Planning Authority's consideration is restricted to the matter of the conditions only or whether the principle and the detail of the proposed development can or should be reassessed. The advice received is summarised below:

- i. Changes in planning policy can be taken into account when determining a Section 42 application and can be given significant weight in the assessment.*
- ii. The acceptability of the supermarket should be taken into account having regard to changes in the development plan and any changes in the baseline conditions such as traffic and transportation and retail capacity.*

Considering this, the Planning Service has not only considered the proposed amendments and deletion of conditions but also the principle of the development against the current framework of planning policy and guidance together with material changes in circumstances since the granting of the original permission in principle.

Use of Conditions

Circular 4/1998- Annex A 'The Use of Conditions in Planning Permissions' sets out Government guidance on the use of planning conditions. The guidance advises that conditions should only be imposed where they meet the six tests set out in the guidance: Necessary, relevant to Planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. As part of the assessment of this application, all the conditions imposed on the original planning permission in principle have been re-evaluated to ensure that they continue to meet the tests.

Applicants request for the current S42 application and separate planning application Ref.23/00345/APPM for a retail development to be considered at the same meeting of the Regulatory Panel

The applicant has asked the Planning Authority to consider the current Section 42 application and their separate application for retail development Ref.23/00345/APPM at the same meeting of the Regulatory Panel which has been accommodated, with the S42 application requiring to be considered first, before the retail park application.

While these two applications are separate and will result in separate decisions, the applicant, through their submission and supporting information, consider these applications to be related and inter-dependent in that the significant retail development proposed under planning application Ref.23/00345/APPM is required to 'enable' and help finance the development of land subject to the current S42 application (this is in addition to the applicant's proposal that the Council fund approximately £17 million towards the initial infrastructure works as detailed elsewhere in this report).

The Planning Service advised the applicant during the pre-application stage that a single application for the whole of Corton, bringing together all elements of their proposal, would, from a procedural and practical perspective, be advisable. The applicant did not take this advice and instead pursued their proposals for the development of Corton through the submission of a Section 42 application and separate application for a retail development.

The Section 42 application proposes significant variation and deletion of a number of conditions associated with the original permission, which would if approved, result in a substantially different development than was approved in 2014. If the separate retail application was also to be approved, the overall development of Corton would be fundamentally different from the original 2014 permission, particularly with respect to the extent and form of retail and commercial floorspace.

While the submission of the Section 42 application together with the retail application 23/00345/APPM is procedurally acceptable, it is the view of the Planning Service that this is nevertheless an elaborate and confusing approach to obtain permission for a very different development at Corton than was approved in 2014. It is very difficult for interested parties to be able to navigate and understand the composite proposals. In the interests of transparency and understanding the Planning Service advised against this approach and that to avoid these difficulties that the applicant should submit a single planning application covering all aspects of the Corton development.

There are significant concerns and implications regarding the mechanism of 'tying' any such permissions together to ensure that the planning objectives are met on this site in terms of delivering housing and this is considered elsewhere in this report. Independent legal advice has not been able to provide assurance on the long-term integrity of any such arrangement.

Determination Route

Due to the 'Major' status of this planning application it is necessary for the Council to come to a view on whether the application proposal is 'significantly contrary to the development plan' as this affects the procedure for how the Council determines the application and subsequently if it requires to be notified to Scottish Ministers. The retail element of this particular proposal is considered to be significantly contrary to the spatial strategy of the development plan (as explained in more detail in the assessment below). Guidance on the procedural implications of being 'significantly contrary' are explained in Circular 3/2009 (Notification of Planning Applications) and Circular 3/2022 (Development Management Procedures) and outlined below.

If Members accept the recommendation of refusal, the determination route is via this Regulatory Panel. However, if Members are minded to grant permission, contrary to the officer recommendation, the combination of the application being significantly contrary to the development plan for the area and also being a development in which the planning authority has an interest means that the application must be notified to Scottish Ministers who may 'call-in' the application for their own determination under section 46(1) of the Town and Country Planning (Scotland) Act 1997. The 'interest' that the Council has in this application is considered to be the intended transfer/Sale of land to the Council for the erection of a primary school & community facility, the sale of land for the Park and Ride facility and the applicant's proposal that the Council makes monthly payments to a total of approximately £17 million to the applicant to fund their project.

Legal Implications

Limits to Regulatory Panel authority/ decision making and public subsidy considerations

For clarity, the Regulatory Panel (Planning) only has the delegated authority from the Council to determine applications submitted under various Planning legislations. It does not have authority to approve or commit the Council on any fiscal expenditure matter.

Therefore, if Members are minded to approve this application contrary to the recommendation in the report, it cannot be based on the Council providing the approximate £17million initial funding as proposed and detailed within the applicant's Development Viability Appraisal; the applicant should not take any approval as an endorsement or a recommendation that the Council should or will at some future point, be in a position to be able to commit to the provision of the approximate £17million funding detailed in the Development Viability Appraisal.

The applicant has submitted this planning application based upon a presentation of the development viability appraisal of the proposals which involves the applicant applying for a range of planning proposals not consistent with the development plan and the Council providing £17m to the applicant in lieu of lost housing development value for land involved in proposed common infrastructure provision and seeking reimbursement from other developers with proposals in the area.

The Council has received independent expert legal advice that any decision to grant permission could be legally quashed on the grounds that it is irrational/ perverse to grant planning permission relying on a viability case, when the evidence shows the development is not deliverable without significant forward funding from the Council, and the Council has neither committed to provide that funding nor identified any funds that could be used and there are issues about the Council's legal competence to provide those funds. In those circumstances, it is considered irrational/ perverse to conclude that the development is viable.

Public Subsidy Considerations

The Council has also received independent expert legal advice on the question of possible public subsidy in relation to the forward funding requested by the applicant. With respect to public subsidy considerations, there is a four-limb test to identify whether the financial assistance requested by the applicant in their Development Viability Appraisal constitutes a public subsidy for the purposes of the Subsidy Control Act 2022:

- A subsidy must be financial assistance which is given directly, or indirectly, from public resources by a public authority. This includes any form of transfer of value, including financial assistance given via contingent transfer of funds or the forgoing of revenue otherwise due.
- It must confer an economic advantage on one or more enterprises. In order to satisfy this condition, the financial assistance provided to the recipient enterprise (i.e., a person operating on a market) must be something that would not be available to the enterprise on market terms.
- The financial assistance must be specific, in that it benefits the recipient enterprise(s) over other enterprises in respect of the production of goods or provision of services.
- Finally, the financial assistance must have, or be capable of having, an effect on either competition or investment within the UK, or international trade or investment.

These four limbs are cumulative tests; they must all be present for the proposed financial assistance to be deemed a subsidy. If the subsidy fails on just one of the four limbs, then it is not a subsidy for the purposes of the 2022 Act.

A subsidy may arise where the Council pays for the development of infrastructure for the benefit of a specific business (or specific businesses). It is understood that the applicant would use the approximate £17 million it has asked the Council for in their Development Viability Appraisal to develop additional infrastructure (connecting the site into the A77) in order for the Corton development to be viable, and that the applicant proposes that the Council recover that investment from the developers of future developments that also benefit from that new infrastructure. However, at this moment in time there are no other developments approved or in progress that would benefit from the A77 connection and there is no immediate prospect of any other developer entering into a section 75 agreement under which it will be liable for a contribution to the connection. Accordingly, while it is possible that the Council may be able to recover contributions in future, it appears that any additional infrastructure will require to be paid for out of public resources. The first limb of the above test would therefore be satisfied if the Council was to pay to develop new infrastructure, since any reimbursement by other private sources is at best speculative.

The provision of additional infrastructure to connect the Corton site to the A77 may relieve the applicant of a cost that it would otherwise have to incur itself in order for the development to proceed. If the applicant would otherwise have to incur that cost, the Council providing the infrastructure would provide an economic advantage, and the second limb of the test set out above is met.

Whether the third limb of the test is satisfied in relation to expenditure on roads infrastructure will depend on the way in which the infrastructure would be used. For example, where a road is not intended to be commercially exploited and is made available to the public to use for free, the provision of access to that infrastructure is not an economic activity and public funding to develop it will not fall within the scope of the 2022 Act. However, where a road is built that connects a given economic activity to the public highway and in so doing provides a direct, identifiable benefit to the business undertaking that economic activity, then it will satisfy this test even if the road is open to the public and free to use. The question therefore is whether the infrastructure would be built specifically to unlock this site, or for broader purposes (e.g., to decrease traffic entering Ayr) and would just incidentally benefit the Corton site. Given that the infrastructure required by the applicant appears to be designed in order to connect the site to the A77 there would be a strong argument that the provision of that infrastructure directly and specifically benefits the applicant's economic activity at Corton, and accordingly that the third limb of the test is met.

As the applicant operates in a competitive market for property development, the fourth limb of the test will be met.

There is, accordingly, a significant risk that the funding from the Council for the development of an A77 connection would constitute a subsidy to the applicant. If so, the Council could only proceed with that if it was satisfied that doing so, that this was compatible with the subsidy control principles set out in the 2022 Act. The Council has not considered that in any level of detail but in principle it would require the Council to identify (amongst other things) a market failure or social inequality that could only be resolved through the provision of financial assistance from public resources. The Council could not commit to providing that funding for such infrastructure until such an assessment is undertaken. It is unlawful for the Council to proceed with a subsidy unless it is satisfied that doing so is compatible with the principles. That conclusion is subject to the ordinary public law rules in relation to decision making, including that the Council has taken all relevant matters into account and acted rationally.

To the extent that the viability of the Corton development depends on the Council funding infrastructure, it would therefore not be possible for Elected Members to proceed on the *assumption* that the Council has the powers to do so.

3. Background

As can be seen from the Planning History below, the Corton Site is part of the South East Ayr Strategic Expansion location, which was identified in the Ayrshire Joint Structure Plan 2007 and the 2007 South Ayrshire Local Plan to provide a strategic housing growth area for Ayr. No development had occurred on the site and in 2014 planning permission Ref. 14/00220/PPPM was granted for a mixed-use residential development containing various elements including a large supermarket.

The provision of a supermarket at this location was not in accordance with the Development Plan and was considered to be significantly contrary. However due to the applicant providing justification that the supermarket would not significantly impact other retail in the area, and that the supermarket development was required to finance various infrastructure elements for South East Ayr, - tied in through a legal agreement ensuring that the retail development could not proceed without the housing development and the planning obligations being satisfied - the scheme was deemed by the Planning Authority to be an acceptable development. These proposals removed some of the financial development burden from other land owners in South East Ayr. Due to a change in the retail industry the supermarket development did not materialise and the site remains agricultural land with a residential allocation in the current Adopted LPD2.

As a requirement of the LDP2 process, the Planning Authority is expected to prepare Supplementary Guidance for allocated housing sites within LDP2. To that end, the Planning Authority has been carrying out a consultation process to bring forward a Supplementary Guidance Design Brief document for the South East Ayr allocated housing site, **AYR4 in LDP2**, which includes Corton. As detailed below, that process has not been concluded and the document is at a draft stage, awaiting conclusion of the Transport Assessment that is being undertaken with respect to the A77. No agreement has been reached with relevant landowners about how common infrastructure costs are identified, apportioned or finance provided. As the document is only at draft stage it currently has no planning status.

The applicant has submitted representations to the Draft Supplementary Guidance Design Brief promoting greater retail provision which does not align with the Development Plan's aspirations for this development site.

4. Consultations

- **Transport Scotland (Trunk Roads)** - do not object subject to the retention and rewording of condition 21 and rewording of 25.
- **Ayrshire Roads Alliance (traffic)** - Do not object to the general proposals however would recommend alterations of the wording of some of the conditions and the retention of other conditions. ARA also note concern that the proposals will result in an overdesigned project.
- **Network Rail (Railtrack Property)** - has no objection.
- **Strathclyde Passenger Transport** - do not support the proposed modifications to conditions 17 and 33.
- **Scottish Water** - do not object.
- **Scottish Environment Protection Agency** - do not object.
- **Ayrshire Roads Alliance (Flood Officer)** - no objection
- **NatureScot** - did not offer any formal comments on the application.
- **South Ayrshire Council Education Services:** - do not object to the proposed modifications to conditions 4, 14, 33 and 40.
- **South Ayrshire Council Housing Policy and Strategy Service** - Has not responded.
- **South Ayrshire Council Environmental Health Service** – has no objection.
- **Alloway, Doonfoot & St Leonards Community Council** - has major concerns over the capacity of the A77 trunk road and the design of the proposed bridge over the A77 in respect to the ability to dual this stretch of the A77 in the future.
- **Coylton Community Council** - has not responded.
- **Belmont And Kincaidston Community Council** - has not responded.

5. Planning History

Ayrshire Joint Structure Plan 2007 (Former, now defunct) - The 2007 Structure Plan included South East Ayr as a Strategic Expansion Location (Policy COMM2: Housing Investment, Schedule 5) for 2700 residential units

South Ayrshire Local Plan 2007 (Former, now defunct) - In the 2007 South Ayrshire Local Plan, South East Ayr was identified within STRATEGIC POLICY STRAT 6. The Plan indicated that *“224 Hectares of land at South East Ayr is identified as a longer term strategic growth area, should a requirement for additional housing land be identified through the structure plan process. Any residential, or associated development in this location will be required to conform with the provisions of a master plan which has received the prior approval of the Council and which has been prepared in consultation and agreement with key service providers in order to ensure appropriate mitigation measures to address the consequential impacts arising from the development are incorporated within the overall master plan. It is an essential requirement that the site will not be made available other than for development in accordance with Strategic Policy IND 3, until such a time that a comprehensive master plan has been prepared.”*

Ref. 14/00220/PPPM - Planning Permission in Principle for mixed use development at Corton was granted on 23 June 2014. Condition 1 of that permission requires that all applications for approval of matters specified in conditions (AMSC) should be submitted within eight years of the date of approval and that the development must be commenced within two years of the date of approval of the last AMSC application. The permission would have expired on 23 June 2022, however, the emergency powers implemented through the Coronavirus (Scot) Regulations 2022 extended the period for submission of AMSCs to 31 March 2023. The current application was submitted one day prior to the expiry of the permission and is considered to be competent in this regard.

The Section 75 Legal agreement relevant to this permission included the following obligations for the developer:

- The Provision of affordable housing (25%)
- Phased funding for education provision totalling £9,500,242
- Transfer of proposed Corton Primary School site to the Council
- Provision of Bus Service for 10-year period (subject to criteria)
- Provision of public access overbridge across A77
- Provision and transfer of land for Rail Halt and temporary park and ride
- Provision of business units

Ref. 14/01552/FURM - Further application to vary condition (4) iii of Planning Permission in Principle (14/00220/PPPM) was granted on 7 April 2015. This permission varied the retail floorspace restriction to increase the proportion of net sales space in the 'supermarket' that can be used for sale of non-bulky comparison. This effectively granted a second planning permission in principle for the Corton mixed-use development. Approval of Matters Specified in Conditions (AMSC) applications were approved in 2016 for the Sainsbury supermarket; design review and Development Brief/Design Code; initial infrastructure works; first business unit and railway crossings (see below). The time limit for submission of AMSC applications was 6 April 2023 and condition 1 requires development to commence within 2 years from the approval of the requisite AMSC applications. No development was commenced and accordingly the subsequent AMSC approvals expired on 19 May 2018. However, the current applicant submitted a further AMSC application (ref 23/00262/MSC) for amended landscaping details on 3 April 2023. Determination of this application is still pending, and if it is approved, it will have the effect of extending the period for implementation of the earlier AMSC approvals by two years from the date of approval of 23/00262/MSC. This Consent was also the subject of legal agreement as detailed above.

Ref. 15/00176/APP – Planning permission for erection of A77 overbridge connecting the current application site at Corton to the west of the A77. The bridge was designed suitable for pedestrians, cyclists and equestrians was approved on 07/01/2016. This permission has expired.

Ref. 20/00462/APP - Planning permission for the overbridge was subsequently approved on 08/01/2021.

Ref. 22/01019/FUR - Planning permission for the overbridge was subsequently approved on 07/03/2023.

Ref. 21/00093/FURM and 21/00157/APP - Applications to delete the requirement for equestrian provision were refused on 11/03/2021.

Ref. 15/01039/MSCM – Approval of Matters Specified in Conditions for erection of Supermarket, Petrol Filling Station, etc was granted on 20/05/2016.

Ref. 15/01040/MSCM – Approval of Matters Specified in Conditions for Design Review and Development Brief/Design Code (including approval of indicative masterplan for Corton) approved on 16/12/2015.

Ref. 15/01042/MSCM - Approval of Matters Specified in Conditions for business unit was granted on 20/05/2016.

Ref. 16/00120/MSCM - Approval of Matters Specified in Conditions for railway crossings approved 20/05/2016.

Ref. 23/00246/FURM – Modification of Condition 1 of Planning Permission in principle 14/00220/PPPM to extend period for submission of applications for approval of matters specified in conditions was submitted on 29/03/2023. Determination of this application is pending. If approved, this application would have the effect of granting a third Planning Permission in Principle for the mixed-use development approved under 14/00220/PPPM.

Ref. 23/00345/APP – Planning permission for retail led mixed use development comprising 5 retail units, 3 drive-thru food outlets and petrol filling station. This proposal aims to be located within white hole area on the Masterplan submitted with 23/00261/FURM (this current Section 42 application) This retail park development application will be presented before the Regulatory Panel (Planning) on the 28th February 2024. The applicant has indicated that this retail application 23/00345/APP is financially linked to this current Section 42 application 23/00261/FURM. As part of the submission the applicant has included a Development Viability Appraisal.

6. Submitted Assessments/Reports by the applicant in support of their case:

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

As part of the Section 42 planning application the applicant has submitted the following documents and where necessary these are considered in greater detail in the material considerations section of the Report below:

Applicant's Supporting Statement (March 2023 & July 2023) - The applicant indicates that there are no constraints to the development of the site arising from natural or built cultural heritage designations within or adjacent to the site and the potential flooding issues have been addressed. South East Ayr (SEA) has been allocated for a period spanning multiple development plans and is the largest strategic development land release. It is important in delivering the spatial strategy for LDP2.

The applicant suggests that the proposals will provide all the policy outcomes for NPF4 Policy 15 - Local Living and 20 Minute Neighbourhoods including key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links and employment.

The applicant considers that these associated and consented land uses act as a **local centre** in the terms described by NPF4 with further support for these land uses promoted in the draft Supplementary Guidance Site Design Brief: South East Ayr. The local centre will not only serve the new community established within SE Ayr (2700 homes) but will also provide improved range of services for existing residents (around 3000 homes on the south and east side of the town).

Modification of Condition 4 Increase housing numbers

The application seeks approval to increase the number of **residential units from 750 to 850**. It is not proposed to alter the area of the site to be used for residential as shown on the indicative masterplan approved under the original planning permission in principle and the increase will be achieved by increasing the density of development from circa 25-30 units per hectare to up to 30-35 units per hectare net based on current market requirements. The increase in traffic and environmental impacts resulting from the increase in housing numbers will be offset by the reduction in the proposed non-residential floorspace.

Reduce Business/Office Floorspace

The updated masterplan seeks to incorporate the business units within the neighbourhood centre. It is proposed to reduce the provision of business/office space to 700 sqm, reflecting market conditions post-pandemic. Market demand analysis demonstrates that market trends and demand do not support the need for more than three business units.

Amend Primary School/Community Hall

Agreement has been reached that the four-stream primary school envisaged previously through the original permission can be reduced to a three-stream school. The developer has agreed a concept for the primary school that incorporates three streams together with a nursery, additional community facilities including a community hall and a community pitch serving all residents of SEA.

Amend Neighbourhood Centre

The applicant indicates that the neighbourhood centre will continue to accommodate most of the non-residential uses (hotel, pub/restaurant and small retail units) authorised by the original Planning Permission in Principle, with the exception of the community hall and with the inclusion of business units.

Amend Park and Ride

The park and ride can either provide the serviced land for supporting infrastructure for the railway station or become a park and ride acting as a transport or mobility hub, supporting local bus services. The land is to be transferred to the Council but it requires to include servitude rights to maintain access to the neighbouring land owned by Springfield Homes.

Reduce size of supermarket

The applicant indicates that the supermarket approved on the site was a single retailer (Sainsbury) and the building extended to 9,404 sqm gross internal. There is no longer any retail demand for this size of single supermarket. It is proposed to modify the floorspace to meet current demand from retail operators. The petrol filling station element will be retained. The supermarket was previously approved contrary to the development plan because it addressed a known retail deficiency in the south and east of Ayr plus it would have met the shopping needs of SEA. The supermarket also helped the viability of the delivery of the Corton Phase as it created a significant capital investment to fund the up-front infrastructure at an early stage of Corton's development. The requirement to assist the viability of Corton has not changed in the interim. The scale and range of land uses proposed means that the surrounding community in SE Ayr, including south and east of Ayr, can meet most of their daily needs within a reasonable walking distance of their home, by walking, cycling, wheeling or cycling or using sustainable transport options.

Deletion of Condition 21

It is proposed to delete the requirement to contribute towards the cost of upgrading the A77 trunk road. The traffic surveys upon which earlier schemes for improvements to the A77 are now considerably out of date and current surveys are required to assess traffic flows on the Holmston-Whitletts link. It is known that travel patterns and flows have changed post pandemic and are lower. In accordance with Circular 3/2012, planning obligations should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow development to be granted. Importantly, because this condition is based on traffic surveys and an impact assessment which are significantly out of date it is no longer relevant or necessary, as traffic flows in 2014 indicate that the Holmston-Whitletts link was already operating over capacity. Current flows on this link capacity need to be examined and tested against an updated capacity of the single carriageway. If it is established that this link is operating under capacity the imposition of this existing condition is contrary to NPF4 and should be deleted.

Deletion of Condition 29

Requires submission of details for arrangements required to secure the retention and upgrading of the three existing railway crossings. Discussions between the Council and Network Rail have revealed that the Council will need to apply for a public right of access across all three of the railway crossings. The railway crossings will remain in the ownership of Network Rail and any works to improve the crossings to adoptable standard will need to be defined, costed and undertaken by the Council, funded through financial contributions sought from the connecting phases of SE Ayr. The Corton developer will be responsible for ensuring active travel links are formed up to the crossings and this is covered by the amendments to condition 5.

Modification of Condition 33

The applicant is seeking to reduce the frequency of the bus service to 30 minutes and to reduce the period for payment of the subsidy. This proposed modification reflects discussions with a bus operator. The applicant is also seeking to delete the requirement to provide details of the arrangements for maintenance of the park and ride facility as they do not intend to build and operate the park and ride.

Amended Indicative Masterplan

The applicant indicates that as a consequence of the proposed modifications it has been appropriate to make a series of proposed modifications to the illustrative masterplan for the site, which will replace the existing approved illustrative masterplan. It has also been necessary to update the associated *Corton: Development Brief and Design Code* (DB/DC).

The applicant states that the proposed illustrative Masterplan will continue to set the spatial framework and guiding principles for development at Corton. Areas of land are shown in this Illustrative Masterplan as future development by others, subject to separate planning applications (land use to be determined).

The site would continue to be accessed from the A77 via a new roundabout. Residential development is to be focussed on the eastern and southern portions of the site and therefore the location has not changed significantly. The density of development within the residential pods is proposed to be increased from the previous iteration of the masterplan. The non-residential pods continue to be focussed along the western edge of site adjacent to the A77. Collectively these form the Corton Local Centre, comprising park & ride, primary school, neighbourhood centre (incorporating business uses), supermarket and petrol filling station and further land identified for future development – to be determined through separate planning application. An important change is that the former Development Pod RET 2 no longer accommodates a Sainsbury's supermarket. An alternative supermarket will be substantially smaller on this Pod and, consequently, there will be land available for future development of land uses within the local centre. Further changes include an increase in the width of the active travel routes to 4.0 m which has necessitated changes to the detail of the road layout; revision to the bridleway linking Corton Road to the proposed bridge over the A77, which will accommodate equestrians as well as cyclists and pedestrians and changes to the landscaping proposals in the vicinity of the former supermarket site.

Supporting Statement – Development Brief and Design Code - The document sets out the reasoning and justification for a required new Development Brief and Design Code (DBDC) for the development at Corton to replace the version approved through permission reference 15/01040/MSCM.

Air quality impact assessment - The air quality impact assessment has been carried out for the cumulative development proposed through applications 23/00261/FURM and 23/00345/APPM for a mixed-use development comprising of residential, retail and other uses within Corton. The impact from the proposed development traffic is predicted to be of Negligible significance at all existing and proposed receptors within the study area in terms of the statutory limits for NO₂ and PM₁₀ and PM_{2.5} particulate matter.

Ecology Update - The report provides an update to the current ecological status of the Corton site as of February 2023 following site monitoring through 2022 it raised no issues.

Environmental Noise Assessment - The assessment considers how noise from the proposed retail centre contained in the separate application, as yet undetermined reference 23/00345/APPM (i.e., petrol filling station, three drive-thru restaurants, two supermarkets and three other retail units) has the potential to affect adjacent proposed residential uses and also considers the effect of noise from the A77 trunk road on the residential amenity of the housing contained within the current application. The proposed mitigation includes erection of a substantial acoustic bund/barrier around the service yard, restriction of deliveries/dispatch in the service yards to the south of the retail units in the evening and at night, expected at docking bays, the specification of maximum sound power levels for fixed plant and the inclusion of layout and other design measures within any new housing. Subject to the mitigation measures set out in Section 6 of the report, the residual impact is predicted to be of Neutral/Slight Adverse significance.

Flood Risk Assessment (July 2023 and September 2023) - The FRA has been updated to take account of policy changes since 2014 including increased requirements relating to climate change. The conclusion of the study is that provided the measures specified within the study are implemented, the site can be developed without unacceptable risk of flooding within the site and without increasing the risk of flooding elsewhere.

Market Assessment - This document provides a review of the market prospects and recommendations on the commercial viability of the commercial elements contained within the existing Planning Permission in Principle (ref 14/00220/PPPM).

Retail Impact Assessment - The retail impact assessment (RIA) sets out information in support of a proposal for either a discount food store or a regular supermarket retail development at Corton. The Assessment demonstrates a low impact on existing retail would be anticipated at: Ayr Town Centre between 2-5%, Maybole zero impact, Heathfield between 4 - 5%. The applicant's RIA believes that the proposed development would not result in a significant adverse impact on the vitality or viability of nearby town centres or other retail locations.

Town Centre first Assessment - This report provides a Town Centre first assessment for the current proposals.

Transport Assessment - The applicant submitted this document with the intention to establish if the agreed junction improvements on the A77 remain appropriate. The study concludes that the total trip generation of the proposed development is less than the total trip generation of the previous proposal.

Public Transport Strategy Report - This report looks to justify the applicant's proposal for a revised reduced public transport strategy.

Development Viability Appraisals - Confidential version & Public version (October 2023) - The applicant has provided a Development Viability Appraisal, in support of this Section 42 planning application and their retail application 23/00345/APPM. This was submitted in two forms, the first the applicant designated as commercially sensitive and therefore confidential and the second was a version that could be uploaded for public scrutiny. The Development Viability Appraisal outlines the development costs, including land purchase, and the income generated for the potential sale of the site. This document indicates that Corton cannot provide necessary common infrastructure for SE Ayr such as the provision of serviced sites for a new primary school, park and ride and neighbourhood park, without the required proportionate landowner financial contributions, and without which SE Ayr would be unable to proceed. The consequence of providing the common infrastructure is that the applicant, Allanvale Homes (Prestwick)Ltd [AHPL] requires to deliver additional works beyond what is required for Corton only. As is demonstrated by this report, the development would not be viable due to the costs of infrastructure that would normally be required to support its delivery. It is therefore necessary for the applicant to seek a reduction in contributions previously agreed and there is a need to include various mixed uses (including major retail and commercial development) within the proposals to ensure it can be delivered.

The Development Viability Appraisal also indicates that the applicant, AHPL would anticipate the revised Section 75 legal agreement to reflect the following;

- Transport interventions - No allowances or upgrade works to the trunk network other than specific Corton roundabouts
- Subsidy to Public Transport Services - a contribution of £250,000
- Primary School Education - £50,000 for Corton and a contribution toward interim capacity at Kincaidston Primary School. AHPL will pay a proportionate share land value as per all landowners and a proportionate share of common infrastructure works to serve the school
- Secondary Education - £2,117,713 contribution over the development period
- Affordable Housing - land will be provided for 72 houses.

The Report indicates that Option 3 is the only viable proposal for the applicant AHPL. This option incorporates land for 8.47% affordable housing and 102,400ft² Commercial land.

This Option indicates that **outgoings** are:

- £20.6 million - Site acquisition costs & Development Costs
- £56.4million - Infrastructure costs and Retail construction costs
- £20.5million - Financing Costs
- **£97.5 million Total Expenditure**

While the expected **income** for the development is:

- £48.0 million - Residential land value development
- £ 40.3million - Commercial Main Retail, restaurants and neighbourhood centre
- £17million - Section 75 / Supplementary Guidance proportionate recovery via Council
- **£105.3million - Total Income**
- **£7.78million Developers Return**

The Confidential Development Viability Appraisal indicates that approximately £17million of the income from Section 75 / Supplementary Guidance – Contribution Calculations would be draw down at infrastructure Practical Completion from SAC (assumed to be South Ayrshire Council) monthly at a rate of £595,007. The Spreadsheet indicates that this drawdown would occur monthly over the period from 2023-24 to period 2025-26. It is noted that subsequent correspondence with the Council dated 20th December 2023 indicates that the applicant does not consider this provision of funds from the Council to be public subsidy.

Point of Clarification – For the avoidance of doubt, this funding arrangement has not been agreed by Council Officials or the Council. This matter is discussed further in the Material Considerations section of this report.

7. Section 75 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 1997 in relation to the grant of Planning permission for the proposed development.

The 2014 planning permission in principle for Corton incorporates a legal agreement under Section 75 of the Act with obligations for:

- The Provision of affordable housing at 25% (of 750 units)
- Phased funding for education provision totalling £9,500,242
- Transfer of proposed Corton Primary School site to the Council
- Provision of Bus Service for 10-year period (subject to criteria)
- Provision of public access overbridge across A77
- Safeguarding then transfer of land for Rail Halt and park and ride
- Provision of business units

These obligations did not require any financial contributions from third parties.

This Section 42 application proposes significantly different legal obligations This current Section 42 application proposes significantly different legal obligations:

- Transport interventions - No allowances for upgrade works to the trunk network other than specific Corton roundabouts
- Subsidy to Public Transport Services - a contribution of £250,000
- Primary School Education - £50,000 for Corton and a contribution toward interim capacity at Kincaidston Primary School. AHPL will pay a proportionate share land value as per all landowners and a proportionate share of common infrastructure works to serve the school
- Secondary Education – £2,117,713 contribution over the development period
- Affordable Housing – land will be provided for 72 houses (approximately 8.47% of 850 units)

The applicant has been made aware that these proposed Heads of Terms for a legal agreement are unacceptable to the Planning Service as the proposals fail to comply with the Development Plan, are reliant on assumed future planning permissions with legal agreements by third parties providing funding, and a Planning Authority Supplementary Guidance document which is currently in draft form. Thus, the proposals are unacceptable and premature.

If Members were minded to grant the current Section 42 application and the separate retail park application Ref.23/00345/APPM, both would require planning conditions and a legal agreement (provided conditions and a legal agreement can be justified on planning grounds in relation to each individual application) tying them together to link the timing of the implementation of the separate permissions (together with other matters). While not detailed in the Heads of Terms of the Development Viability Appraisal document the request from the applicant for financial assistance from the Council would also require to be legally controlled via a section 75 legal agreement.

The ability to be able to impose conditions and a legal agreement to tie the permissions together would be crucial to the overall delivery of this development otherwise there is a significant risk, that the profitable elements of the development are implemented without delivering the overall development project.

The Council's external legal advisers, in addition to stating that achieving such a legal agreement would be very complicated, have not been able to assure the Council that, through conditions or legal agreement it would be possible to permanently link this application to any other permission. This is because of difficulties in imposing specific time limits for phases of the development to be completed, which are often unacceptable to developers/ funders, and difficulties with enforcement, especially if the developer did not have the funding to complete a phase within the specific time limit.

It would only become clear if a robust mechanism is indeed possible when the details are brought forward but the applicant has not provided any supporting information in respect to this, and the Council has serious concerns about how this could be achieved.

The applicant's development viability document provides for a draw down at infrastructure Practical Completion from SAC (assumed to be South Ayrshire Council) monthly at a rate of £595,007. This proposal does not relate the provision of this money to any phase of development. To ensure that obligations are delivered s75s usually require developer obligations in relation to phases of development. For example, provision of affordable housing by the time 100 commercial houses are complete. Instead, the applicant is proposing payment of money on a monthly basis unrelated to any obligation for the developer to provide housing development or other development, including the provision of infrastructure. The provision of money unrelated to the phasing of development carries a very significant risk that development and infrastructure will not be provided. Whilst a s75 could be developed to tie the provision of money to development it is difficult to envisage how that is possible in the absence of relating this money to development phases rather than simple monthly payments unrelated to development that is planned or can feasibly take place. For clarity this money does not relate to the provision of the Primary School.

Any decision by Members to approve the current and/or separate retail application would not be able to be issued until such time as a schedule of conditions are agreed and until the terms of a S75 agreement are concluded. As noted above, there are serious legal and planning concerns in this regard. There are also other significant concerns with respect to this application as set out within this report and reasons for refusal.

8. 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.

There are none pertaining to this application.

9. Representations

3 representation(s) have been received, 1 of which objects to the proposed development. All representations can be viewed online in full at www.south-ayrshire.gov.uk/planning but for the purposes of this report, these are summarised in *italics* below and responded to in **bold**.

- *The major concern is the impact on capacity of the A77 from this development and others in the area*
The Council is currently carrying out a LDP2 Proportionate Transport Appraisal, in relation to the existing and newly allocated housing sites in LDP2 to identify what works are required on the A77 to facilitate development.
- *Plans should be made public for the dualling of the A77*
The Planning Authority is not aware of any plans being considered in relation to the dualling of the A77 at this location.
- *Is there space below the new bridge to allow for dualling of the A77.*
As indicated, there are no current proposal for the dualling of the A77 and therefore it is not feasible to answer this question.
- *Why was my property not neighbour notified?*
The objector's property is over 20m from the boundary of the application site and therefore would not be neighbour notified of the planning application. Notwithstanding, the objector is aware of the application by virtue of their submission.

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. A response to these representations is included within the assessment section of this report.

10. Assessment

Development Plan

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.

The effect of granting a Section 42 planning application would be to grant a new permission in principle for mixed use development at Corton. The assessment has been undertaken on this basis and takes account of the significant policy changes that have occurred since the previous planning application was determined in 2014.

This Section 42 planning application is seeking to modify a substantial number of the conditions attached to the previous permission relevant to the size of development, to secure approval for a revised masterplan and a revised Development Brief and Design Code document and to modify other conditions such that there is greater flexibility in the detail and timing of some aspects of the development.

This section of the assessment considers the compatibility of the proposed land uses with the current development plan (NPF4 and LDP2).

NPF4 Aims

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.

Residential Use

The application site lies within an area allocated for residential development (AYR4) under LDP2 and the principle of residential development is consistent with NPF4 Policy 16 (Quality Homes) and LDP2 Policy: maintaining and protecting land for housing. This use accords with the Development plan.

Affordable Housing

The proposal is to provide a total of 850 houses of which only 72 units are proposed to be affordable. Policy 16 of NPF 4 and LDP2 Policy Affordable (including specialist) Housing expect in these circumstances that of 25% of the 850 homes would be affordable which would be approximately 212 units. The proposal is therefore significantly short of the policy requirements and fails to satisfy the objectives of the local development plan allocation of a sustainable new housing development.

NPF4 Policy 16 extract:

“Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where: i. a higher contribution is justified by evidence of need, or ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance...”

It is noted that LDP2 does provide the opportunity for applicants to justify a reduction in the affordable housing units provided. The applicant has indicated in their Development Viability Appraisal that to provide 25% affordable housing would render the scheme unviable. However, it is noted that the applicant also indicates that the viability of the overall scheme is also reliant on:

- Smaller scale supermarket
- The Council front funding the primary school
- a significant retail park development (separate application Ref 23/00345/APPM) and;
- Approximately £17 million financial support from the Council

As detailed in the material considerations section of this Report of Handling it is considered that the Development Viability Appraisal is fundamentally flawed and therefore also the viability of the scheme. It is considered that the proposals do not comply with Policy 16 of NPF4 nor the affordable homes policy in LDP2 and there are no material considerations that would justify a departure of this position. Therefore, the Service does not accept a reduction in affordable housing provision is justified.

It should also be noted that no statement of community benefit as required under part B of Policy 16 of NPF4 has been provided.

Furthermore, it is noted that the Council's draft Local Housing Strategy (published in August 2023) highlights that demand for social housing in South Ayrshire is high, with recent figures showing more than 3,000 people on the Council's housing list. In addition, pressure for affordable housing has increased recently due to the cost-of-living crisis.

In considering the above, the proposals do not comply with Policy 16 of NPF4 nor the affordable homes policy in LDP2 and there are no material considerations that would justify a departure from this position.

Neighbourhood Centre

The land uses contained within the proposed neighbourhood centre are hotel, family restaurant/bar, and class 1A, and 3 units (shops, financial and professional services and food for consumption on the premises Permitted change to Class 4 – business use, if the building or building unit is 300 sqm or less). LDP2 Policy: small town centres and local neighbourhood centres requires the Council to prepare Supplementary Guidance which identifies land for a local neighbourhood centre and community facilities within phase 1 of the SE Ayr development (Corton) to serve the local catchment. The principle of the proposed neighbourhood centre is, accordingly, consistent with LDP2. The principle of the proposed land uses contained within the neighbourhood centre are also consistent NPF4 Policy 15 (local living and 20-minute neighbourhoods) which supports proposals for mixed-use neighbourhoods which integrate housing with employment, shopping, health & social care, etc. These uses accord with the Development Plan.

Business/Office Use

NPF4 Policy 26 (Business and Industry) seeks to encourage, promote, and facilitate business development and industry uses and to enable alternative ways of working, such as home working, live-work units, and micro-businesses. The policy supports proposals for business and industry uses on sites allocated for those uses in the LDP. A general exception is made for home working, live-work units, and micro businesses. The site is not allocated for business and industrial use under LDP2. However, the previous Site Design Brief, which formed statutory planning guidance under the previous LDP1 and before that the South Ayrshire Local Plan, allowed the provision of land and buildings for business and light industrial use, as part of the AYR4 housing allocation. In accordance with the development plan, the two previous Planning Permission in Principles granted for mixed use development at Corton included land and buildings for business/light industrial use. A key aim of NPF4 is to address the causes of climate change, including emissions arising from transportation. Reducing the need for travel is a key objective and NPF4 Policy 15 (local living and 20-minute neighbourhoods) supports proposals for mixed-use neighbourhoods which integrate housing with employment opportunities. This use accords with the Development plan.

Park & Ride/Railway Use

The inclusion of land reserved for a future railway station and a park and ride facility are, in principle, consistent with NPF4 Policy 13 (sustainable transport) and LDP Policy: rail investment and raise no conflicts with the surrounding land uses. Strathclyde Partnership for Transport (SPT) have expressed reservations over the location of the park and ride facility away from the edge of the A77 and its effectiveness in encouraging drivers to use it as an alternative to driving into Ayr or travelling further along the A77 corridor. The issues SPT refer undermine the potential provision of a feasible Park and Ride. In such a scenario, it would be open to the landowner to seek an alternative use in the future through the Supplementary Guidance Design Brief process or via a planning application. It should be noted that the £17m fund sought by the applicants from the Council is, in part, in lieu of the land value for this site. Should this site not be developed as a Park and Ride, which on current information is a likely outcome, then the Council will have paid money to the developer for this land value with no Park and Ride forthcoming. There would also be inability to seek to reclaim this money from future developers. This proposed use accords with the Development plan.

Primary School Use

LDP2 Policy: delivering infrastructure requires a new primary school to be provided at SE Ayr and the principle of a primary school within Corton is consistent with LDP2. The community hall to be included within the school campus is also a requirement of LDP Policy: delivering infrastructure. The co-location of the school and community hall reflect current practice in school campus developments, in terms of best use of resources, and is acceptable to Education Services. The principle of the primary school and community hall are consistent with NPF4 Policy 18 (Infrastructure First) and LDP2 Policy: delivering infrastructure. This use accords with the Development plan.

Retail Use ('Supermarket')

The inclusion of retail floorspace within the neighbourhood centre is considered in the section above on the neighbourhood centre. This part of the report assesses the compatibility of the proposed "supermarket" (Class 1A of the Use Classes (Scotland) Order 1997 (as amended) with the Development Plan, which is in addition to and physically separate (approximately 300 metres when measured from the indicative masterplan) from the retail floorspace proposed within the "neighbourhood centre". The previous permission in principle permitted a large format 'supermarket' with a gross internal area of 9,404 sqm. Condition 4(iii) of the previous permission (Ref.14/00220/PPPM) stipulated the overall gross and net floor areas and the proportions of the floor area that could be used for sale of convenience and comparison goods. The applicant is now seeking permission in principle for a smaller retail unit with a Gross Internal Area of up to 2000 sqm and the net sales area to 1,500 sqm.

The proposed supermarket requires to be assessed against two main policy themes within the development plan. Firstly, the proposals require to be assessed against the policies relating to retail and secondly, against the policies relating to protection of land allocated for housing.

Assessment Against Retail Policy

NPF4 Policy 28 (Retail) partially supersedes LDP2 Policy: *general retail* in respect to the "retail outside of town centres" section of the policy, as this aspect of the LDP policy is incompatible with NPF4 Policy 28. NPF4 Policy 28 marks a significant shift in national government policy in relation to retail outside of town centres/edge-of-town centres since the granting of the original planning permission in principle (Ref.14/00220/PPM) to which this Section 42 application relates.

Policy 28 of NPF4 states:

"a) Development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals:

- i. will be supported in existing city, town and local centres, and*
- ii. will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP.*
- iii. will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)).*

b) Development proposals for retail that are consistent with the sequential approach (set out in a) and click-and-collect locker pick up points, will be supported where the proposed development:

- i. is of an appropriate scale for the location;*
- ii. will have an acceptable impact on the character and amenity of the area; and*
- iii. is located to best channel footfall and activity, to benefit the place as a whole.*

c) Proposals for new small scale neighbourhood retail development will be supported where the proposed development:

- i. contributes to local living, including where relevant 20-minute neighbourhoods and/or*
- ii. can be demonstrated to contribute to the health and wellbeing of the local community.*

d) In island and rural areas, development proposals for shops ancillary to other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations will be supported where:

- i. it will serve local needs, support local living and local jobs;*
- ii. the potential impact on nearby town and commercial centres or village/local shops is acceptable;*
- iii. it will provide a service throughout the year; and*
- iv. the likely impacts of traffic generation and access and parking arrangements are acceptable."*

Under the previous Scottish Planning Policy, new retail development outside of a town centre could be considered consistent with the development plan where the applicant could demonstrate (through a Retail Impact Assessment) that there were no suitable alternative sites/buildings available within a town centre or edge-of-centre location and the development would not harm the vitality and viability of town centres retail. As detailed above, NPF4 now requires a strict application of the town centre first approach and directs all retail development to city/town centres, commercial centres and local centres, only. Part (A) of Policy 28 states that retail proposals are not supported in out of centre locations (other than those meeting Policy 28(c) or 28 (d)). Therefore, the historic policy 'exception' case that could be made for proposals that demonstrate no sequentially preferable sites and no harm to the vitality and viability of town centres is no longer available.

In respect of Policy 28 part (A), the supermarket site is:

- not located within any of the town centres identified through South Ayrshire LDP2
- it is not considered to be an "edge-of-centre" location, due to the distance it is located away from any defined town centre.
- It is not within the Heathfield Commercial Centre.

Members should note that the network of centres identified in LDP2 does not contain any '*local centres*'. The term 'local centre' is a new designation introduced by NPF4. NPF4 was approved after the adoption of LDP2 and consequently, LDP2 does not contain such a designation. 'Local Centre' is not defined within NPF4 nor has the Scottish Government issued any guidance that would assist planning authorities on how to interpret this new term. Notwithstanding the applicant's supporting statement, the local neighbourhood centre supported at Corton aligns with the type and scale of retailing supported by NPF4 policy 28 (C) (see below) and as such cannot be considered a 'local centre' as referenced in NPF4 Policy 28 (A).

NPF4 Policy 28 (C) provides support for proposals for new small scale neighbourhood retail development where the proposal will (i) contribute to local living, including where relevant 20-minute neighbourhoods and/or (ii) can be demonstrated to contribute to the health and wellbeing of the local community.

NPF4 Policy 15 Local Living and 20 Minute Neighbourhoods provides further guidance on the scale and form of retail that should be supported under Policy 28(C). The intent of the policy is to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home by non-motorised transport or sustainable transport options. The policy outcomes include that places are planned together with homes and the key local infrastructure, including local shops. The concept of "20 Minute Neighbourhood" is defined within the Glossary. This refers to achieving connected and often compact neighbourhoods designed in such a way that people can meet the majority of their daily needs within a reasonable distance of their home preferably by sustainable and active travel methods. It is noted that the emphasis is on meeting "daily" needs and not all needs. In relation to retail, the Planning Service interpret this as the provision of retail floorspace that is sufficient to meet daily shopping requirements, primarily for convenience goods. The applicant's Retail Impact Assessment and supporting statement demonstrate that the size of retail unit proposed is suited to meeting weekly shopping needs (main weekly food and grocery shop) and is likely to attract trade from a catchment area that extends beyond SEA to include the south and east of Ayr and surrounding rural areas. The size of retail unit proposed through this application is, therefore, larger than required to meet the daily shopping needs of the future residents of SEA. It is, therefore, concluded that the proposed 'supermarket', having regard to its size in the context of SEA, is not consistent with scale and nature of retail development supported by NPF4 Policy 28 part (C). Having regard to the foregoing it is concluded that the standalone supermarket is not consistent with NPF4 Policy 28 (C).

The principle of the proposed supermarket also requires to be assessed against the retail policies in LDP2. LDP2 Policy: general retail sets out the Council's approach to the location of new retail development ("sequential approach") which, in common with NPF4, prioritises town centres, edge of town centres, commercial centres and local neighbourhood centres over other locations. Corton is recognised as a local neighbourhood centre through LDP2 Policy: small town centres and local neighbourhood centres, which requires that the Supplementary Guidance Site Design Brief for SEA identifies land for a local neighbourhood centre within Phase 1 (Corton), to serve the local catchment.

Having regard to the designation of Corton as a local neighbourhood centre, the proposed supermarket, which is separate from and in addition to the retail units contained within the proposed neighbourhood centre shown on the submitted masterplan, requires to be assessed against LDP2 Policy: small town centres and local neighbourhood centres. The policy supports proposals for new shops where they provide extra services for local communities and otherwise comply with the retail policies in the LDP. The LDP2 Glossary defines "local neighbourhood centre" as "small groupings of shops, typically comprising a general grocery store, a sub-post office, occasionally a pharmacy and other small shops, offices or facilities of a local nature". The Glossary also defines "local neighbourhood needs" as "retailing of convenience goods with a local catchment profile".

As noted above, the applicant's supporting information indicates that the proposed 'supermarket' is expected to draw trade from a catchment wider than SE Ayr and extending to the south and east of the existing town and surrounding rural areas. The 'supermarket' by virtue of its size and potential catchment is, therefore, not considered to be consistent with the scale of retail supported by LDP Policy: small town centres and local neighbourhood centres.

Under the 'assessment' section of this report is 'material considerations' relevant to this application which require to be considered and ultimately whether they justify taking a different approach to the Development Plan. With respect to the above assessment on the supermarket element of the proposal, the other material considerations are the original 2014 permission which granted a much larger supermarket in principle and the Retail Impact Assessment submitted by the applicant. Following an assessment of these material considerations, it has been concluded that these do not provide sufficient justification for a departure from policy 28 of NPF4 or the retail policies of the Local Development Plan.

Therefore, it is considered that the proposed supermarket is contrary to NPF4 Policy 28 and LDP2 Policy: small towns centres and local neighbourhood centres.

Notwithstanding the incompatibility of the proposed retail element with Policy 28, NPF4 must be read as a whole, and the principle of retail requires to be considered against all policies that are relevant. NPF4 policy 27 (City, Town, local and commercial centres) illustrates and emphasises the significant shift in national policy towards protection of town centres from out-of-town centre development. The intent of the policy is to encourage, promote and facilitate development in city and town centres by applying the Town Centre First Approach. In combination, Policy 27 and 28 demonstrate the Government's preferred strategy to consolidate physical retail floorspace and other footfall generating uses within town centres rather than dispersing these to locations outwith established town centres. This Policy position is not supportive of the current proposal; however, it should be noted that Policy 27 does not relate to retail proposals, which are fully covered under Policy 28.

It is noted that the applicant has not considered the positive impacts that the development of South East Ayr, or a 850 house development at Corton specifically, could have on the vitality and viability of town centres through population growth and expenditure and opportunities for re-use of existing vacant floor space and new retail development. It is considered that the effects would undoubtedly be positive and consistent with the Town Centre First Principle. While an assessment has not been undertaken to quantify this, it is a reasonable conclusion to draw.

NPF4 Policy 15 (Local Living and 20-Minute Neighbourhoods) seeks to encourage, promote and facilitate the application of the *place principle* and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling. The scale of retailing proposed, having regard to the extensive range of products that the proposed retail unit will be able to stock, is considered to exceed what is required to meet the daily needs and more suited to weekly shopping trips. As evidenced by the applicant's own Retail Impact Assessment the scale of retail unit proposed will attract customers from a wide catchment, including the south and east of Ayr, to undertake weekly shopping trips.

It is therefore concluded that the 'supermarket' element of the mixed-use proposals is also contrary to Policy 15.

NPF4 Policy 13 (sustainable transport) 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. A key policy outcome is that developments are in locations which support sustainable travel. The proposed 'supermarket' would provide good quality shopping, accessible by sustainable travel modes, for people living within Corton and the wider South East Ayr area, thus potentially reducing the number of car-borne trips for weekly shopping at destinations outwith SE Ayr. However, as stated above, the scale of the 'supermarket' would attract customers from a wide area. As there are no extensive established public transport networks linking the site to the suburban parts of south and east Ayr, in comparison with other areas that are better served by public transport, including the town centre, the proposal has the potential to lead to an increase in the number of journeys made by private car from parts of the south and east of Ayr and surrounding rural area to Corton. On balance, a more sustainable approach would be to follow NPF4 policy and locate larger scale retail within Ayr Town Centre which is accessible through a range of sustainable transport options. Criterion (d) of Policy 13 states that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

Considering the above, the proposal is not supported under policy 13(d) as there are alternative and more sustainable options available.

Finally, in relation to NPF4 Policy 1 (climate change and nature crisis) and Policy 2 (climate mitigation and adaptation), Policy 1 requires that in considering all development proposals, significant weight is attached to the global climate and nature crises. In tandem, Policy 2 requires that development proposals are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. As assessed under policies 13 and 15 above, the scale of the 'supermarket' will attract customers from a wide catchment area. It is considered that a more sustainable approach would be to follow NPF4 policy and locate larger scale retail within Ayr Town Centre which is accessible through a range of sustainable transport options.

Given that the proposal is likely to encourage private car use and that there is considered to be more sustainable options available, the proposal is considered to be contrary to the aims and objectives of Policies 1 and 2.

Assessment Against LDP Policy: *maintaining and protecting land for housing*

The application site is located within the AYR4 Housing Allocation. LDP Policy: maintaining and protecting land for housing, states that residential development on sites identified in the LDP settlement maps will be acceptable. Proposals for development other than housing on land identified for residential development will have to show they have environmental, economic, or social benefits or encourage regeneration. The proposal must also have an acceptable effect on the amenity of the surrounding uses, especially residential uses.

In regard to any potential environmental benefits and regeneration, the site is currently greenfield land that was last used for agriculture and is not an area that is in need of environmental enhancement or regeneration.

The applicant's supporting statements indicate that the development of a supermarket at Corton will result in economic benefit to South Ayrshire through the creation of direct and indirect employment during the construction phase and potentially as a result of spending on local supplies of building materials. However similar benefits would also be found during the construction of a residential development. In addition, given the specialist nature required for the construction and fitting out of the Retail development it is more likely that transient construction workers would be utilised for such specialist construction. Thus, earnings would be less likely to be retained within Ayrshire. Whereas housing developers tend to have regional workforces i.e., residents of Ayrshire, who work and live in the same geographic area, thus retaining their earnings within the local economy, in line with Community Wealth Building principles. During the operational phase, the supermarket will create direct employment and potentially indirect employment through the use of local suppliers. It is the Planning Service's opinion that the economic benefits associated with the development are not unique to the site at Corton and could also arise if the new retail floorspace were to be sited in the town centre, for example.

In regard to potential social benefits, the applicant's supporting statements suggest that there may be opportunities for apprenticeship schemes in construction and local employment in retail. The applicant has not provided any evidence to demonstrate that such benefits will arise, and these suggestions are speculative. As with the potential for direct and indirect employment, these potential benefits could arise if the new retail floorspace were to be located within a town centre and are not unique to Corton.

The applicant has not provided sufficient justification to justify a non-residential use within the housing allocation.

Masterplan and Development Brief/Design Code

The provision of an illustrative Masterplan and Development Brief/Design Code by the applicant has implications for several conditions within this Section 42 application therefore it is considered appropriate to address it in this section of the Report of Handling before addressing each impacted condition individually.

The previous Planning Permission in Principle required the applicant to enter into a design review with Architecture and Design Scotland (Condition 7) and the submission of a revised Development Brief/Design Code, informed by the Design Review (Condition 8).

The applicant has submitted a revised Illustrative Masterplan for Corton and a revised Development Brief/Design Code and is seeking approval of these documents. The applicant has also applied to delete Condition 8 in recognition of the submission of these documents. The applicant has not however applied to delete Condition 7 and it is unclear whether it remains their intention to engage with Architecture and Design Scotland.

With regards to the overall layout proposed within the masterplan the burn corridors and high-pressure gas pipeline route continue to form the strategic framework within which the built elements are positioned. The route of the main spine road and position of the residential and non-residential land uses have not been altered in any significant way. The revised plan is more schematic in nature and whereas the previously approved plan provided indicative layouts for the housing, school, neighbourhood centre, etc this proposed plan is less detailed.

A key difference, however, is the omission of three land parcels from the proposed 'master plan' that the applicant has submitted. The omitted areas are the triangular shaped area of land in the northernmost corner of the site (bounded by the A77, the railway line and the school site), an area in the southeast corner of the site (area surrounding the farmhouse and steadings at High Corton) and part of the area which contained the previously approved large supermarket located in the southwestern part of the site.

No detail is provided for these areas in this Masterplan. The reasons for these areas being left out of the masterplan is not explained within the applicant's supporting information. It is noted however that the areas in the northern corner and the southeast corner are not in the applicant's ownership, whereas the land forming part of the site of the previously approved large supermarket that is subject to the separate application (ref 23/00345/APP) for planning permission for a mixed-use retail park is within the applicant's ownership.

It is considered unacceptable that a revised 'masterplan' has been produced for the entire Corton application site area which does not contain information or proposals for all of the land contained within the application site boundary. While the plan indicates that three parcels of land are connected to the road network, the plan fails to indicate what uses will take place on these sites nor how they interrelate to the rest of the Corton Development. While two parcels of land are outwith the applicant's control, the area of the former supermarket is wholly in applicant's control. As a result of one of the blank areas on the masterplan, the proposed supermarket, would require having a long access road across an unidentified land use. Therefore, it is impossible to understand the master planning of the site in its entirety which results in improper planning and uncertainty for the development approach to the overall site which is unacceptable for a strategic site allocation.

It is considered that a cohesive design is needed in developing large, strategic sites meaning that every part of the site is considered from the bigger-picture perspective. When elements are thought about separately, and in isolation from one another, as in this case, the overall design becomes fragmented which limits the potential of spaces and results in challenges in properly planning and connecting these spaces.

As noted earlier in the Report, the Corton area of land is part of the AYR 4 allocated Housing site within the LDP2. While there is an unimplemented 2014 consent for a mixed-use development on the site, its primary planning designation is as an allocated housing site. As noted above, the failure of the masterplan to identify uses for land within an allocated housing site, especially in areas of land under the applicants' control is flawed as it fails to provide detail of what is proposed to occur within the application site leading to improper planning that is contrary to good placemaking principles and ultimately leads to uncertainty. As a result of these omissions fail to address the requirements of Condition 8 which it proposes to replace.

Finally, the applicant's proposed masterplan does not result in an equal scheme to the previous 2014 masterplan in terms of quality planning or a betterment and for this reason also, the proposed change is unacceptable.

As a result of the omissions from the masterplan it is considered that the proposals fail to demonstrate that it accords with Policy 14 of NPF4 relating to Design quality and place.

The applicant has applied to vary a number of conditions to change the reference to the previously approved indicative masterplan to the proposed indicative masterplan submitted with this application. The affected conditions are 4, 9, 10, 11, 12, 14, 57, 58 and 70. Having regard to the foregoing assessment of the revised indicative masterplan, it is considered that the proposed revisions to these conditions to change the reference from the previously approved indicative masterplan to the proposed revised indicative masterplan are unacceptable.

Other Proposed Amendments to Conditions

Condition 4 (ii) - Neighbourhood Centre: The applicant has applied to vary the wording of condition 4(ii) to amend the uses and floorspace restrictions included in the neighbourhood centre. These amendments include the deletion of the community hall/centre and a change from reference to a specific number and size of Class 1A and 3 units and a maximum floorspace per unit of 100 sqm. The applicant also seeks to place a maximum floorspace cap on the neighbourhood centre of 1000 sqm whereas the previous condition only sought to restrict the total amount of retail floorspace to 1000 sqm. The applicant has also sought to introduce text requiring "marketing and letting arrangements" to be reported to the Planning Authority on an annual basis. These modifications are not accepted in so far as they relate to the requirement for a restriction on the total floor space of the neighbourhood centre and the submission of marketing and letting information which serves no planning purpose unless used to support a case in the future to demonstrate that there is no market demand for such units; this is speculative and does not meet the test of conditions and is unacceptable on this basis. and the restriction on the total floorspace of the neighbourhood centre.

Condition 14 - Education Mitigation: As detailed above, the Council has agreed in principle to fund the phased provision of the Primary school at SEA based on the cost being recovered via a roof tax on houses constructed at South East Ayr. The detail of that process has yet to be agreed and formalised through the adoption of Supplementary Guidance Design Brief for South East Ayr by SAC. Therefore, the significant amendment of this condition removing requirement for educational provisions is premature, thus unacceptable and would fail to adhere to Policy 18 of NPF4 and LDP2 Policy: delivering infrastructure.

Condition 29 - Railway Crossings: A key requirement of the original 2014 planning permission in principle was to ensure that the three existing railway crossings were retained and upgraded to active travel standard to ensure that all phases in SE Ayr could connect to the primary school, neighbourhood centre and community facilities within the Corton phase and to ensure that future Corton residents can access the hospitals and other areas of SE Ayr by active travel means. The applicant has applied to delete condition 29 on the basis that the crossings will require public rights of access to be granted by Network Rail. It has been established, through discussions with Network Rail and the Planning Service that only the Council can apply for public right of access. On this basis, the applicant considers that it is the responsibility of the Council to undertake the work to design, cost and undertake the works required to upgrade the crossings, with financial contributions being sought from the developers for the connecting phase of SE Ayr. The developers within the Corton phase will be responsible for providing connections to the railway crossings as part of the detailed design of their layouts. It is the Planning Services view that the crossings are common infrastructure, the costs of which should be shared by all the landowners, including Corton. It is considered that a condition is essential to ensure that the crossings are provided. If Members are minded to grant this application, further consideration will be required on a suitable wording for condition 29 that reflects the fact that the Council will require to apply for the public rights of access. Deleting the condition, as proposed, is therefore not acceptable as it would be contrary to NPF4 Policy 1, 2, 13, 14 and 15 and Land Use and Transport policy of LDP2.

Condition 33 - Public Transport Strategy: Condition 33 requires submission of details of a public transport strategy detailing the frequency and routing of amended bus services. The current strategy is to include a local bus service with a 15-minute frequency between the site and the centre of Ayr, the costs of which shall be met by the developer for ten years from the opening of the supermarket or occupation of the first house or the completion of the final phase of the development (whichever is the sooner). The applicant is seeking to reduce the frequency of the bus service to 30 minutes and to reduce the period for payment of the subsidy from 10 years from the opening of the supermarket (or completion of the final phase of the development) to completion and adoption of the primary road network which accommodates the bus service. This proposed modification reflects discussions that applicant has had with a bus operator and as the applicant does not consider it reasonable to require subsidisation of the bus service until the final phase of the development has been completed. The applicant is also seeking to delete the requirement to provide details of the arrangements for maintenance of the park and ride facility as they do not intend to build and operate the park and ride. The applicant has submitted further supporting information in the Public Transport Strategy Report.

Strathclyde Partnership for Transport have advised that the proposed reduction in frequency will reduce the potential attractiveness of the route as an alternative to private car. A 15 min frequency provides certainty of experience and confidence for the users and provides a level of convenience on par with car use. SPT advise against the amendment to the commencement point and end point for the service proposed by the applicant. SPT have also advised that the applicants proposed amendment to the condition to allow the developer to agree the cost of any subsidy directly with a named operator (Stagecoach) will not provide the planning authority with the certainty over the service provision required.

Having regard to the advice of SPT, it is considered that the applicant's proposal is unacceptable and is contrary to the intention of NPF4 Policy 13 (sustainable transport). Condition 33 should not be amended.

Condition 40 - Travel Plan: This amendment to the condition proposes to move the responsibility to provide a School Travel Plan from the developer to the Education Authority. This is considered unreasonable as the purpose of the travel plan relates to how new residents travel to school from their home - a matter which is outwith the control of the Education Authority. In addition, this is considered unacceptable as it moves the duty to fulfil the terms of the condition from the applicant to the Council, as Education Authority, thus making the condition unreasonable. For these reasons the request to amend the condition is unacceptable.

Condition 58 - Play Area Provision: It is proposed to delete the requirement to comply with the Council's guidance for Open Space and Designing New Residential Developments and to replace this with a requirement to comply with the submitted DB/DC. The quantity of play area space is proposed to increase in line with the increase in the number of houses and are in accordance with the Council's guidance for open space provision in new residential development. However, the consolidation of the play areas into four locations in place of the previous six locations will leave some residential areas too distant from an equipped play and the reduction in the number of equipped play areas is inappropriate. In addition, the proposed changes to Condition 58 are reliant on the Illustrative Master Plan and the new Development Brief and Design Code being acceptable, as detailed above, due to the omissions from the Illustrative Masterplan it fails to properly Masterplan the area thus the proposed changes to this Condition are unacceptable.

Development Brief/Design Code (DB/DC)

The purpose of the DB/DC is to provide master planning and design guidance for the delivery of the infrastructure and the development pods within Corton. It sets site-wide principles to be incorporated in the preparation of detailed design proposals in each development pod. The Development Brief and Design Code (DBDC) has been updated to reflect the changes to the illustrative masterplan. The DBDC continues to provide more detailed guidance for the design of development within the individual development pods. The requirements and specifications for streets and landscaping has been updated but is less detailed and as a consequence less prescriptive. The document sets out guidance for the design of the landscape framework, open space and play areas, legibility and character, movement hierarchy and accessibility, street types, communal infrastructure, and common elements. The principles identified within this document are acceptable, however, as it encompasses the flawed Master plan it is deemed to be unacceptable as it fails to properly plan the application site. As a result of the omissions from the masterplan it is considered that the proposal fails to demonstrate that it accords with Policy 14 of NPF4 relating to Design quality and place.

11. Material Considerations

Applicants Supporting Information

As can be seen from the applicant's submission they have provided a significant amount of information in support of their application all of which has been reviewed and considered as part of this assessment process. This section of the Report looks to consider the following material considerations.

Development Viability Appraisal

The Applicant has provided a Development Viability Appraisal demonstrating why in their opinion from a financial perspective, the Corton development does not require to meet the NPF4 policy 16 requirement for 25% affordable housing and why the previous Supermarket should be replaced with a smaller supermarket, plus additional retail provision and three drive through restaurants, (detailed in separate Planning application (Ref. 23/00345/APP) effectively creating an out of centre retail park.

Notwithstanding the information contained within the Development Viability Appraisal, it is clear that the premise upon which the document has been formulated is fundamentally flawed for the following reasons.

Funding from the Council

The Development Viability Appraisal indicates that South Ayrshire Council will provide "drawdowns" of £595k per month for a period from 2023 to 2026 to the applicant to a total value of approximately £17million for the provision of infrastructure to Corton. This proposal is unrelated to phasing of development and it is unclear what development the applicant would be willing to obligate undertaking whilst this money was being transferred. Without a clear relationship to development and development phasing it could mean the forwarding of money resulted in no development being provided.

For the avoidance of doubt this funding proposal has not been suggested, encouraged, or agreed by Council Officials or the Council. Senior Officials have advised the applicant in writing that the Council would not and could not support such proposals.

Future Developers

The assessment indicates that South Ayrshire Council will recoup this financial outlay as set out above from other future developers of the rest of the South East Ayr Development i.e. not Corton. There are currently no mechanisms in place, nor any planning permissions in place at South East Ayr for the Council to have any certainty that they would be able to recoup the funding from future developers. Such a mechanism may emerge between the landowners of South East Ayr following the conclusion of the Supplementary Guidance Design Brief process. In addition, there is no evidence that the repayment of this money by the other developers would not undermine the development viability of the other sites in South East Ayr. Without such evidence there can be no confidence that any other developer will be able or willing to provide this money in the future. To this end, the development viability appraisal is considered to be fundamentally flawed being based on assumption and lack of evidence of viability impacts on other developers of South East Ayr.

Land Value

The assessment indicates that the site acquisition and development costs are approximately £20 million. However, given the site is allocated for housing and not retail and the existing retail planning consents are not attractive to the retail market at this time, no information has been provided to justify why this purchase price was considered representative of the land value of the site. As stated above, the site is allocated for residential use, however the applicant indicates that the land values are at a retail rate for part of the site yet the commercial changes impacting on large scale supermarket development were known at the time of site acquisition. It appears that no account has been taken of the outlay required for the significant planning gain required as part of the 2014 consent. The current proposals 23/00345/APPM & 23/00261/FURM (either separately or combined) are unable to fund any of the required planning requirements of the 2014 consent. The planning requirements of the 2014 consent remain relevant.

Therefore, on the proposals presented, this Development Viability Appraisal demonstrates that even with a significant retail park development being proposed (through application Ref. 23/00345/APPM), affordable housing requirements significantly below the required National and Council standards and the primary school is front funded by the Council this project still requires to be financially supplemented by approximately £17million from the Council. Therefore, there is a £17million shortfall in the applicant's development viability case (£17m that cannot be committed by the Council), and the conclusion is that the scheme is unviable.

Given that by the applicant's own submission the scheme is not viable and the substantive legal matters on the principals provided in the appraisal, the Planning Service has not had the Development Viability Appraisal document reviewed by an independent financial expert.

Notwithstanding the detailed assumptions in the Development Viability Appraisal, the proposal that the Council could and will make £595k monthly payments to the applicant for a period of approximately 2.5 years for infrastructure works and recoups approximately £17million from future developers in the area, it demonstrates a fundamental flaw in the logic of the assessment. As such little weight can be attached to the Development Viability Appraisal as a material consideration in the determination of this Section 42 planning application.

Funding from the Council for the primary school

The Council has agreed through the Capital Programme to fund the phased provision of the Primary school at South East Ayr. This funding would be provided on the basis of the cost being recovered via a per house contribution of all houses constructed at South East Ayr. The detail of that process has yet to be agreed and formalised through the adoption of Supplementary Guidance Design Brief for South East Ayr by SAC. It is important to note that the Council funding the phased provision of the primary school with recovery of that funding is different from the matters set out in the preceding paragraphs in terms of the applicant's proposal that the Council also forward funds the applicant's development through providing approximately £17 million towards infrastructure works.

The provision of education in Scotland is the responsibility of local authorities who are under a statutory duty to ensure that there is adequate and efficient provision of school education in their area to serve existing and anticipated populations. It can also be secured via condition and legal agreement that work does not begin on the school until the housing has commenced, thereby minimising risk to the Council.

In conclusion, the submitted Development Viability Appraisal is critically reliant upon assumptions on the Council's legal ability and agreement to forward fund the initial infrastructure works and to recoup this financial outlay from the other landowners within the site and outwith the application site, within the wider South East Ayr area. The applicant also makes critical assumptions relating to the agreement of the other landowners to support common infrastructure, the land valuations and the mechanism for equitably sharing these land values between all the landowners within the South East Ayr area. These assumptions have not been agreed by these landowners and there are serious concerns over their implication on the development viability of these other developments. There may be other legal or financial reasons for these landowners to resist such proposals, which could include challenge on the components making up areas of common infrastructure.

Draft Supplementary Guidance Design Brief

As detailed in the report, it is a requirement of the LDP2 that the Planning Authority prepare a Supplementary Guidance Design Brief for the allocated housing site. Ayr 4 South East Ayr. At this time the preparation of the Supplementary Guidance Design Brief document is still ongoing, and it has not been adopted by the Council therefore does not form part of the Development Plan. Thus, it should only be afforded minimal, if any, material weight in the decision-making process of this Planning application.

It is noted that the applicant has lodged representations in the consultation process for the Supplementary Guidance that promotes a significant area of retail development contrary to the Development Plan.

Members will be aware that the Council published a first draft version of the Corton Site Design Brief SPG for public consultation in March 2023. The draft included a proposal to increase the level of retail floorspace, within the Local neighbourhood centre, from the level previously approved through the original Planning Permission in Principle (PPP) (ref 14/00220/PPPM). Condition 4(ii) of the PPP specified that the total floorspace within the neighbourhood centre was to be 1000 sqm and no single unit was to exceed 200 sqm (gross floorspace). The first draft of the new Site Design Brief indicated that the total floorspace could increase to 2500 sqm (gross floorspace) and no single unit should exceed 2000 sqm. This floorspace is expected to be entirely contained within the neighbourhood centre. The draft Site Design Brief was issued for consultation shortly after the adoption of NPF4 on 13 February 2023. The document had been prepared some time prior to that and, as a consequence, could not take account of the significant changes to retail policy that NPF4 has introduced. Given these significant changes and the public comments received on aspects of the Design Brief which relate to retail, this part of the Brief will require to be reviewed to ensure that it is consistent with the changed national policy position. Therefore, the applicant's proposal for the size and scale of retail floor space within Corton through the current application is premature in advance of the adoption of the Design Brief.

It is a requirement of NPF4 that identification of locations for new significant retail development are made through an LDP review. If unmet demand for additional retail floorspace were identified, the LDP review would need to consider all potential locations for the provision of additional retail floorspace alongside other planning objectives, including regeneration of town centres and sustainable transport.

Only very limited weight can be attached to the first draft Site Design Brief and that this does not provide a basis for approval of the current proposals.

Original 2014 Planning Permission in Principle and Retail Impact Assessment

As mentioned elsewhere in this report, NPF4 policy 28 has been clearly designed to direct retail to centres and only to edge of centres if it is a site allocated for such a use in the LDP; the only exception to this being criteria 'c' and 'd.' There is no ambiguity in the intention of the policy, and, in the view of the Service, it is not open to different interpretation. NPF4 must be read as a whole and there are no other policies that persuade a different conclusion. The proposed supermarket does not accord with Policy 28 and therefore the proposal is contrary to the development plan in this regard. Other material considerations with respect to the assessment of the supermarket proposal are the original 2014 permission and the applicant's Retail Impact Assessment (RIA).

Original 2014 Planning Permission in Principle

The original 2014 permission granted a supermarket, that was contrary to the retail and other policies of the Development Plan of that time. The supermarket was justified as an acceptable departure as it would 'enable' housing to be delivered at Corton through funding of essential infrastructure works into the housing development, a new school, business units, and public transport support for ten years. The 2014 planning permission and associated legal agreement demonstrated that the applicant would be able to deliver their development and the infrastructure requirements at no cost to the Council and without the need for developer contributions from other landowners at South East Ayr. The Planning Authority at the time, decided that it was appropriate to allow the significant departure from the Development Plan.

The circumstances are now materially different for the following reasons:

The supermarket was never delivered, and the original 2014 permission has lapsed.

The applicant's Retail Impact Assessment (RIA) states that *"the retail market has changed fundamentally...there is limited demand for development of new superstores nationally and no current or foreseeable demand for a large superstore in Ayr."*

The circumstances are also materially different because while the applicant previously required only the large-scale supermarket to 'enable' the development, the applicant now requires the following to enable the development:

- Smaller scale supermarket
- 25% affordable housing to be provided in 2014 (187 affordable homes) to under 9% affordable housing (72 affordable homes) through the current application
- A separate and significant retail park development as proposed through application Ref.23/00345/APPM. Although this development provides for a reduced scale of retail provision it proposes uses that will impact directly with the town centre.
- Approximately £17 million of front funding support from the Council
- Council to front fund the primary school

The current Section 42 application does not provide the full range of benefits which the 2014 planning permission was obligated to deliver.

In the case of this application, the supermarket is also significantly contrary to the development plan. This is because with the current application, the proposed reduction in affordable housing is also contrary to the Development Plan. Furthermore, the separate retail park development proposals through application Ref. 23/00345/APPM are also contrary to the development plan. Both individually and collectively, the impact of the proposals are unacceptable in policy terms. In addition, the Council has not agreed to the upfront funding of approximately £17 million towards the infrastructure works.

Planning policy has moved on since 2014 in that a new LDP has been Adopted and it does not allocate land at South East Ayr for a supermarket but a neighbourhood centre only. This reflects the fact that the 2014 permission was a policy exception based on the specific circumstances of that time. The current LDP reflects the Council's current position and objectives of Corton being developed for housing with ancillary neighbourhood centre only.

In conclusion, the supermarket, while contrary to policy at that time, was approved and justified as part of the original 2014 permission as an 'enabling development' whereas it has been demonstrated that the current application does not enable the delivery of housing and could potentially also undermine the ability to deliver housing in the wider South East Ayr area.

Retail Impact Assessment

The Retail Impact Assessment (RIA) has been submitted. While this is a material consideration, it has been afforded little weight in the assessment of this application. NPF4 policy 28 removed previous planning policy framework for retail which provided a route for approval of retail proposals where it could be demonstrated through an RIA that there would be no adverse effect on vitality and viability of town centres, that were otherwise contrary to the town centre first approach. The current policy framework does not allow for such exceptions and in the opinion of the Service, it should not afford significant weight to an approach which would undermine the current policy framework for retail as set out in NPF4.

It is a requirement of NPF4 that identification of locations for new significant retail development are made through an LDP review. If unmet demand for additional retail floorspace were identified, the LDP review would need to consider all potential locations for the provision of additional retail floorspace alongside other planning objectives, including regeneration of town centres and sustainable transport.

It is also noted that the RIA is silent on the positive impact that the additional future residents of Corton and the wider South East Ayr development would have on those existing town centres and Heathfield if the Corton supermarket was not developed.

Representations

The issues raised by Representees which primarily include matters of the A77, and neighbour notification process are captured and responded to in Section 10 of this report. While they have been considered and taken account of in the assessment of this application, they do not raise matters of material overriding concern or factor in the reasons for the recommendation of refusal of this application.

Planning History

The relevant planning history of the site, detailed above, is noted and recognised in the consideration of this application.

Consultees

The views of the consultees have been noted and recognised where relevant in the consideration of the proposed conditions, below.

12. Conclusion

In Conclusion, it is considered that the revisions proposed to the original 2014 planning permission (Ref.14/00220/PPPM) within this section 42 application are unacceptable for the reasons specified in the report and the reasons for refusal as captured in Section 13 of this report, below.

The principal reasons relate to the non-compliance of the retail element of the proposals with the relevant policies within NPF4 and LPD2, the inadequate master plan proposal which failed to appropriately plan for the entire application site and the non-compliance of the proposals to provide an adequate level of affordable housing in line with NPF4 and LDP2.

In coming to this conclusion, it was found that there were no material considerations which would outweigh the non-compliance of the proposals in relation to the National and Local planning policy position.

13. Recommendation

It is recommended that this Section 42 application which seeks to amend Conditions 1, 4, 5, 6, 9, 10, 11, 12, 14, 19, 20, 25, 33, 38, 40, 48, 57, 58, 62, 70 and delete conditions 8, 15, 18, 21 and 29 from Planning Permission in Principle Ref.14/00220/PPPM is refused for the following reasons:

Reasons for Refusal

Reason 1 - The proposed deletion of Condition 15 and reduction in the percentage of housing units that are to be affordable, from 25% to 8.47%, is contrary to NPF4 - Policy 16 (e) as the development is for more than 50 market homes and the proposed lower contribution has not been justified in terms of the criteria set out in the Adopted South Ayrshire Local Development Plan Policy: affordable (including specialist) housing, specifically with reference to the failure of the applicant to demonstrate to the Council's satisfaction that the reduction in affordable housing will result in the proposed development being economically viable; for this reason, the proposal is also contrary to Local Development Plan Policy: affordable (including specialist) housing. The proposed deletion of condition 15 and proposed reduction in affordable housing requirements is therefore unacceptable. Additionally, no Statement of Community Benefit as required by NPF4 Policy 16 (b) has been submitted.

Reason 2 - The proposed amendment to condition 4 for a proposed separate single retail unit with gross floorspace of 2000 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) is contrary to National Planning Framework 4 Policy 28 (A). The proposed location and scale of the retail unit are not consistent with the town centre first principle as the development is not located in an existing city, town or local centre and is not in an edge-of-centre area or a commercial centre allocated through the Local Development Plan. Additionally, the application site is in an out-of-centre location where NPF4 Policy 28(C) only supports proposals for new small scale neighbourhood retail development which contributes to local living, including 20-minute neighbourhoods and/or can be demonstrated to contribute to health and wellbeing of the local community. Having regard to the size of the retail unit proposed and the extent of its likely market area, the proposal is significantly larger than required to meet the daily shopping needs of the future residents of South East Ayr. It is, therefore, concluded that the proposed separate single retail unit, is not consistent with scale and nature of retail development supported by NPF4 Policy 28 part (C) and the proposed modification to condition 4 is therefore unacceptable.

Reason 3 - The principle of the separate single retail unit with gross floorspace of 2000 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) is not supported by the South Ayrshire Local Development Plan Policy: small town centres and local neighbourhood centres as it is physically separated from the local neighbourhood centre as identified on the proposed masterplan. Furthermore, the physical size of retail unit proposed significantly exceeds the size of retail development supported under this policy and will function as a destination for weekly shopping trips for a catchment likely to extend significantly beyond South East Ayr. The scale and nature of this form does not accord with the Glossary definitions of retail supported under the Local Development Plan. The proposed modification to condition 4 is therefore unacceptable.

Reason 4 - The proposal to include a separate single retail unit with gross floorspace of 2000 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)), in addition to the proposed retail floorspace within the 'neighbourhood centre' is premature in advance of the finalisation and adoption by the Council of the Supplementary Guidance: Site Design Briefs (Part 2) South East Ayr, which will provide policy guidance on the amount and configuration of retail floorspace that the Council considers is appropriate within the Corton phase of South East Ayr. The proposed modification to condition 4 is therefore unacceptable.

Reason 5 - The proposed separate single retail unit with gross floorspace of 2000 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) is not supported by National Planning Policy 15 (Local Living and 20 – Minute Neighbourhoods) as the size of retail unit proposed is not consistent with the *place principle*. The scale of retail unit proposed is likely to attract customers from existing residential areas in the south and east of Ayr in addition to the proposed neighbourhoods within Corton and the wider South East Ayr area. The proposal is likely therefore to encourage consumers to make longer trips to meet their shopping needs, which are beyond convenient walking, wheeling, and cycling distance. The proposed modification to condition 4 is therefore unacceptable.

Reason 6 - The proposal is contrary to National Planning Framework Policy 13 as the proposed separate single retail unit with gross floorspace of 2000 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) does not encourage, promote, and facilitate development that prioritises walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably and has the potential to lead to an increase in the number of journeys made by private car from parts of the south and east of Ayr and surrounding rural area to Corton, contrary to the outcomes of Policy 13.

Reason 7 - The inclusion of the proposed separate single retail unit with gross floorspace of 2000 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) within the proposed development is contrary to National Planning Framework Policies 1 (climate change and nature crises) and Policy 2 (climate mitigation and adaptation) as the proposal is likely to encourage private car use as a result of the attraction of customers from established residential areas in the south and east Ayr who may otherwise shop in Ayr town centre. The existing residential areas in the south and east of Ayr are linked to Ayr town centre by an established network of sustainable transport modes, whereas Corton is poorly connected to these areas by established public transport networks.

Reason 8 - The application site lies within the AYR4 housing allocation wherein South Ayrshire Local Development Plan Policy: maintaining and protecting land for housing only permits non-residential uses which will have environmental, economic, or social benefits or encourage regeneration. The applicant has not demonstrated sufficient environmental, economic, or social benefits related to the proposed separate single retail unit with gross floorspace of 2000 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) and accordingly the inclusion of this aspect of the proposed mixed-use development is contrary to the LDP policy.

Reason 9 - The proposed "illustrative Corton masterplan" (drawing reference no. 21022-MPDF-P004-B) is contrary to National Planning Framework Policy 14 relating to design quality and place due to the omission of details for three significant land parcels contained within the application site. The proposed Development Brief/Design Code, as a result of the fact that it incorporates the masterplan shown on drawing 21022-MPDF-P004-B, is also contrary to Policy 14.

Reason 10 - The proposed modifications to Condition 1 are not considered acceptable as the removal of the time limit for submission and approval of matters specified in conditions would result in an open-ended permission which is not in the interest of the proper planning for the area.

Reason 11 - The proposed modification to Condition 4 to change the reference to the revised masterplan submitted with the application is not acceptable as the revised masterplan fails to properly masterplan the area due to the omission of details for three significant land parcels contained within the application site and is considered to be contrary to National Planning Framework Policy 14. The revised masterplan does not result in an equal scheme to the previous 2014 masterplan in terms of quality planning or a betterment and for this reason also, the proposed modification is unacceptable.

Reason 12 - the proposed modifications to Condition 4 part (ii) to restrict the total floorspace within the neighbourhood centre to 1000 sqm and to introduce a requirement for marketing data are not acceptable. The proposal to restrict the overall amount of floorspace is considered to be unnecessary and, in relation to retail specifically, premature in advance of the finalisation and adoption by the Council of Supplementary Guidance: Site Design Brief Part 2 South East Ayr, which is at draft stage. The proposal to introduce a reporting requirement for marketing and letting would not serve a planning purpose and does not meet the tests for conditions set out in Circular 4/1998 Annex A.

Reason 13 - the proposed deletion of condition 8 and modifications to conditions 9, 10, 11 and 12 are not acceptable. All five conditions are reliant on the Illustrative Master Plan and the new Development Brief and Design Code being acceptable. Due to the omissions from the Illustrative Masterplan of three areas of land, it fails to properly Masterplan the area thus the proposed changes to these conditions are unacceptable and contrary to National Planning Framework Policy 14. It remains necessary to require the submission of a revised Development Brief/Design Code which is based upon and incorporates an acceptable masterplan.

Reason 14 - The proposed deletion of condition 14 is contrary to NPF4 Policy: 18 and LDP2 Policy: delivering infrastructure both of which require that new development proposals include measures to ensure the provision of any off-site infrastructure which is necessary to accommodate the proposed development without placing an extra burden on existing communities. In addition, the proposed changes to Condition 14 are reliant on the Illustrative Master Plan being acceptable. Due to the omissions from the Illustrative Masterplan it fails to properly Masterplan the area thus the proposed changes to this Condition are unacceptable.

Reason 15 - The proposed deletion of condition 29 is contrary to NPF4 Policy 1, 2, 13, 14 and 15 and South Ayrshire Local Development Plan 2 policy: land use and transport. The three railway crossings are considered to be essential to the integration of Corton with the adjoining parts of the AYR4 housing allocation and to ensure that sustainable travel links are provided between the community and commercial facilities that are to be provided within Corton and the remaining parts of the AYR4 housing allocation. The proposal deletion of condition 29 is unacceptable for these reasons.

Reason 16 - The proposed amendments to Condition 33 are unacceptable. The proposed reduction in frequency of service and reduced period over which the subsidy is proposed to be provided would not provide sufficient certainty of experience and confidence of users of the proposed services and will thus reduce the potential attractiveness of the route as an alternative to private car, contrary to the intention of NPF4 Policy 13 and Local Development Plan Policy: land use and transport.

Reason 17 - The proposed amendments to Condition 40 are unacceptable. The responsibility for producing an active travel plan for occupants of the proposed new housing for school travel properly lies with the developer. Furthermore, the proposed amended wording would fail the test of 'reasonableness' in terms of Circular 4/1998: the use of conditions in planning permissions, as it would rely upon another Council department fulfilling the requirements of the condition, which is outwith the control of the applicant.

Reason 18 - The proposed changes to Condition 57 are unacceptable as they are reliant on the Illustrative Master Plan and the new Development Brief and Design Code being acceptable. Due to the omission of three areas of land from the Illustrative Masterplan it fails to properly Masterplan the area thus the proposed changes to this Condition are unacceptable.

Reason 19 - The proposed changes to condition 58 are unacceptable due to its reliance on the Illustrative Master Plan and the new Development Brief and Design Code being acceptable. Due to the omission of three areas of land from the Illustrative Masterplan it fails to properly Masterplan the area thus the proposed changes to this Condition are unacceptable. Furthermore, the consolidation of equipped play areas into four locations would result in some parts of the residential pods being too distant from an equipped play area. The proposal is therefore not fully compliant with the Council's published guidance for Open Space and Designing New Residential Developments.

Reason 20 - The proposed changes to condition 70 are unacceptable as they are reliant on the Illustrative Master Plan and the new Development Brief and Design Code being acceptable. Due to the omission of three areas of land from the Illustrative Masterplan it fails to properly Masterplan the area thus the proposed changes to this Condition are unacceptable.

List of Determined Plans:

Drawing - Reference No (or Description): 21022-PLBD-P001 Application Boundary

Drawing - Reference No (or Description): 21022-MPDF-P004 Illustrative Corton Masterplan B

Drawing - Reference No (or Description): 21022-MPDF-P005 Cockhill Overbridge footpath connection

Other - Reference No (or Description): Development Brief _ Design Code Part 1

Other - Reference No (or Description): Corton Development Brief _ Design Code Part 2

Other - Reference No (or Description): Supporting Statement

Other - Reference No (or Description): Supporting Statement Development Brief _ Design Code

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 Alan Edgar, Supervisory Planner - Place Planning - Telephone 01292 616 683

REGULATORY PANEL: 28 FEBRUARY 2024

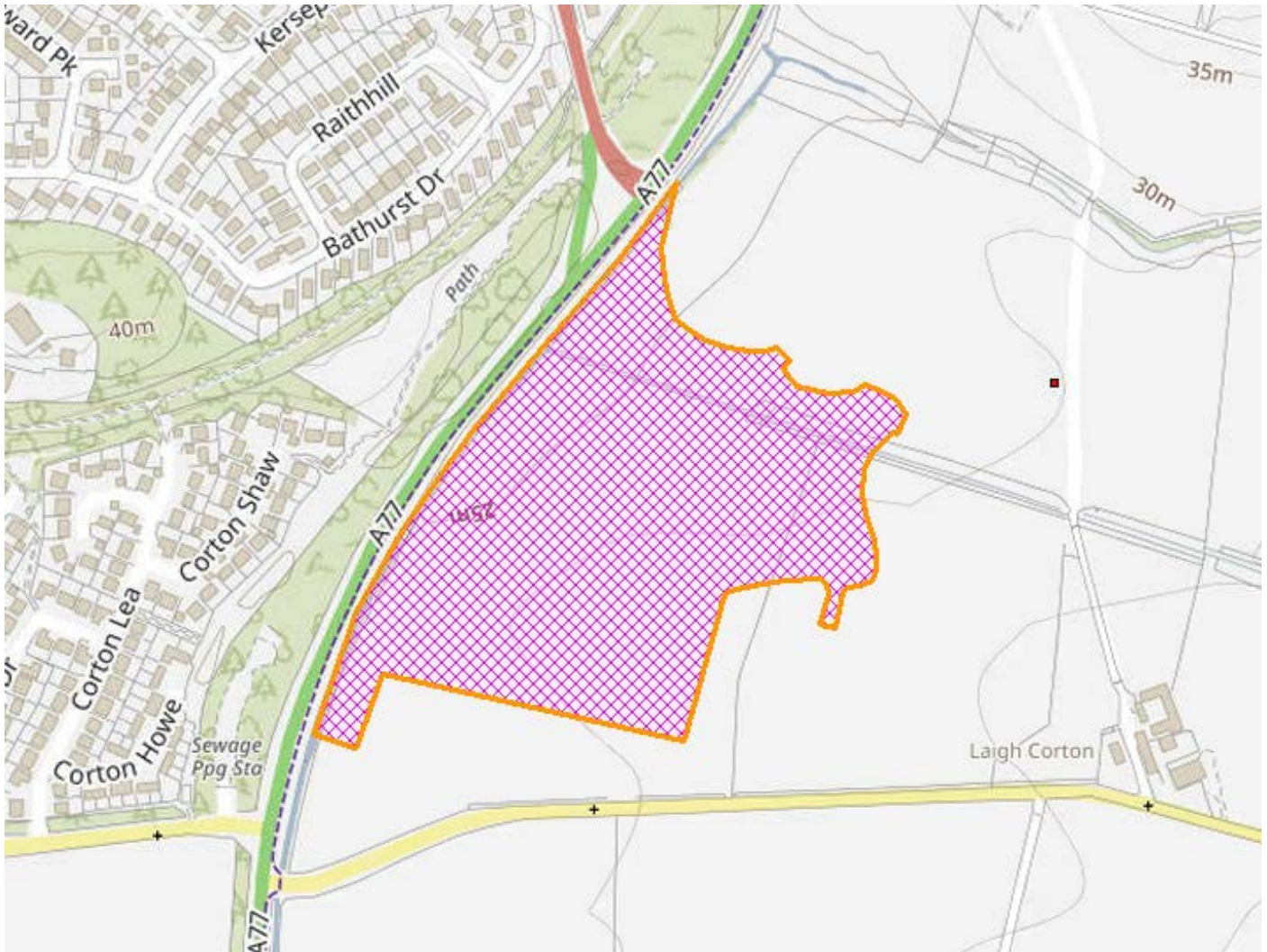
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

23/00345/APPM

CORTON A77T FROM BANKFIELD ROUNDABOUT - B7034 JUNCTION AYR SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

This proposal is for a mixed-use retail development within the Corton phase of the AYR4 housing allocation (also known as South East Ayr) in the Council's Adopted Local Development Plan 2 (LDP2).

The proposals take the form of a traditional retail park centred around a carpark with the five retail units being located on the southern side of a carpark with three Drive-through restaurants and a self-service petrol station and electric vehicle recharging station being located on the northern side of the carpark. The carpark would provide 343 spaces for the retail units while the Drive-through units would share two separate parking areas with total parking space available for 84 vehicles. The area would be landscaped, with an acoustic bund on the southern and eastern boundary and a 4-metre-wide footpath is proposed from the distributor road to the retail units.

Vehicular access to the site is via the distributor road, with a central roundabout allowing access to the Drive-through restaurants, the five retail units and the service yard to the rear of the retail units.

The Applicant has indicated that the separate Section 42 planning application Ref. 23/00261/FURM is intrinsically linked to this current application, as this proposal fills the void in the masterplan submitted under application Ref.23/00261/FURM. The applicant has asked that they be considered at the same Regulatory Panel (Planning).

The applicant has provided a Development Viability Appraisal in support of these applications which demonstrates that the overall Corton project (both applications combined) is only financially viable if the separate Section 42 application is permitted in conjunction with this current application and the Council provides funding of approximately £17million over the next two and a half years. The applicant proposes that the provision of £17m from the Council is repaid through other future developments in South East Ayr.

For the avoidance of doubt, this funding arrangement has not been agreed or encouraged by Council Officials or the Council. In addition, this Regulatory Panel (Planning) only has the delegated authority from the Council to determine applications submitted under various Planning legislations. It does not have authority to approve or commit the Council on any fiscal expenditure matter.

As set out in the Section of the Report on Public Subsidy considerations, external legal advice indicates that there is significant risk that the proposed funding from the Council would constitute a subsidy to the applicant in relative to the Subsidy Control Act 2022 to the extent that the viability of the Corton development depends on the Council funding infrastructure, it would therefore not be possible for Elected Members to proceed on the *assumption* that the Council has the powers to provide such finance.

Therefore, if members are minded to approve this application, it cannot be based on the Council providing the approximate £17million initial funding as proposed and detailed within the applicant's Development Viability Appraisal.

Independent expert legal advice advises that there is a significant risk that a court would find that it is irrational/perverse to grant planning permission relying on a viability case, when the evidence shows the two developments, comprising Ref. 23/00261/FURM and Ref. 23/00345/APPM are not deliverable without significant forward funding from the Council and also shows that there is a strong likelihood of that funding not being available, for legal and financial reasons.

It is considered that this retail park proposal is unacceptable due to the non-compliance of the retail and drive-through restaurant elements of the proposals with the relevant policies within NPF4 and LPD2. In coming to this conclusion, it was found that there were no material considerations which would outweigh the non-compliance of the proposals in relation to the National and Local planning policy position. It is further considered that the design of the retail proposals and associated car parking are not acceptable when considered against the Development Plan.

It is noted that this is a standalone planning application, which if approved, could be capable of being delivered on its own, without being reliant on the separate S42 application being approved and implemented or any other developments at South East Ayr.

If Members accept the recommendation of refusal, the determination route is via this Regulatory Panel. However, if Members are minded to grant permission, the application must be notified to Scottish Ministers who may 'call-in' the application for their determination.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 28 FEBRUARY 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00345/APPM
SITE ADDRESS:	Land at Corton A77T From Bankfield Roundabout - B7034 Junction Ayr South Ayrshire
DESCRIPTION:	Application for planning permission for a retail led mixed use development (use classes 1 retail comparison, convenience and bulky goods/garden centre, 3 (food & drink), sui generis (drive-thru and petrol filling station facilities)) with associated infrastructure, landscaping and engineering works
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 2nd May 2023.
- The application was validated on 18th August 2023.
- The case officer visited the application site on 22 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 in September 2023 and December 2023
- No site notice was required.
- Public Notices, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were placed in the Local Press on 12 September 2023 and 12 December 2023.

1. Proposal:

Site Description:

This site to which this application relates is located to the south east of Ayr on the eastern side of the A77 trunk road, southwest of the railway line. It has an area of approximately 5.4 hectares and is broadly rectangular in shape. It is bounded to the west by the Slaphouse Burn and a 1km stretch of the A77 and to the north by an unnamed watercourse and open farmland and south by open farmland. The site itself is currently undulating agricultural land with fields, hedge boundaries and has some limited tree cover alongside the Slaphouse Burn.

Development Proposal:

This planning application is for a retail park development (use classes 1A retail comparison, convenience and bulky goods/garden centre, use class 3 (food & drink) and 'sui generis' (drive-thru and petrol filling station facilities)) with associated infrastructure, landscaping and engineering works. The applicant's Retail Impact Assessment indicates that the retail floor space proposals would be 5 retail units ranging from 836sqm Gross Floor Area (GFA) to 2323 sqm GFA (plus garden centre). The Units would include; discount foodstore; non-food discounter; general supermarket; general and /or bulky comparison units.

It should be noted that there are permitted changes within Use Class 1A e.g., Permitted changes from convenience retailing to comparison retailing. This means that the mix of types of retailing proposed through this current application could change significantly with potential greater impacts on the town centres than that assessed under the current application.

The proposals take the form of a traditional retail park centred around a carpark with the five retail units being located on the southern side and three Drive-through restaurants and a self-service petrol station and electric vehicle recharging station being located on the northern side of the carpark. The carpark would provide 343 spaces for the retail units while the Drive-through units would share two separate parking areas with total parking space available for 84 vehicles. The area is proposed to be landscaped and a 4-metre-wide footpath would be provided from the proposed distributor road to the retail units.

Vehicular access to the site is via the proposed distributor road, with a central roundabout allowing access to the Drive-through restaurants, the five retail units and the service yard to the rear of the retail units.

As part of the proposals, a substantial acoustic earth bund of unspecified height is proposed on the southern and eastern boundary of the site to provide noise attenuation from the retail development for the benefit of potential future residential units in that area.

The retail units are proposed to be constructed using clear span steel portal frame construction, which allows for flexibility to accommodate differing internal shopfit layouts. The internal footprints range from approximately 836 square metres to 2322 square metres and the heights of the units are consistent at approximately 10.5 metres when measured from ground level. The two units at either end of the units project further forward from the main retail elevation.

The external finish to the front elevation of the retail units is divided into a lower level of anthracite aluminium-coloured glazed shopfronts interspersed with blue brickwork, while the upper level proposes rainscreen cladding, and signage panels. The other elevations of the units are proposed to be finished in a basic silver/grey coloured cladding.

The three separate drive-through restaurants that are proposed would also accommodate internal seating areas. All three would be of rectangular floorplan with flat roof construction and would be finished in multi-coloured rainscreen and powder coated cladding panels and facing brick. The units would be approximately 371, 223 and 185 square metres in footprint.

The petrol station is a framed canopy structure measuring approximately 10.5 metres in width, 21 metres in length, 5.5 metres in height and would accommodate 6 fuel pumps.

The separate EV charging station is also of framed canopy construction and would measure approximately 33 metres in length, 11.7 metres in width, 4 metres in height and would accommodate up to 20 electric charging bays. Both the EV charging station and petrol filling station would have solar PV panels mounted on the roofs.

For clarity, the application site includes the retail unit (referred to as 'supermarket') proposed in the separate Section 42 application Ref. 23/0261/FURM.

2. Procedural Matters and Approach to Assessment:

Hierarchy of Development

The proposed development is classified as 'Major' development under the Hierarchy Regulations. The applicant has carried out a public consultation process, which has included an online public meeting 12 October 2022 and an in person public event held on 31 January 2023 in line with the amended Pre-Application Consultation Regulations. A Pre-Application Consultation Report has been submitted with the application.

Environmental Impact Assessment

The proposal falls within Schedule 2 of the Town and Country Planning (EIA) Regulations 2017. An Environmental Impact Assessment was undertaken in 2014 for the original application under the previous 2011 Regulations and this concluded that the development, subject to mitigation, will have no significant impacts on the environment. An EIA Screening Request relating to the current proposal was submitted in September 2022 and the Council issued a Screening Opinion on 13 September 2022 confirming no requirement for a further EIA.

Determination Route

Due to the 'Major' status of this planning application it is necessary for the Council to come to a view on whether the application proposal is 'significantly contrary to the development plan' as this affects the procedure for how the Council determines the application and subsequently if it requires to be notified to Scottish Ministers. The retail element of this particular proposal is considered to be significantly contrary to the spatial strategy of the development plan (as explained in more detail in the assessment below). Guidance on the procedural implications of being 'significantly contrary' are explained in Circular 3/2009 (Notification of Planning Applications) and Circular 3/2022 (Development Management Procedures) and outlined below.

If Members accept the recommendation of refusal, the determination route is via this Regulatory Panel. However, if Members are minded to grant permission, contrary to the officer recommendation, the combination of the application being significantly contrary to the development plan for the area and also being a development in which the planning authority has an interest means that the application must be notified to Scottish Ministers who may 'call-in' the application for their own determination under section 46(1) of the Town and Country Planning (Scotland) Act 1997. The 'interest' that the Council has in this application is considered to be the intended transfer/Sale of land to the Council for the erection of a primary school & community facility, the sale of land for the Park and Ride facility and the applicant's inferred transfer of approximately £17 million from the Council to the applicant to fund their initial infrastructure works. While the proposals with respect to the primary school, community and park and ride facility are not elements within the land holding subject to this application, the applicant has indicated their intention that this planning application and the separate application Ref. 23/00261/FURM be linked, therefore notification to the Scottish Government would be required for this reason and because of the inferred transfer of £17 million from the Council to the applicant. Advice on the ability to provide such in link permanently is provided in the legal implications below.

Legal Implications

Limits to Regulatory Panel authority/ decision making and public subsidy considerations

For clarity, the Regulatory Panel (Planning) only has the delegated authority from the Council to determine applications submitted under the various Planning legislations. It does not have authority to approve or commit the Council on any fiscal expenditure matter.

Therefore, if members are minded to approve this application contrary to the recommendation in the report, it cannot be based on the Council providing the approximate £17million funding as proposed and detailed within the applicant's Development Viability Appraisal; the applicant should not take this as an endorsement or a recommendation that the Council should or can at some future point, be in a position to be able to commit to the provision of the approximate £17million funding detailed in the Development Viability Appraisal.

The applicant has submitted this planning application based upon a presentation of the development viability appraisal of the proposals which involves the applicant applying for a range of planning proposals not consistent with the development plan and the Council providing £17m to the applicant in lieu of lost development value for land involved in common infrastructure provision and seeking reimbursement from other developers with proposals in the area.

The Council has received independent expert legal advice that any decision to grant permission could be legally quashed on the grounds that it is irrational/ perverse to grant planning permission relying on a viability case, when the evidence shows the development is not deliverable without significant forward funding from the Council, and the Council has neither committed to provide that funding nor identified any funds that could be used. In those circumstances, it is considered irrational/ perverse to conclude that the development is viable and there are issues about the Council's legal competence to provide those funds.

Public Subsidy Considerations

The Council has also received independent expert legal advice on the question of possible public subsidy in relation to the forward funding requested by the applicant. With respect to public subsidy considerations, there is a four-limb test to identify whether the financial assistance requested by the applicant in their Development Viability Appraisal constitutes a public subsidy for the purposes of the Subsidy Control Act 2022:

- A subsidy must be financial assistance which is given directly, or indirectly, from public resources by a public authority. This includes any form of transfer of value, including financial assistance given via contingent transfer of funds or the forgoing of revenue otherwise due.
- It must confer an economic advantage on one or more enterprises. In order to satisfy this condition, the financial assistance provided to the recipient enterprise (i.e., a person operating on a market) must be something that would not be available to the enterprise on market terms.
- The financial assistance must be specific, in that it benefits the recipient enterprise(s) over other enterprises in respect of the production of goods or provision of services.
- Finally, the financial assistance must have, or be capable of having, an effect on either competition or investment within the UK, or international trade or investment.

These four limbs are cumulative tests; they must all be present for the proposed financial assistance to be deemed a subsidy. If the subsidy fails on just one of the four limbs, then it is not a subsidy for the purposes of the 2022 Act.

A subsidy may arise where the Council pays for the development of infrastructure for the benefit of a specific business (or specific businesses). It is understood that the applicant would use the approximate £17 million it has asked the Council for in their Development Viability Appraisal to develop additional infrastructure (connecting the site into the A77) in order for the Corton development to be viable, and that the applicant proposes that the Council recover that investment from the developers of future developments that also benefit from that new infrastructure. However, at this moment in time there are no other developments approved or in progress that would benefit from the A77 connection and there is no immediate prospect of any other developer entering into a section 75 agreement under which it will be liable for a contribution to the connection. Accordingly, while it might be possible the Council may be able to recover contributions in future, it appears that any additional infrastructure will require to be paid for out of public resources. The first limb of the above test would therefore be satisfied if the Council was to pay to develop new infrastructure, since any reimbursement by other private sources is at best speculative.

The provision of additional infrastructure to connect the Corton site to the A77 will relieve the applicant of a cost that it would otherwise have to incur itself in order for the development to proceed. It therefore provides an economic advantage, and the second limb of the test set out above is met.

Whether the third limb of the test is satisfied in relation to expenditure on roads infrastructure would depend on the way in which the infrastructure would be used. Where a road is not intended to be commercially exploited and is made available to the public to use for free, the provision of access to that infrastructure is not an economic activity and public funding to develop it will not fall within the scope of the 2022 Act. However, where a road is built that connects a given economic activity to the public highway and in so doing provides a direct, identifiable benefit to the business undertaking that economic activity, then it will satisfy this test even if the road is open to the public and free to use. Given that the infrastructure required by the applicant appears to be designed in order to connect the site to the A77 there would be a strong argument that the provision of that infrastructure directly and specifically benefits the applicant's economic activity at Corton, and accordingly that the third limb of the test is met.

As the applicant operates in a competitive market for property development, the fourth limb of the test will be met.

There is, accordingly, a significant risk that the transfer of approximately £17 million from the Council to the applicant for the development of an A77 connection would constitute a subsidy to the applicant. The Council could only proceed with that if it was satisfied that doing so, that this was compatible with the subsidy control principles set out in the 2022 Act. The Council has not considered that in any level of detail but in principle it would require the Council to identify (amongst other things) a market failure or social inequality that could only be resolved through the provision of financial assistance from public resources. The Council could not commit to providing that funding for such infrastructure until such an assessment is undertaken. It is unlawful for the Council to proceed with a subsidy unless it is satisfied that doing so is compatible with the principles. That conclusion is subject to the ordinary public law rules in relation to decision making, including that the Council has taken all relevant matters into account and acted rationally.

To the extent that the viability of the Corton development depends on the Council funding infrastructure, it would therefore not be possible for Elected Members to proceed on the *assumption* that the Council has the powers to do so.

Standalone planning application and link with separate Section 42 application Ref. 23/00261/FURM

It should be noted that this is a standalone planning application, which if approved, could be capable of being delivered on its own, without being reliant on the separate S42 application being approved and implemented or any other developments at South East Ayr. The applicant indicates that this planning application is part of a wider development proposal that this planning application can be linked to the separate Section 42 application Ref. 23/00261/FURM via a legal agreement under Section 75 of the Planning Act.

The Council's external legal advisers, in addition to stating that achieving such a legal agreement would be very complicated, have not been able to assure the Council that, through conditions or legal agreement it would be possible to permanently link this application to any other permission. That is because of difficulties in imposing time limits for phases of the development to be completed, which are often unacceptable to developers/ funders, and difficulties with enforcement, especially if the developer did not have the funding to complete a phase within the specific time limit.

A consequence of the two separate applications not being tied together through a legal agreement could be the delivery of the retail park and no guarantee when or if the development associated with the Section 42 application will be delivered.

3. Background

As can be seen from the Planning History below, this section of the Corton Site is part of the South East Ayr Strategic Expansion location, which was identified in the Ayrshire Joint Structure Plan 2007 and the 2007 South Ayrshire Local Plan to provide a housing growth area for Ayr. In 2014 Planning permission Ref. 14/00220/PPPM was granted for a residential and mixed-use development containing various elements including a large supermarket however this was never implemented, and no other development has occurred on the site.

The provision of a large-format supermarket at this location was not in accordance with the Development Plan and was considered to be significantly contrary. The policies of the development plan at that time did not provide support for out-of-centre retail development unless it could be demonstrated that there would be no harm to the vitality and viability of town centres. The assessment of the proposal concluded that there would be a level of impact on Maybole town centre that was of concern and that there was an alternative site available within the Heathfield Commercial Centre that could have accommodated the proposal. Furthermore, the Local Plan required that South East Ayr (SEA) be developed in a coordinated manner and a masterplan was required for the entire area. Notwithstanding the requirements of the development plan the application was approved as a departure to the Plan on the basis that Corton would provide all the community infrastructure required for SEA and the supermarket would provide all the funding to provide this infrastructure upfront and without the requirement for contributions from the Council to front fund the provision of a primary school. . Due to a change in the retail industry the supermarket development did not materialise and the site remains agricultural land with a housing allocation in the current adopted LPD2.

As a requirement of the Local Development Plan 2 (LDP2) process, the Planning Authority is expected to prepare Supplementary Guidance for all housing sites within the LDP2. To that end, the Planning Authority has been carrying out a consultation process to bring forward a Supplementary Guidance Design Brief document for the South East Ayr development site **AYR 4**, which includes Corton. As detailed below, that process has not been concluded and the document is at a draft stage, awaiting conclusion of the LDP2 Proportionate Transport Appraisal that is being undertaken with Transport Scotland with respect to the A77. No agreement has been reached with relevant landowners about how common infrastructure costs are identified, apportioned or finance provided. As the document is only at draft stage, it can only be afforded minimal, if any, material weight.

The applicant has submitted representations to the Draft Supplementary Guidance Design Brief which promotes greater retail provision which does not align with the Development Plan's aspirations for this development site.

A separate Planning application under Section 42 of the 1997 Planning Act – Ref. 23/00261/FURM looks to amend the conditions of the original 2014 Planning permission in such a manner which would allow a different development to be implemented from the original 2014 permission. Planning Application Ref. 23/00261/FURM has been recommended for refusal at the panel meeting on the 28th of February 2024. This report is phrased in the context that application Ref. 23/00261/FURM has been refused.

4. Consultations

Transport Scotland (Trunk Roads) - do not object subject to Conditions relating to the timing of construction of the proposed A77 roundabout access junction and upgrading of existing A77 access junctions. A condition is also required to ensure the proposed development is not occupied until improvement of the A77 to dual carriageway standard has been completed or the developer has entered in a legal agreement with Transport Scotland to provide proportionate contributions toward upgrading the A77. Further conditions are required to ensure that a pedestrian/cyclist/equestrian bridge over the A77 is constructed and that details of lighting, landscaping and a barrier fence along the edge of the trunk road are approved.

Ayrshire Roads Alliance (traffic) - do not object to the proposals however have concerns regarding the over designed of the access route for the retail park development.

Strathclyde Passenger Transport - have no objection subject to the provision of a local bus service being provided linking the retail site with Ayr Town centre for a minimum of 3 years.

Scottish Water - do not object.

Scottish Environment Protection Agency - do not object.

Ayrshire Roads Alliance (Flood Officer) do not object

Council's Environmental Health Service – have no objection subject to conditions.

Council's Sustainable Development Service – have concerns regarding the density of the landscaping and its adequacy to provide appropriate screening.

Alloway, Doonfoot & St Leonards Community Council - Have objected and their comments are detailed below.

Coylton Community Council - have not responded.

Belmont And Kincaidston Community Council - have not responded.

5. Planning History

Ayrshire Joint Structure Plan 2007 (former now defunct) - The 2007 Structure Plan included South East Ayr as a Strategic Expansion Location (Policy COMM2: Housing Investment, Schedule 5) for 2700 units.

South Ayrshire Local Plan 2007 (former now defunct) - In the 2007 South Ayrshire Local Plan, South East Ayr was identified within *STRATEGIC POLICY STRAT 6*. *The Plan indicated that "224 Hectares of land at South East Ayr is identified as a longer term strategic growth area, should a requirement for additional housing land be identified through the structure plan process. Any residential, or associated development in this location will be required to conform with the provisions of a master plan which has received the prior approval of the Council and which has been prepared in consultation and agreement with key service providers in order to ensure appropriate mitigation measures to address the consequential impacts arising from the development are incorporated within the overall master plan. It is an essential requirement that the site will not be made available other than for development in accordance with Strategic Policy IND 3, until such a time that a comprehensive master plan has been prepared."*

14/00220/PPPM - Planning Permission in Principle for mixed use development at Corton was granted on 23 June 2014. The approved development comprised of 750 houses, a large format supermarket with gross floorspace of 9406 sqm, petrol filling station, neighbourhood centre, serviced business land/units, land for a primary school, land for a 'park and ride', and safeguarding land for a future railway station. A masterplan was approved covering Corton only. The Section 75 Legal agreement relevant to this permission included the following obligations for the developer.

- The Provision of affordable housing (25%)
- Phased funding for education provision totalling £9,500,242
- Transfer of proposed Corton Primary School site to the Council
- Provision of Bus Service for 10-year period (subject to criteria)
- Provision of public access overbridge across A77
- Provision and transfer of land for Rail Halt and temporary park and ride
- Provision of business units

This permission has not been implemented and expired on 31 March 2023.

14/01552/FURM - Further application to vary condition (4) iii of Planning Permission in Principle (14/00220/PPPM) was granted on 7 April 2015. This permission varied the retail floorspace restriction to increase the proportion of net sales space in the 'supermarket' that can be used for sale of non-bulky comparison. This effectively granted a second planning permission in principle for the Corton mixed-use development. Approval of Matters Specified in Conditions (AMSC) applications were approved in 2016 for the Sainsbury supermarket; design review and Development Brief/Design Code; initial infrastructure works; first business unit and railway crossings (see below). The time limit for submission of AMSC applications was 6 April 2023 and condition 1 requires development to commence within 2 years from the approval of the requisite AMSC applications. No development was commenced and accordingly the subsequent AMSC approvals expired on 19 May 2018. However, the current applicant submitted a further AMSC application (ref 23/00262/MS) for amended landscaping details on 3 April. Determination of this application is still pending. If this application is approved, it will have the effect of extending the period for implementation of the earlier AMSC approvals by two years from the date of approval of 23/00262/MS. This Consent was also the subject of legal agreement as detailed above.

15/00176/APP – Planning permission for erection of A77 overbridge connecting the current application site at Corton to the west of the A77. The bridge was designed suitable for pedestrians, cyclists and equestrians and was approved on 07/01/2016. This permission has expired.

20/00462/APP – Planning permission to renew the permission for the overbridge was subsequently approved on 08/01/2021.

22/01019/FUR – Planning permission to modify conditions attached to permission for the overbridge was approved on 07/03/2023.

21/00093/FURM and 21/00157/APP – Applications to delete the requirement for equestrian provision were refused on 11/03/2021.

15/01039/MSCM – Approval of Matters Specified in Conditions for erection of Supermarket, Petrol Filling Station, etc was granted on 20/05/2016 under the second Planning Permission in Principle (ref 14/01552/FURM).

15/01040/MSCM – Approval of Matters Specified in Conditions for Design Review and Development Brief/Design Code (including approval of indicative masterplan for Corton) approved on 16/12/23 under the second Planning Permission in Principle (ref 14/01552/FURM).

15/01042/MSCM – Approval of Matters Specified in Conditions for business unit was granted on 20/05/2016 under the second Planning Permission in Principle (ref 14/01552/FURM).

16/00120/MSCM – Approval of Matters Specified in Conditions for railway crossings approved 20/05/2016 under the second Planning Permission in Principle (ref 14/01552/FURM).

23/00246/FURM – Modification of Condition 1 of Planning Permission in principle 14/00220/PPPM to extend period for submission of applications for approval of matters specified in conditions was submitted on 29/03/2023. If approved, this application would have the effect of granting a third Planning Permission in Principle for the mixed-use development approved under 14/00220/PPPM.

20/00970/PPPM – Application for Planning Permission in Principle for mixed use residential development (circa 250 dwellings) and neighbourhood/commercial (Class 1A, Class 3), care home (Class 8), Creche (Class 10), access, car parking, servicing and associated works at Glenparks, South East Ayr. The application site forms part of the AYR4 housing allocation (South East Ayr). The Regulatory Panel considered the application 08 December 2021 and were minded to grant conditional permission subject to a Section 75 Agreement to secure a strategic development framework for all of South East Ayr. The Agreement is required to cover the mechanism for proportionate contributions towards the cost of key infrastructure and an indicative masterplan for all of SEA. The Section 75 Agreement has not been progressed by the applicant and the permission has, therefore, not been issued.

6. Submitted Assessments/Reports by the applicant in support of their case:

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.

As part of this planning application the applicant has submitted the following documents and where necessary these are considered in greater detail in the material considerations section of the Report below:

Design & Access Statement – The applicant has provided this document which sets out the principles behind the design of the project.

Planning Statement – This document sets out the applicant's position in relation to NPF4 and LDP2 and the material considerations relevant to the determination of the application. It considers that Corton should have the Planning Status of a Local Centre under LDP2. It is noted in this document that the applicant believes that their *“Development Viability Appraisal confirms the ongoing need for income from the sale of this approved site for Retail to inject a significant capital return into the development cash flow for the Corton phase.” It goes onto indicate that “It is necessary that a marketable retail use on this site continues. Changing the use for example, to residential will not generate the capital value needed to make the development of the Corton phase viable.”*

These issues are considered in the assessment of the proposals below.

Transport Statement – The applicant submitted this document with the intention to establish if the agreed junction improvements on the A77 remain appropriate. The study concludes that the total trip generation of the proposed development is less than the total trip generation of the previous proposal and significantly so during weekday evening and Saturday afternoon peak periods.

Travel Plan Framework – The applicant has submitted this document as a study of different aspects of transport associated with this development with an aim of reducing car use.

Flood Risk Assessment – The FRA has been updated to take account of policy changes since 2014 including increased requirements relating to climate change. The conclusion of the study is that provided the measures specified within the study are implemented, the site can be developed without unacceptable risk of flooding within the site and without increasing the risk of flooding elsewhere.

Drainage Strategy – This report provides an insight into how the drainage serving the proposed development can be managed in a sustainable manner to meet the requirements of South Ayrshire Council, Scottish Water and SEPA.

Retail Impact Assessment – The retail impact assessment (RIA) sets out information in support of a proposal for a retail development comprising a series of medium-large retail and leisure units together with services and associated facilities, including drive-through units and a petrol filling station at Corton. Table 3.7 of the Retail Impact Assessment demonstrates that the retail park at Corton will result in a trade diversion of £8.5 million from Ayr Town Centre £12.3million from the Heathfield Retail Park and £ 6 million from Morrisons' and £6m from Tesco's Ayr stores. In addition, it identifies that Prestwick Town Centre will see a Trade diversion of £0.26 million while the Prestwick Sainsbury and Aldi could be impacted to £3.8million. The Report indicates that the Retail Park will have no impact on Maybole however £0.5million of trade will be diverted from Troon town centre and its Morrisons.

The Retail Impact Assessment assumes that the new Retail Park would have the following estimated impacts in the year of opening (2025) - Ayr Town Centre (-5%), Heathfield (-10%), Prestwick (-2%), Troon (-1%) while Maybole and Girvan would not be impacted.

The assessment concludes that the proposals will have no significant adverse impact on any of the surrounding town centres, including Ayr, Prestwick, Troon, Maybole and Girvan.

Sequential Assessment – This assessment sets out information in support of the application submitted for retail development at Corton.

Town Centre First Assessment – This report provides a Town Centre first assessment for the current proposals.

Noise Impact Assessment – The assessment considers how noise from the proposed retail centre has the potential to affect adjacent proposed residential uses. The proposed mitigation includes erection of a substantial acoustic bund/barrier around the service yard, restriction of deliveries/dispatch in the service yards to the south of the retail units in the evening and at night, except at docking bays, the specification of maximum sound power levels for fixed plant and the inclusion of layout and other design measures within any new housing. Subject to the mitigation measures the residual impact is predicted to be of Neutral/Slight.

Air Quality Assessment – The air quality impact assessment has been carried out for the cumulative development proposed through applications 23/00345/APPM and 23/00261/FURM for a mixed-use development comprising of residential, retail and other uses within Corton. The impact from the proposed development traffic is predicted to be of “Negligible” significance at all existing and proposed receptors within the study area in terms of the statutory limits for NO₂ and PM₁₀ and PM_{2.5} particulate matter.

Lighting Strategy – This report details the lighting strategy for the development.

Market Assessment – This document provides a review of the market prospects and recommendations on the commercial viability of the commercial elements contained within the existing Planning Permission in Principle (ref 14/00220/PPPM) and this application (Ref. 23/00345/APPM).

Representations from the applicant to the Council’s Draft Supplementary Guidance: Housing Site Design Briefs (Part 2): South East Ayr – This sets out the applicant's submissions to the consultation process on the LPD2 Draft SG Design Brief on South East Ayr.

Statement on Energy – This report sets out how the proposal have been designed to address the requirements of LDP2 and NPF 4 in relation to renewable energy and low carbon matters.

Development Viability Appraisals - Confidential version & Public version (October 2023) – The applicant has provided a Development Viability Appraisal, a confidential and public version in support of this planning application Ref. 23/00345/APPM and their separate Section 42 application 23/00261/FURM. This was submitted in two forms, the first the applicant designated as ‘commercially sensitive’ and therefore confidential and the second was a version that could be uploaded for public scrutiny. The document states that the proposed retail park is necessary for the financial viability of the housing development proposed under the separate S.42 application Ref.23/00261/FURM. Specifically, the document states that the financial viability of the housing proposal is affected by the Development Plan requirements in terms of infrastructure to serve all of South East Ayr. The document states that these costs are additional to the cost of the infrastructure required for Corton only, including constructing the main internal distributor road in a single phase to ensure that the primary school can be accessed from the outset. The document states that the retail park is required to generate sufficient financial return on infrastructure investment to cover these additional costs and to ensure a reasonable profit, thereby making the development of Corton viable.

In addition to the above, the Confidential Development Viability Appraisal also indicates that approximately £17million of upfront funding from the Council would be drawn down at a monthly rate of £595,007 over the period of 2023-2026. Notwithstanding this, it is noted in subsequent correspondence between the applicant and the Council dated 12th December 2024 indicates that the applicant does not consider this provision of funds from the Council to be public subsidy. The Service assessment on public subsidy matters is captured above in Section 2 of this report.

In summary, the Development Viability Appraisal, in the context of this current application, requires both a significant retail park development and approximately £17 million from the Council to make the development at Corton viable.

Point of Clarification – For the avoidance of doubt, this funding arrangement has not been agreed by Council Officials or the Council. This matter is discussed further in the Material Considerations section of this report.

7. Section 75 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.

The original 2014 planning permission in principle for Corton incorporates a legal agreement under Section 75 of the Act with obligations for:

- The Provision of affordable housing at 25% (of 750 units)
- Phased funding for education provision totalling £9,500,242
- Transfer of proposed Corton Primary School site to the Council
- Provision of Bus Service for 10-year period (subject to criteria)
- Provision of public access overbridge across A77
- Provision and transfer of land for Rail Halt and temporary park and ride
- Provision of business units

These obligations did not require any financial contributions from third parties.

The applicant has indicated in their Development Viability Appraisal that this retail park application and the separate Section 42 application are linked and interdependent, however, while the Development Viability Appraisal identifies various legal commitments, listed below for the wider Corton Development, it does not indicate how the proceeds from this retail park development (Ref. 23/00345/APPM) will be secured permanently to ensure the wider development delivery of Corton i.e., the development within the separate Section 42 application.

The applicant indicates that the retail park is required to generate sufficient financial return on infrastructure investment to ensure that the remainder of Corton is developed for housing purposes. It follows that without a permanent mechanism to link the retail park to the housing development then the development viability of Corton for housing development will be significantly adversely impacted.

Proposed legal obligations listed in the Development Viability Appraisal

- Transport interventions - No allowances for upgrade works to the trunk network other than specific Corton roundabouts
- Subsidy to Public Transport Services - a contribution of £250,000
- Primary School Education - £50,000 for Corton and a contribution toward interim capacity at Kincaidston Primary School. AHPL will pay a proportionate share land value as per all landowners and a proportionate share of common infrastructure works to serve the school
- Secondary Education – £2,117,713 contribution over the development period
- Affordable Housing – land will be provided for 72 houses (approximately 9% of 850 units)

It is noted that none of the elements listed above are within the current application site and therefore could not be secured through this application. It is noted however that Strathclyde Partnership for Transport (SPT) have advised however that a public transport service is necessary to service this site and it would require to be secured through a Section 75 legal agreement.

As noted in Section 2 of this report, the applicant suggests that the current application and separate Section 42 application could be linked together to ensure that the retail park does not take place without the corresponding housing development being implemented. Independent legal advice obtained by the Council has not been able to provide assurance on the permanent integrity of such a legal agreement to link both applications and therefore it is the view of the Service that such an arrangement has the potential to be undone.

8. 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.

9. Representations

9 representations have been received in objection to the application. All representations can be viewed online at www.south-ayrshire.gov.uk/planning. In the following section the representations have been summarised in *italics* and responded to in **bold**.

- The current road cannot cope with the existing traffic and increased traffic it will inevitably lead to regular gridlock. This will prevent emergency vehicles from accessing Ayr Hospital*
- No planning for any first phase Corton development should be considered before the A77 from Doonholm Road is dualled to accommodate increased traffic on an already congested and dangerous section of road.*
- The proposals do not take account of the potential dualling of the A77 at some point in the future.*
- The A77 is currently very congested and cannot cope with the current traffic*
- The Maybole Road/ St Leonards Road currently suffers from heavy traffic in an area where school children are required to cross roads to school*

Planning Service response: The Proposals have been assessed by Transport Scotland and ARA who indicate that they do not object to the proposals subject to a suitable planning condition which will ensure that all issues identified in the applicant's Transport Statement are adequately addressed. Therefore, they consider that if the appropriate mitigation is put in place the scheme will not have a negative impact on the road network.

- Environment (reduction of open spaces) - irrespective of current designation, the site is not brown belt it is clearly greenbelt. The development will have a detrimental impact on the local environment.*

Planning Service response: The site is allocated within the LDP2 as a housing development opportunity. The application site is not designated 'green belt' in the Local Development Plan.

- Local Area (detrimental to town amenities, character and indeed viability) - Ayr has seen the town centre deteriorate over the past number of years. The addition of a further out of town development with accompanying retail centre will inevitably lead to fewer viable shops in the town centre which is rapidly becoming a waste ground.*
- Local Amenity - the local area is already well served by retail outlets and food outlets. However, the town has several areas with retail spaces that are empty and in decline. Rather than creating more retail space to lie empty/ create more empty space elsewhere it would be better to rejuvenate these units and Ayr High Street. The idea to create retail outlets here to satisfy 20-minute neighbourhood criteria is nonsense as all of Ayr is accessible in that time*
- Further developments may also have a detrimental effect on Ayr's High Street which has many empty retail units*

Planning Service response: These matters are considered in the assessment section of this report.

- *Antisocial behaviour – Fast food outlets open till late at night encourage antisocial behaviour and loud vehicles*

Planning Service response: The issues of anti-social behaviour associated with late night activity is a matter outwith the scope of planning and is addressed under separate legislation by the Council's Environmental Health Service or Police Scotland.

- *Litter – the litter situation along the A77 and Doonholm Road is already poor with a lot of rubbish thrown out of vehicles. Fast food outlets rubbish would add to this to the detriment of the local environment.*

Planning Service response: While any proposal if approved would have waste provision on site, the issues of littering are matters which are outwith the scope of planning.

- *There is a lack of masterplan for the whole development site*

Planning Service response: It is noted that the proposals have been submitted prior to the conclusion of the LDP2 Supplementary Guidance Design Brief process and therefore the Planning Authority does not have a masterplan for this area. It is also noted that the proposals are not featured on the proposed masterplan of the separate Section 42 application Ref. 23/00261/FURM.

- *The housing at the southern end of the site adjacent to the retail park is not a satisfactory proposal*

Planning Service response: The housing shown at this location does not form part of the current application.

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. A response to these representations is included within the assessment section of this report.

10. Assessment

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 of an application 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.

NPF4 Aims

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.

Assessment of Against the Development Plan (NPF4 & LDP2)

Assessment Against Retail Policy

NPF4 Policy 28 (Retail) partially supersedes LDP2 Policy: *general retail* in respect to the “retail outside of town centres” section of the policy, as this aspect of the LDP policy is incompatible with NPF4 Policy 28.

NPF4 Policy 28 marks a significant shift in national government policy in relation to retail outside of town centres/edge-of-town centres since the original planning permission in principle (Ref. 14/00220/PPM) to which this Section 42 application relates.

Policy 28 of NPF4 states:

“a) Development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals:

- i. will be supported in existing city, town and local centres, and***
- ii. will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP.***
- iii. will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)).***

b) Development proposals for retail that are consistent with the sequential approach (set out in a) and click-and-collect locker pick up points, will be supported where the proposed development:

- i. is of an appropriate scale for the location;***
- ii. will have an acceptable impact on the character and amenity of the area; and***
- iii. is located to best channel footfall and activity, to benefit the place as a whole.***

c) Proposals for new small scale neighbourhood retail development will be supported where the proposed development:

- i. contributes to local living, including where relevant 20-minute neighbourhoods and/or***
- ii. can be demonstrated to contribute to the health and wellbeing of the local community.***

d) In island and rural areas, development proposals for shops ancillary to other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations will be supported where:

- i. it will serve local needs, support local living and local jobs;***
- ii. the potential impact on nearby town and commercial centres or village/local shops is acceptable;***
- iii. it will provide a service throughout the year; and***
- iv. the likely impacts of traffic generation and access and parking arrangements are acceptable.”***

Under the previous Scottish Planning Policy, new retail development outside of a town centre could be considered consistent with the development plan where the applicant could demonstrate (through a Retail Impact Assessment) that the development would not harm the vitality and viability of town centres retail. As detailed above NPF4 now requires a strict application of the town centre first approach and directs all retail development to city/town centres, commercial centres and local centres.

Part (A) of Policy 28 states that retail proposals are not supported in out of centre locations (other than those meeting Policy 28(c) or 28 (d)). Therefore, the historic policy ‘exception’ for proposals that demonstrate they do not harm the vitality and viability of town centres is no longer available.

In respect of Policy 28 part (A), this retail park development site is:

- not located within any of the town centres identified through South Ayrshire LDP2
- it is not considered to be an “edge-of-centre” location, due to the distance it is located away from any defined town centre.
- It is not within the Heathfield Commercial Centre.

The network of centres identified in LDP2 does not contain any 'local centres'. NPF4 was approved after the adoption of LDP2 and consequently, LDP2 does not contain such a designation. 'Local Centre' is not defined within NPF4 nor has the Scottish Government issued any guidance that would assist planning authorities on how to interpret this new term.

Considering this, the proposal is contrary to NPF4 Policy 28 (A).

Policy 28 (B) only relates to proposals which are consistent with the sequential approach set out in Part A of the policy.

Considering the above, policy 28(B) is not relevant in the consideration of this application.

NPF4 Policy 28 (C) provides support for proposals for new small scale neighbourhood retail development where the proposal will (i) contribute to local living, including where relevant 20-minute neighbourhoods and/or (ii) can be demonstrated to contribute to the health and wellbeing of the local community.

NPF4 does not define the term "small scale neighbourhood retail". NPF4 Policy Local Living and 20 Minute Neighbourhoods, however, provides further guidance on the scale and form of retail that should be supported under Policy 28(C). The intent of the policy is to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home by non-motorised transport or sustainable transport options. The policy outcomes include that places are planned together with homes and the key local infrastructure, including local shops. The concept of "20 Minute Neighbourhood" is defined within the Glossary. This refers to achieving connected and often compact neighbourhoods designed in such a way that people can meet the majority of their daily needs within a reasonable distance of their home, preferably by sustainable and active travel methods. It is noted that the emphasis is on meeting "daily" needs and not all needs. In relation to retail, the Planning Service interpret this as the provision of retail floorspace that is sufficient to meet daily shopping requirements, primarily for convenience goods. The applicant's Retail Impact Assessment and supporting statement suggest that the size of retail park proposed is suited to meeting weekly shopping needs (main weekly food and grocery shop) and less frequently purchased items (comparison goods) and is likely to attract trade from a primary catchment area that extends significantly beyond SEA to include all of Ayr and Prestwick and the surrounding villages and rural areas as far south as Maybole and as far east as Straiton in South Ayrshire. The applicant anticipates that the primary catchment will also extend to Dalmellington in East Ayrshire and Castle Douglas in Dumfries and Galloway. The physical size of the units, the range of goods to be sold and the extensive catchment area suggested in the applicant's Retail Impact Assessment, demonstrate the retail park proposed through this application is, therefore, significantly larger than required to meet the daily shopping needs of the future residents of SEA.

It is, therefore, concluded that the proposed retail park, having regard to its size in the context of SEA, is not consistent with scale and nature of retail development supported by NPF4 Policy 28 part (C).

The principle of the proposed retail park also requires to be assessed against the retail policies in LDP2. LDP2 Policy: general retail sets out the Council's approach to the location of new retail development ("sequential approach") which, in common with NPF4, prioritises town centres, edge of town centres, commercial centres and local neighbourhood centres over other locations. Corton is recognised as a local neighbourhood centre through LDP2 Policy: small town centres and local neighbourhood centres, which requires that the Supplementary Guidance Site Design Brief for SEA identifies land for a local neighbourhood centre within Phase 1 (Corton), to serve the local catchment.

Having regard to the designation of Corton as a local neighbourhood centre, the proposed retail park, which is separate from and in addition to the retail units contained within the proposed neighbourhood centre shown on the masterplan submitted with the separate planning application Ref. 23/00261/FURM, requires to be assessed against LDP2 Policy: small town centres and local neighbourhood centres. The policy supports proposals for new shops where they provide extra services for local communities and otherwise comply with the retail policies in the LDP. The LDP2 Glossary defines “*local neighbourhood centre*” as “*small groupings of shops, typically comprising a general grocery store, a sub-post office, occasionally a pharmacy and other small shops, offices or facilities of a local nature*”. The Glossary also defines “*local neighbourhood needs*” “*as retailing of convenience goods with a local catchment profile*”. As noted above in the assessment against the relevant NPF4 policies, the applicant’s supporting information indicates that the proposed ‘retail park’ is expected to draw trade from a catchment significantly wider than SEA.

The ‘retail park’ by virtue of its size and potential catchment is, therefore, not compatible with the scale of retail supported by LDP Policy: small town centres and local neighbourhood centres.

Under the ‘assessment’ section of this report is ‘material considerations’ relevant to this application which require to be considered and ultimately whether they justify taking a different approach to the Development Plan. With respect to the above assessment of the retail park proposal, the other material considerations are the original 2014 permission which granted a large format supermarket with a similar overall retail floorspace to that currently proposed and the Retail Impact Assessment submitted by the applicant. Following an assessment of these material considerations, it has been concluded that these do not provide sufficient justification for a departure from policy 28 of NPF4 or the retail policies of the Local Development Plan.

Policy 28 (D) relates to retail in islands and rural areas and is therefore not relevant to the consideration of this application.

Considering the above, the proposed retail park is contrary to NPF4 Policy 28 and LDP2 Policy: small towns centres and local neighbourhood centres.

Notwithstanding the incompatibility of the proposed retail element with Policy 28, NPF4 must be read as a whole and the principle of retail requires to be considered against all policies that are relevant. NPF4 policy 27 (city, town, local and commercial centres) illustrates and emphasises the significant shift in national policy towards protection of town centres from out-of-town centre development. The intent of the policy is to encourage, promote and facilitate development in city and town centres by applying the Town Centre First Approach. In combination, Policy 27 and 28 demonstrate the Government’s preferred strategy to consolidate physical retail floorspace and other footfall generating uses within town centres rather than dispersing these to locations outwith established town centres. This Policy is not supportive of the proposals.

Policy 27 (D) is particularly relevant to the drive-through restaurant element of the current application proposals. The Policy indicates “*Drive-Through Developments will only be supported where they are specifically supported in the LDP*”.

Therefore, as the Corton site has not been identified within the Local Development Plan 2 as a suitable location for such a facility, the proposals for 3 drive-through restaurants at this location fail to accord with the requirements of Policy 27(d) of NPF4. While it is noted that this requirement for Drive-throughs to be identified within LDPs was brought in through NPF4 and after the Adoption and publication of LPD2, it is considered that the proposed location of these units would not meet the intent of the policy to be supportive of creating centres that are vibrant, healthy, sustainable and accessible.

It is noted that the applicant has not considered the positive impacts that the development of South East Ayr, for a 850 house development at Corton specifically, could have on the vitality and viability of town centres through population growth and expenditure and opportunities for re-use of existing vacant floor space and new retail development. It is considered that the effects would undoubtedly be positive and consistent with the Town Centre First Principle. While an assessment has not been undertaken to quantify this, it is a reasonable conclusion to draw.

NPF4 Policy 15 (Local Living and 20-Minute Neighbourhoods) seeks to encourage, promote and facilitate the application of the *place principle* and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling. The scale of retailing proposed, having regard to the extensive range of products that the proposed retail park units will be able to stock, is considered to exceed what is required to meet daily needs and more suited to weekly and occasional shopping trips. As considered under NPF4 Policy 28 (C) the scale of retail floorspace proposed will attract customers from a wide catchment to undertake weekly food and grocery shopping trips and less frequent comparison shopping trips.

As evidenced by the applicant's own Retail Impact Assessment the scale of retail unit proposed will attract customers from a wide catchment, including the south and east of Ayr, to undertake weekly shopping trips. As a result, this may discourage retailers from investing in existing and new retail floorspace within the affected areas. This could reduce the likelihood of local shopping opportunities being maintained and created within the existing suburban parts of south and east Ayr and the surrounding villages i.e., Maybole and Girvan, thus undermining the objectives of the NPF4 Place Principle and 20 Minute Neighbourhoods.

It is therefore concluded that the retail park development' element of the mixed-use proposals is also contrary to Policy 15.

NPF4 Policy 13 (sustainable transport) 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. A key policy outcome is that developments are in locations which support sustainable travel. The proposed retail park development would provide good quality shopping, accessible by sustainable travel modes, for people living within Corton and the wider South East Ayr area, thus potentially reducing the number of carborne trips for shopping at destinations outwith SE Ayr. However, as stated above, the scale of retail floorspace proposed would attract customers from a wide area. As there are no extensive established public transport networks linking the site to other parts of Ayr/Prestwick and to the more distant communities within the catchment area of the proposed retail park, in comparison with other areas that are better served by public transport, including the town centres, the proposal has the potential to lead to an increase in the number of journeys made by private car. On balance, a more sustainable approach would be to follow NPF4 policy and locate larger scale retail within one of the town centres or Heathfield Retail Park which are accessible through a range of established sustainable transport options. Criterion (e) of Policy 13 states that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

Given that the proposal is likely to increase dependency on private car use, the retail park development element of the proposals is considered to be contrary to Policy 13 (e).

Finally, in relation to NPF4 Policy 1 (climate change and nature crisis) and Policy 2 (climate mitigation and adaptation), Policy 1 requires that in considering all development proposals, significant weight is attached to the global climate and nature crises. In tandem, Policy 2 requires that development proposals are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. As assessed under policies 13 and 15 above, the scale of the 'retail park development' will attract customers from a wide catchment area. As assessed under Policy 13 above, Corton is less accessible than the town centres, which are served by multiple bus and train services. It is considered that a more sustainable approach would be to follow NPF4 policy and locate larger scale retail within one of the town centres which is accessible through a range of sustainable transport options.

Given that the proposal is likely to encourage private car use and that there is considered to be more sustainable options available, the retail park proposals are considered to be contrary to the aims and objectives of Policies 1 and 2.

Assessment Against LDP Policy: *maintain and protecting land for housing*

The application site is located within the AYR4 Housing Allocation. LDP Policy: maintaining and protecting land for housing, states that residential development on sites identified in the LDP settlement maps will be acceptable. Proposals for development other than housing on land identified for residential development will have to show they have environmental, economic or social benefits or encourage regeneration. The proposal must also have an acceptable effect on the amenity of the surrounding uses, especially residential uses.

In regard to any potential environmental benefits and regeneration, the site is currently greenfield land that was last used for agriculture and is not an area that is in need of environmental enhancement or regeneration.

It is considered that the provision of the mixed-use retail development will not encourage sustainable shopping and will not have a positive environmental impact. The applicant indicates that the catchment for the retail park development is the South and east of Ayr not just those future residents of the new South East Ayr. Therefore, while some shoppers may walk or cycle to the retail park development, due to the lack of public transport links to the site the majority of shoppers will use their vehicles to carry out the weekly shop or visit the drive-through restaurants hence being unsustainable and having a detrimental impact on the environment.

The applicant's supporting statements indicate that the development of a retail park at Corton will result in economic benefit to South Ayrshire through the creation of direct and indirect employment during the construction phase and potentially as a result of spending on local supplies of building materials. However similar benefits would also be found during the construction of a residential development. During the operational phase, the retail park will create direct employment and potentially indirect employment through the use of local suppliers, however this would be to the detriment of town centres and other retail areas with no net additional employment being created. It is the Planning Service's opinion that the economic benefits associated with the development are not unique to the site at Corton and could also arise if the new retail floorspace were to be sited in the town centre.

In regard to potential social benefits, the applicant's supporting statements suggest that there may be opportunities for apprenticeship schemes in construction and local employment in retail. The applicant has not provided any evidence to demonstrate that such benefits will arise, and these suggestions are speculative. As with the potential for direct and indirect employment, these potential benefits could arise if the new retail floorspace were to be located within a town centre and are not unique to Corton.

It is concluded therefore that the applicant has not adequately demonstrated that the inclusion of the additional retail land use will result in economic, social or environmental benefits that justify a non-residential use within the housing allocation. As such, the proposal is considered to be contrary to LDP2 Policy: *maintaining and protecting land for housing*.

Moreover, the applicant's development viability document notes the positive contribution that the retail park would provide to the development viability of the remainder of Corton for housing development. Without an ability to ensure that any planning permission for this retail park was linked to the provision of housing in the remainder of Corton there is a significant risk that the approval of a retail park would compound the development viability of Corton for housing development. The linking of the supermarket to the housing development of planning application 14/00220/PPP ensured that the retail contribution supported the housing development and required infrastructure. By removing the retail 'income' from future housing development there is a significant risk that South East Ayr will not be able to support housing development contrary to policy AYR 4.

Other Policy Considerations

The assessment against planning policy and material considerations set out above is focussed on the retail policies contained within the development plan as it is considered that the principle of the development is significantly contrary to the development plan. This part of the assessment provides an assessment of the detail of the proposals against the development plan and more general 'development management' matters.

NPF4 Policy 3 (Biodiversity) and LDP2 Policy: natural heritage– the proposals are assessed as contrary. The development will maintain stand-off distances from watercourses and provide additional shrub planting along the burn corridors to be benefit of their biodiversity value. However, the boundary treatment should be more robust in order to achieve better screening, create sense of space and further enhance the two watercourses. The extent of shrub areas and native species hedge could be increased to achieve greater diversity of habitat.

NPF4 Policy 5 (soils) – the proposals are assessed as consistent as there are no carbon rich soils or peatland and the extent of cut and fill is not excessive having regard to the unavoidable need to form level building platforms.

NPF4 Policy 6 (forestry, woodland and trees) and LDP2 Policy: preserving trees and LDP2 Policy: woodland and forestry – the proposals are assessed as consistent having regard to the retention of existing trees and additional tree planting proposed.

NPF4 Policy 7 (historic assets and places) and LDP2 Policy: historic environment – the proposals are consistent as the development will not directly impact any historic assets or the settings of any assets.

NPF4 Policy 12 (zero waste) and LDP2 Policy: waste management – the proposals are assessed as consistent. Dedicated areas are identified within the retail service yard for collection, separation and storage of waste. The restaurant units will have enclosed compounds for waste management. A dedicated recycling centre is proposed adjacent the EV charging station. A waste management plan will be operated during the construction phase.

NPF4 Policy 13 (sustainable travel) and LDP2 Policy: land use and transport and LDP Policy: public transport – proposal for electric vehicle charging station, cycle parking and active travel link from site to connect with network of active travel routes within the wider Corton area are consistent with the policies. There is scope to improve legibility of walking routes through drive-through area between Units B and C and Unit A. SPT have advised that a public transport service is needed from the outset of the development to ensure sustainable travel habits are established. These are matters which could be dealt with by condition.

NPF4 Policy 14 (design quality and place) – The proposal is assessed as contrary to this policy. The buildings proposed within the retail park are standard large scale commercial structures with simple rectangular floorplan and shallow pitched roofs. The overall dimensions of the buildings are significantly larger than typically found within the countryside surrounding Ayr and only very limited effort has been made to break up the overall massing of the structures both horizontally and vertically. The west elevation, which will front onto the A77 is particularly poorly designed, having regard to the expanse of blank wall with no openings or projections or design features to break up the large expanse of metal cladding proposed. Overall, the approach to the design has failed to respond to the site's unique rural setting, particularly in regard to the scale and massing of the buildings and selection of exterior finishes. The proposal will result in a built form that is bland, not distinctive and does not respect the vernacular traditions of this part of rural South Ayrshire. The uninspired architectural design of the retail park is mirrored by the standard approach to providing parking which comprises of a large area to the front of the retail units with very limited amounts of soft landscaping to break up the hard paved areas. The design of this large area is entirely car dominated and would be improved through the inclusion of significant additional greenspaces which divide the parking areas up into a number of separate areas. Similarly, the drive-through units and petrol filling station are of standardised 'anywhere' design with no sense of place and are equally bland. In relation to the landscaping proposals for the site, it is noted that additional planting is required along the boundaries to achieve better screening, create a sense of space and enhance the two existing watercourses. Greater amounts of hedge and shrub planting are required to increase the diversity of species proposed through the landscaping scheme in the interest of visual amenity and biodiversity. The proposal is therefore fundamentally contrary to policy 14. There are also concerns that this application, when considered on its own merits, and in isolation from the wider Corton proposals as proposed through the separate application Ref.23/00261/FURM, is insufficient with respect to biodiversity enhancements to meet the requirements of Policy 3 - Biodiversity of NPF4.

NPF4 Policy 16 (infrastructure first) and LDP Policy: delivering infrastructure and LDP2 Policy: strategic road development – Transport Scotland have advised prior to the occupation of any part of the development improvements are required to the A77 road. These include upgrading of the various junctions and improvement to the dual carriageway standard between Holmston and Whitletts. In the case of the latter, Transport Scotland have indicated that the developer has the option to enter into an agreement to make a proportionate contribution toward the cost of dualling the A77 which will permit the occupation of the retail park prior to the upgrading works being completed. Transport Scotland have also advised that a pedestrian/cyclist/equestrian bridge over the A77 is required prior to occupation. Strathclyde Partnership for Transport have advised that safe and attractive active travel links and public transport provision are required. Scottish Water have advised that there are no constraints in terms of potable water supply and disposal of waste water.

NPF4 Policy 19 (heating and cooling) and LDP2 Policy: low and zero carbon buildings – The proposals are assessed as consistent. The application supporting information “Statement on Energy” indicates that the developer will seek to achieve an Energy Performance Rating of B+ that the buildings will be designed to promote sustainable temperature management. Three options have been identified for heating which avoid the need for mains gas. The applicant indicates that the feasibility of a district heat network to serve the retail park and the related housing development will be investigated. These matters could be dealt with by condition.

NPF4 Policy 20 (blue and green infrastructure) and LDP2 policy green networks – the proposals are assessed as consistent. The proposed layout ensures that the existing blue network (burn corridors) are not further fragmented. SEPA have no objections to the proposals in terms of the impact on the hydrology and biodiversity value of the watercourses within the site.

NPF4 Policy 22 (flood risk and water management) and LDP2 Policy flood and development the proposals are consistent. The application site is partially located within an area at risk of flooding. The Flood Risk Assessment submitted with the application indicates that the site can be developed without increasing the risk of flooding, provided that a SUDS is constructed and minimum finished floor levels are maintained. SEPA do not object subject to conditions to ensure that a suitably designed SUDS is provided and the measures identified in the FRA are implemented.

Policy 31 (culture and creativity) – consistent. In accordance with Policy 31 the applicant proposes to provide public art within the landscaping proposals for the site. This is a matter that could be dealt with by condition.

LDP2 Policy: air, light and noise pollution – consistent. The applicant has provided supporting information in connection with potential for air, noise and light pollution. The Council’s environmental health service have reviewed the documents and have offered no objection provided that conditions are imposed to ensure that the measures contained within the Noise Assessment are implemented.

Material Considerations

Applicant Supporting Information

As can be seen from the applicant's submission they have submitted a significant amount of information in support of their application all of which has been reviewed and considered as part of this assessment process. This section of the Report looks to consider the impact of these reports on the determination of this application.

With regards to the relationship of the proposed development to NPF4 and to LDP2 the Applicant's Supporting Statement indicates that they consider that the mixed-use retail provision is in accordance with NPF4 and LDP2 as a result of the LDP2 Policy Small Town Centre and Local Neighbourhood centres. They consider that under this policy, which expects the Supplementary Guidance Design Brief for South East Ayr to identify land for a Local Neighbourhood centre and community facilities, that “*South East Ayr and Corton specifically, is differentiated from other non-town centre locations in terms of LDP2 granting it retail hierarchy status as a local neighbourhood centre and placing a duty on the council to prepare supplementary guidance which would confirm the scale and location of new shopping and other facilities within Corton to meet the needs of the Local Catchment.*”

The applicant goes on to indicate that “*the retail status of Corton in terms of LDP2 is therefore an existing local neighbourhood centre and the scale of shopping provision should be that necessary to serve the needs of the local catchment. The scale of the shopping provision is a matter for the Council’s supplementary guidance to define.*” The applicant goes on to indicate that they consider the catchment area for the South East Ayr Local Neighbourhood Centre should include existing housing within the suburbs to the south and east of Ayr which are within an easy walking distance of Corton, they estimate this to be 3000 existing households.

It is agreed that the LDP2 sets out the need for Local Neighbourhood Centre, at Corton which should be identified through the Supplementary Guidance Design Brief. However, the LPD 2 policy does not require any survey work to be carried out to establish the scale of the Local Neighbourhood Centre, as the scale of this is already established in the Glossary to the LDP2 where it states “*Local / Neighbourhood Centre Small groupings of shops, typically comprising a general grocery store, a sub –post office, occasionally a pharmacy and other small shops, offices or facilities of a local nature.*” This description clearly indicates the scale of the proposed Local neighbourhood centre, it was not anticipated to serve the 3000 existing households in Ayr as indicated by the applicant, rather it is to provide for the Corton section of AYR4 housing allocation (“South East Ayr”).

Development Viability Appraisal

Through their supporting statements and the Development Viability Appraisal, the applicant has sought to demonstrate that the development of Corton for residential (under separate application Ref. 23/00261/FURM) is not financially viable as a result of the substantial requirements placed on the development by the Council to provide all the common infrastructure to serve SEA. The applicant states that the costs of delivering the development required by the Council substantially exceed the income from the development and without additional income generated by the sale of the retail park Corton and approximately £17 million funding by the Council, the development of South East Ayr will not be deliverable.

Notwithstanding the information contained within the Development Viability Appraisal, it is clear that the premise upon which the document has been formulated is fundamentally flawed. Those reasons are:

Funding from the Council

The assessment indicates that South Ayrshire Council will provide “drawdowns” of £595k per month for a period from 2023 to 2026 to the applicant to a total value of approximately £17million for the provision of infrastructure to Corton. This proposal is unrelated to phasing of development and it is unclear what development the applicant would be willing to obligate undertaking whilst this money was being transferred. Without a clear relationship to development and development phasing it could mean the forwarding of money resulted in no security of development or infrastructure being provided.

Future Developers

The assessment indicates that South Ayrshire Council will recoup this financial outlay as set out above from other future developers of the rest of the South East Ayr Development i.e., not Corton. There are currently no planning permissions in place at South East Ayr for the Council to have any certainty that there is a feasible mechanism that would enable the recouping of the funding from future developers.

In addition, there is no evidence that the repayment of this money by the other developers would not undermine the development viability of the other sites in South East Ayr. Without such evidence there can be no confidence that any other developer will be able or willing to provide this money. To this end, the development viability appraisal is considered to be fundamentally flawed being based on assumption and lack of evidence of viability impacts on other developers of South East Ayr.

Land Value

The assessment indicates that the site acquisition and development costs are approximately £20 million. As stated above, the site is allocated for residential use, however the applicant indicates that the land values are at a Retail rate for part of the site yet the commercial changes impacting on large scale supermarket development were known at the time of site acquisition. It appears that no account has been taken of the outlay required for the significant planning gain required as part of the 2014 consent. The current proposals 23/00345/APPM & 23/00261/FURM (either separately or combined) are unable to fund any of the required planning requirements of the 2014 consent. The planning requirements of the 2014 consent remain relevant.

The proposals presented in this Development Viability Appraisal demonstrate even with a significant retail park development being proposed, (together with affordable housing requirements significantly below the required National and Council standards and the primary school to be front funded by the Council – through separate application Ref. 23/00261/FURM) this project still requires to be financially supplemented by approximately £17million from an external, source – this being the Council. Therefore, there is a £17million shortfall in the applicant's development viability case (£17m that cannot be committed by the Council), and the conclusion is that the scheme is unviable.

Given that by the applicant's own submission the scheme is not viable and with the substantive legal matters on the principals provided in the appraisal, the Planning Service has not had the Development Viability Appraisal document reviewed by an independent financial expert.

Notwithstanding the findings in the Development Viability Appraisal, the assumption that the Council could and will make £595k monthly payments to the applicant for a period of approximately 2.5 years for infrastructure works and recoups approximately £17million from future developers in the area, demonstrates a fundamental flaw in the logic of the assessment therefore little weight can be attached to the Development Viability Appraisal as a material consideration in the determination of this Section 42 planning application.

Funding from the Council for the primary school

The Council has agreed through the Capital Programme to fund the phased provision of the Primary school at SEA. This funding would be provided on the basis of the cost being recovered via a per house contribution of all houses constructed at South East Ayr. The detail of that process has yet to be agreed and formalised through the adoption of Supplementary Guidance Design Brief for South East Ayr by SAC. It is important to note that the Council funding the phased provision of the primary school with recovery of that funding is different from the matters set out in the preceding paragraphs in terms of the applicant's proposal that the Council also forward funds the applicant's development through providing approximately £17 million towards infrastructure works.

The provision of education in Scotland is the responsibility of local authorities who are under a statutory duty to ensure that there is adequate and efficient provision of school education in their area to serve existing and anticipated populations. It can also be secured via condition and legal agreement that work does not begin on the school until the housing has commenced, thereby minimising risk to the Council. This enables the Council to enter into an arrangement to front fund a primary school and recoup this cost. This does not enable the Council to provide £17m in lieu of a developers lost development value on land for common infrastructure.

In conclusion, the submitted Development Viability Appraisal is critically reliant upon assumptions on the Council's legal ability and agreement to forward fund the initial infrastructure works and to recoup this financial outlay from the other landowners within the application site and outwith the application site, within the wider South East Ayr area. The applicant also makes critical assumptions relating to the agreement of the other landowners to support common infrastructure, the land valuations and the mechanism for equitably sharing these land values between all the landowners within the South East Ayr area. These assumptions have not been agreed by these landowners and there are serious concerns over their implication on the development viability of these other developments. There may be other legal or financial reasons for these landowners to resist such proposals, which could include challenge on the components making up areas of common infrastructure.

Draft Supplementary Guidance Design Brief

As detailed in the report, it is a requirement of the LDP2 that the Planning Authority prepare a Supplementary Guidance Design Brief for the allocated housing site AYR 4 "South East Ayr". At this time the preparation of the Supplementary Guidance Design Brief document is still ongoing, and it has not been adopted by the Council therefore does not form part of the Development Plan. Thus, it should only be afforded minimal, if any, material weight in the decision-making process of this Planning application.

It is noted that the applicant has lodged representations in the consultation process for the Supplementary Guidance that promotes a significant area of retail development contrary to the Development Plan.

Members will be aware that the Planning Service published a first draft version of the Corton Site Design Brief SPG for public consultation in March 2023. The draft included a proposal to increase the level of retail floorspace, within the neighbourhood centre, from the level previously approved through the original Planning Permission in Principle (PPP) (ref 14/00220/PPPM). Condition 4(ii) of the PPP specified that the total floorspace within the neighbourhood centre was to be 1000 sqm and no single unit was to exceed 200 sqm (gross floorspace). The first draft of the new Site Design Brief indicated that the total floorspace could increase to 2500 sqm (gross floorspace) and no single unit should exceed 2000 sqm. This floorspace is expected to be entirely contained within the neighbourhood centre. The draft Site Design Brief was issued for consultation shortly after the adoption of NPF4 on 13 February 2023. The document had been prepared some time prior to that and, as a consequence, could not take account of the significant changes to retail policy that NPF4 has introduced. Given these significant changes and the public comments received on aspects of the Design Brief which relate to retail, this part of the Brief will require to be reviewed to ensure that it is consistent with the changed national policy position.

It is a requirement of NPF4 that identification of locations for new significant retail development are made through an LDP review. If unmet demand for additional retail floorspace were identified, the LDP review would need to consider all potential locations for the provision of additional retail floorspace alongside other planning objectives, including regeneration of town centres and sustainable transport.

Only very limited weight can be attached to the first draft Site Design Brief and that this does not provide a basis for approval of the current proposals.

Original 2014 Planning permission and Retail Impact Assessment

As mentioned elsewhere in this report, NPF4 policy 28 has been clearly designed to direct retail to centres and only to edge of centres if it is a site allocated for such a use in the LDP; the only exception to this being criteria 'c' and 'd.' There is no ambiguity in the intention of the policy, and, in the view of the Service, it is not open to different interpretation. NPF4 must be read as a whole and there are no other policies that persuade a different conclusion. The proposed retail park does not accord with policy 28 and therefore the proposal is contrary to the development plan in this regard. Other material considerations with respect to the assessment of the supermarket proposal is the original 2014 permission and the applicant's Retail Impact Assessment (RIA).

Original Planning Permissions in Principle (PPP)

The original 2014 permission (Ref. 14/00220/PPPM) and the second PPP (Ref. 14/01552/FURM) granted a supermarket, that was contrary to the retail and other policies of the Development Plan of that time. The supermarket was justified as an acceptable departure as it would 'enable' housing to be delivered at Corton through funding of essential infrastructure works into the housing development, a new school, business units, and public transport support for ten years. The 2014 planning permission and associated legal agreement demonstrated that the applicant would be able to deliver their development and the infrastructure requirements at no cost to the Council and without the need for developer contributions from other landowners at South East Ayr. The Planning Authority at the time, decided that it was appropriate to allow the significant departure from the Development Plan.

The circumstances are now materially different for the following reasons:

The supermarket was never delivered, and the original 2014 permission has lapsed.

The applicant's Retail Impact Assessment (RIA) states that *"the retail market has changed fundamentally...there is limited demand for development of new superstores nationally and no current or foreseeable demand for a large superstore in Ayr."*

The circumstances are also materially different because while the applicant previously required only the large-scale supermarket to 'enable' the development, the applicant now requires the following to enable the development:

- Smaller scale supermarket
- 25% affordable housing to be provided in 2014 (187 affordable homes) to under 9% affordable housing (72 affordable homes) through the Section 42 application
- A separate and significant retail development as proposed through this application (Ref.23/00345/APPM)
- Approximately £17 million of front funding support from the Council
- Council to front fund the primary school

In addition, the proposal for a retail park and the separate Section 42 application proposals to modify the previously approved planning permission in principle do not provide the full range of benefits which the 2014 planning permission was obligated to deliver.

Planning Policy has moved on since 2014 in that a new LDP has been Adopted and it does not allocate land at South East Ayr for a retail development but a neighbourhood centre only, this reflects the fact that the 2014 permission was a policy exception based on the specific circumstances of that time. The current LDP reflects the Council's current position and objectives of Corton being developed for housing with ancillary neighbourhood centre only.

Retail Impact Assessment

While the Retail Impact Assessment (RIA) has been submitted, and is a material consideration, it has been afforded little weight in the assessment of this application. NPF4 policy 28 removed previous planning policy framework for retail which provided a route for approval of retail proposals where it could be demonstrated through an RIA that there would be no adverse effect on vitality and viability of town centres, that were otherwise contrary to the town centre first approach. The current policy framework does not allow for such exceptions and in the opinion of the Service, it should not afford significant weight to an approach which would undermine the current policy framework for retail as set out in NPF4.

It is a requirement of NPF4 that identification of locations for new significant retail development are made through an LDP review. If unmet demand for additional retail floorspace were identified, the LDP review would need to consider all potential locations for the provision of additional retail floorspace alongside other planning objectives, including regeneration of town centres and sustainable transport.

Notwithstanding that little weight is to be afforded to the Retail Impact Assessment it is worth commenting that the Retail Impact Assessment is based on a telephone or face to face survey of 1001 people. These people are residents of 8 Zones in Ayrshire; Zone 1 Ayr, Zone 2 Prestwick, Zone 3 Maybole, Zone 4 Girvan, Zone 5 Mauchline, Zone 6 Troon & East, Zone 7 Irvine & North Ayrshire, Zone 8 Kilmarnock.

Based on the Survey of residents, the Retail Impact Assessment identifies that the retail park will have no impact on Maybole and Girvan. However, it is noted that the survey gives no consideration to the spending capacity of tourists or travellers on the A77 who, would normally utilise the cafes, shops and restaurants at Maybole and Girvan when travelling along the A77 including those using the ferry services to and from Northern Ireland.

It is highly likely that holiday makers, motorists or coach parties travelling on the A77 would take a simple, quicker diversion into a Retail Park at Corton offering 5 retail units, three Drive-through restaurants and petrol station with electric charging points located adjacent to the A77 in preference to stopping/diverting in Girvan, Maybole or Ayr to locate such services and provisions. This impact is not captured within the RIA or any of the applicant's supporting information, therefore there is no understanding of the impact this proposal will have on the commercial spending or tourism within the Southern part of the district.

In addition, given the Retail Park also contains three drive-through restaurants, it is considered that this would have a positive impact on the attractiveness of the retail park as a destination. It is noted that the RIA provides no commentary on the impact that such provisions would have on the financial draw of the overall retail park in comparison to the basic retail element it considers.

It is also noted that the RIA and the supporting information are also silent on the positive impact that the additional future residents of Corton and the wider South East Ayr development would have on those existing town centres and Heathfield if the Corton retail park was not developed.

Consultees

As detailed above the majority of the consultees have no objections to the proposals from a technical aspect. However, it is noted that ARA consider that the proposed access road from the A77 would be considered 'over-designed' if the retail park were to be developed on its own, without the housing, etc propose under the separate planning application 23/00261/FURM. ARA do not however object to the proposals, subject to minor modifications to aspects of the Development Brief/Design Code. These minor modifications are matters that could be dealt with by condition if the recommendation had been for approval of the application.

Representations

The issues raised by Representees which primarily include matters of the A77, the negative impact on the town centre and the negative impact of the drive-through restaurants are responded to earlier in this report. While they have been considered and taken account of in the assessment of this application, they do not in themselves raise matters of material overriding concern or factor in the reasons for the recommendation of refusal of this application.

Conclusion

It is considered that this mixed retail development proposal is unacceptable due to the retail and drive-through restaurant elements of the proposals being non-compliant due to their location with the relevant policies within NPF4 and LPD2 as detailed in the Report. In addition to these matters of principle, the design of the proposed retail park and associated car parking area would not result in a high quality and distinctive place and would fail to meet the requirements of NPF Policy 14 which requires all developments to meet the Six Qualities of Successful Places. In coming to this conclusion, it was found that there were no material considerations which would outweigh the non-compliance of the proposals in relation to the National and Local planning policy position.

Recommendation

It is recommended that this application be refused for the following reasons;

Reason 1 The proposal for 5 retail units (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) is contrary to National Planning Framework 4 Policy 28 (A) as the proposed location and scale of the retail units are not consistent with the town centre first principle as the development is not located in an existing city, town or local centre and is not in an edge-of-centre area or a commercial centre allocated through the Local Development Plan.

Reason 2 The application site is in an out-of-centre location where NPF4 Policy 28(C) only supports proposals for new small scale neighbourhood retail development which contributes to local living, including 20-minute neighbourhoods and/or can be demonstrated to contribute to health and wellbeing of the local community. Having regard to the size of the retail units proposed and the extent of their likely market area, the proposal is significantly larger than required to meet the daily shopping needs of the future residents of South East Ayr. It is, therefore, concluded that the proposed retail units, are not consistent with scale and nature of retail development supported by NPF4 Policy 28 part (C) and are therefore unacceptable.

Reason 3 The provision of 5 retail units with gross floorspace of 8733 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) are not supported by the South Ayrshire Local Development Plan Policy: small town centres and local neighbourhood centres as the physical size of retail units proposed significantly exceeds the size of retail development supported under this policy and will function as a destination for weekly shopping trips for a catchment likely to extend significantly beyond South East Ayr. The scale and nature of this form does not accord with the Glossary definitions of retail supported under the Local Development Plan. The proposals are therefore unacceptable.

Reason 4 The proposed 5 retail units with gross floorspace of 8733sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) are not supported by National Planning Policy 15 (Local Living and 20 – Minute Neighbourhoods) as the size of retail units proposed are not consistent with the place principle. The scale and number of retail units proposed is likely to attract customers from existing residential areas in Ayr, Prestwick and Troon in addition to the proposed neighbourhoods within Corton and the wider South East Ayr area. The proposal is likely therefore to encourage consumers to make longer trips to meet their shopping needs, which are beyond convenient walking, wheeling, and cycling distance. The proposal is therefore unacceptable.

Reason 5 The proposal is contrary to National Planning Framework Policy 13 as the proposed 5 retail units with gross floorspace of 8733sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) do not encourage, promote, and facilitate development that prioritises walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably and has the potential to lead to an increase in the number of journeys made by private car from Ayr, Prestwick and Troon and surrounding rural area to Corton, contrary to the outcomes of Policy 13.

Reason 6 The proposed five retail units with gross floorspace of 8733 sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) within the proposed development is contrary to National Planning Framework Policies 1 (climate change and nature crises) and Policy 2 (climate mitigation and adaptation) as the proposal is likely to encourage private car use as a result of the attraction of customers from established residential areas in the Ayr Prestwick and Troon who may otherwise shop in Ayr town centre. The existing residential areas in Ayr Prestwick and Troon are linked to Ayr town centre by an established network of sustainable transport modes, whereas Corton is poorly connected to these areas by established public transport networks.

Reason 7 The application site lies within the AYR4 housing allocation wherein South Ayrshire Local Development Plan Policy: maintaining and protecting land for housing only permits non-residential uses which will have environmental, economic, or social benefits or encourage regeneration. The applicant has failed to demonstrate that the proposals would not undermine the development of the site for housing development as a result of the inability to permanently, legally link the retail park to an obligation to provide housing. The applicant has also not demonstrated sufficient environmental, economic or social benefits related to the proposed 5 retail units with gross floorspace of 8733sqm (Class 1A of the Use Classes (Scotland) Order 1997 (as amended)) and accordingly the inclusion of this aspect of the proposed mixed-use development is contrary to the LDP policy.

Reason 8 The proposed 3 Drive-Through restaurants within the development are contrary to NPF Policy 27 (d) as they are not located on identified sites within the Local Development Plan 2. While it is noted that this requirement for Drive-throughs to be identified within LDPs was brought in after the publication of LPD2, it is considered that the proposed location of these units would not meet the intent of the policy to be supportive of creating centres that are vibrant, healthy, sustainable and accessible. The proposal is contrary to NPF4 Policy 27 (d)

Reason 9 The proposed development is contrary to NPF Policy 14 as the design of the proposed retail terrace by virtue of its scale and massing, very low-pitched roof, choice of exterior cladding and limited features to break up its visual bulk would result in a development which lacks distinctiveness and identity and does not support attention to detail of local architectural styles and the character of the surrounding rural area. Furthermore, the large expanse of car parking and vehicle circulation space to the front of the units and surrounding the proposed drive-through units is car dominated and lacks sufficient greenspace and adds to the sense of lack of distinctive character. The proposal is not, therefore, consistent with the six qualities of successful places and will not improve the quality of the existing rural area and future urban area within which it is located, contrary to NPF Policy 14.

Reason 10 – The proposed landscaping is contrary to NPF4 Policy 3 (Biodiversity) and LDP2 Policy: natural heritage in so far as the boundary treatment should be more robust in order to achieve better screening, create sense of space and further enhance the two watercourses. The extent of shrub areas and native species hedge should be increased to achieve greater diversity of habitat.

List of Determined Plans:

Drawing - Reference No (or Description): 21022-PLBD-P006 Land in same ownership

Drawing - Reference No (or Description): 19251-100-701 Vertical Geometry 1 of 2

Drawing - Reference No (or Description): 19251-100-702 Geometry 2 of 2

Drawing - Reference No (or Description): 19251-500-700 Drainage Layout 1 of 2

Drawing - Reference No (or Description): 19251-500-701 Drainage Layout 2 of 2

Drawing - Reference No (or Description): 21022-MPSK-P010 Application Site

Drawing - Reference No (or Description): 20069-100-100 Proposed Site Levels

Drawing - Reference No (or Description): 20069-100-101 Construction Details Sheet 1

Drawing - Reference No (or Description): 260069-100-102 Construction Details Sheet 2

Drawing - Reference No (or Description): 20069-500-100 Drainage Layout Network 1

Drawing - Reference No (or Description): 20069-500-101 Drainage Details Sheet 1

Drawing - Reference No (or Description): 20069-500-101 Drainage Details Sheet 2

Drawing - Reference No (or Description): 9910(PL)230301-01C Location Plan

Drawing - Reference No (or Description): 9910(PL)2303301-10B Proposed Site Layout

Drawing - Reference No (or Description): 9910(PL)230301-11B Context Section

Drawing - Reference No (or Description): 9910(PL)230301-12B Context Elevations

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

Regulatory Panel (Planning): 28 February 2024

Report by Housing, Operations and Development (Ref: 23/00345/APP/M)

Other - Reference No (or Description): Drainage Strategy

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

Other - Reference No (or Description): Planning Statement

Other - Reference No (or Description): SuDS Simple Index Tool

Other - Reference No (or Description): Town Centre First Assessment

Other - Reference No (or Description): Transport Statement

Other - Reference No (or Description): Travel Plan Framework

Other - Reference No (or Description): Updated Ecology Report

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.

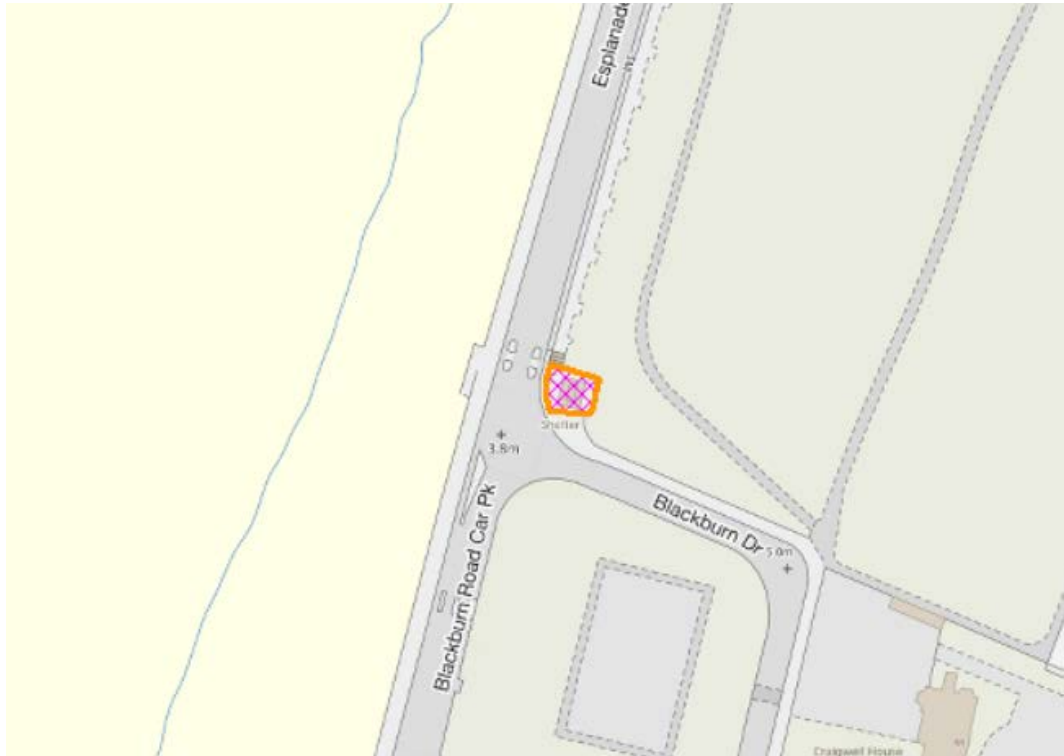
Person to Contact:

Mr Alan Edgar, Supervisory Planner - Place Planning - Telephone 01292 616 683

REGULATORY PANEL: 28 FEBRUARY 2024
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT
24/00015/APP
LOW GREEN ESPLANADE AYR SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

Planning permission is sought for alterations to and the change of use of a former public convenience building to form a hot food take away, the change of use of hardstanding and erection of fencing to form an external storage area and the formation of an external seating area at the Low Green, Esplanade, Ayr. The application site is within the bounds of Ayr Central Conservation Area.

The external alterations comprise of enclosing the rear canopy of the building to enlarge the internal footprint, repairs to the existing building, installation of additional windows and doors and a ventilation flue to the rear of the building. A 2.4-metre-high timber fence and gate shall also be erected to screen the storage area to be formed to the rear of the building.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and a written objection has been received.

The applications have been assessed against the various material planning considerations which include the provisions of the development plan, consultations, representations received (1 in total) and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concerns that cannot be addressed by condition. Equally, the points raised in the letter of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have an adverse impact on residential amenity at the locality and will have a neutral impact on the character and appearance of Ayr Central conservation area.

Given this assessment and having balanced the applicant's rights against the general interest, it is recommended that the applications be approved subject to conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 28 FEBRUARY 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	24/00015/APP
SITE ADDRESS:	LOW GREEN ESPLANADE AYR SOUTH AYRSHIRE
DESCRIPTION:	ALTERATIONS, CHANGE OF USE OF FORMER PUBLIC CONVENIENCE BUILDING TO HOT FOOD TAKE AWAY, CHANGE OF USE OF HARDSTANDING AND ERECTION OF FENCING TO FORM EXTERNAL SEATING AREA AND STORAGE AREA
RECOMMENDATION:	APPROVAL WITH CONDITIONS

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 11 January 2024.
- The application was validated on 11 January 2024.
- A Site Visit was carried out by the Planning Authority on 5 February 2024.
- No Neighbour Notification was required.
- A Site Notice was posted in the locality under Section 65 of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) by the Planning Authority on 23 January 2024.
- A Public Notice, under The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) was placed in the Local Press on 23 January 2024.

1. Proposal:

The application site relates to a vacant former public convenience building at the Low Green, Esplanade, Ayr. The application site is within the bounds of Ayr Central conservation area.

The proposed development comprises of alterations to and the change of use of a former public convenience building to form a hot food take away, the change of use of hardstanding and erection of fencing to form an external storage area and the formation of an external seating area. The external alterations comprise of enclosing the rear canopy of the building to enlarge the internal footprint, repairs to the existing building, installation of additional windows and doors and a ventilation flue to the rear of the building. A 2.4-metre-high timber fence and gate shall also be erected to screen the storage area to be formed to the rear of the building. The application submission outlines that the proposed seating area and barriers shall be removed from the site each day and securely stored while the premises is not open.

The agent for the application has confirmed that there is no specific operator for the premises at the time of the application and therefore no details regarding the operation of the premises has been provided.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the Council has a financial and ownership interest in the site, and a written objection has been received.

2. Consultations:

Ayrshire Roads Alliance - Offer no objections.

Environmental Health - Offer no objections, subject to conditions.

Waste Management – Offer no objections.

3. Submitted Assessments/Reports:

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.

None.

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:

2 representations have been received, which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Representee can be summarised as follows.

- Obstruction of public footway.
- Ownership and title deeds.

The matter of proposals on the public footway are considered in the assessment section of this report.

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. A response to these representations is included within the assessment section of this report.

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.

(i) National Planning Framework 4 (NPF4)

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 7: Historic assets and places

National Policy 7 seeks to protect and enhance the historic environment. Development proposals in conservation areas will only be supported where the character appearance of the conservation area and its setting is preserved or enhanced (para. (d)).

- Policy 9: Brownfield, vacant and derelict land and empty buildings

This policy seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses (para. (d)).

- 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 to ensure that development proposals do not result in a detrimental impact on the quality of an area, regardless of scale.

- Policy 21: Play, recreation and sport

The intention of this policy is to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

- Policy 30: Tourism

The overall purpose of this policy is to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with the zero and nature commitments and inspire people to visit Scotland.

With regard to the above policies, the application proposals involve the reuse of vacant former public convenience and surrounding areas of hardstanding, and as such shall not impact upon the use of the adjacent area of open space. It is noted that the building is located along Ayr seafront, which is considered to be an area visited by tourists to South Ayrshire. As such, there are other food and drink kiosks/restaurant/cafes within this locale which service both local residents and tourists through the year. It is considered that the proposed use, while bringing a vacant building back into use, would also add to this offering.

The external alterations proposed comprise of the enclosing of the rear canopy of the building to enlarge the internal footprint, re-rendering of the building, repairs to the existing roof, gutters and cast-iron columns, installation of windows to the west and south elevations, the installation of two doors to the east elevation and the erection of a ventilation flue to the rear of the building. A 2.4-metre-high timber fence and gate shall also be erected to screen the storage area to the rear of the building. Given the nature of the alterations and repair works proposed, and that the flue shall be sited on a less visible roof plane from the wider conservation area, it is not considered that they shall result in a detrimental impact on the character and of Ayr Central conservation area, as discussed further below.

It is therefore considered that the proposed development is compliant with NPF4, as outlined further below. 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.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/local-development-plan-2):

- LDP 2 Strategic Policy 1: Sustainable Development
- LDP 2 Strategic Policy 2: Development Management
- LDP 2 Policy: Open Space
- LDP 2 Policy: Tourism
- LDP 2 Policy: Historic Environment
- LDP 2 Policy: General Retail

The application proposals involve the reuse of a vacant former public conveniences and surrounding areas of hardstanding to form a hot food takeaway, the erection of fencing to form a storage area and an outdoor seating area. The above policies indicate that development may be acceptable (on areas of open space) where its scale, use and design are appropriate to the existing character of the open space and there is no individual or cumulative effect on the amenity or recreational value of the site. Given the nature and scale of the proposals, it is not considered that they shall have an adverse impact upon the amenity or recreational value of the wider area of open space.

It is noted that the building is located along Ayr seafront, which is considered to be an area visited by tourists to South Ayrshire. As such, there are other food and drink kiosks/restaurant/cafes within this locale which service both local residents and tourists through the year. It is also acknowledged that hot food takeaway uses are ordinarily directed towards town centre areas. However, considering that the proposed use of the building, while bringing a vacant building back into use, would add to the existing food and drink offering in the nearby area, therefore also improving tourist facilities at this locale, it is not considered that this location is inappropriate for the hot food takeaway use proposed in this instance.

The external alterations proposed comprise of enclosing the rear canopy of the building to enlarge the internal footprint, re-rendering of the building, repairs to the existing roof, gutters and cast-iron columns, installation of windows to the west and south elevations, the installation of two doors to the east elevation and the erection of a ventilation flue to the rear of the building. A 2.4-metre-high timber fence and gate shall also be erected to screen the storage area to the rear of the building. Given the nature of the alterations and repair works proposed, and that the flue shall be sited on a less visible roof plane from the wider conservation area, it is not considered that they shall result in a detrimental impact on the character and of Ayr Central conservation area, as discussed further below.

Therefore, it is not considered that there would be any adverse effect on the amenity or recreational value of the surrounding locality, or the character and appearance of the conservation area. It is therefore considered that the proposed development is compliant with LDP2, as outlined further below.

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, 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.

(iii) Other Policy Considerations (including Government Guidance)

Historic Environment Policy for Scotland

Historic Environment Policy for Scotland outlines the commitment of Historic Environment Scotland to supporting the protection and management of Scotland's rich and diverse historic environment in a sustainable way so that current and future generations can understand, appreciate and benefit from it. In terms of development within conservation areas, planning authorities are required to pay special attention to the desirability of preserving or enhancing the character and appearance of the area.

The Managing Change document on Setting defines setting as the way in which the surroundings of a historic asset contributes to how it is experienced, understood and appreciated, and indicates that the setting of a historic structure often extends beyond the immediate property boundary of that structure into the broader landscape. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes. Planning authorities are expected to take into account the setting of historic assets in the determination of applications for planning permission.

South Ayrshire Council's Historic Environment Guidance

South Ayrshire Council's Historic Environment Guidance is also a material consideration in assessment of the application.

Guidance Policy 1 refers to design quality, and states that development proposals will be considered in terms of compliance with the 'General Criteria for New Development', which applies to both new development and extensions to existing development / buildings.

Guidance Policy 3 refers specifically to development proposals within conservation areas, and states that all new development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character or appearance. To ensure a consistent high standard of development within conservation areas, proposals will be considered in terms of compliance with the design principles for all proposed development within a conservation area.

The application proposals involve the reuse of a vacant former public convenience and surrounding areas of hardstanding to form a hot food takeaway, the erection of fencing to form a storage area and an outdoor seating area. The proposed change of use is considered to have a neutral impact on the character and appearance of the conservation area. The external alterations proposed comprise of enclosing the rear canopy of the building to enlarge the internal footprint, re-rendering of the building, repairs to the existing roof, gutters and cast-iron columns, installation of windows to the west and south elevations, the installation of two doors to the east elevation and the erection of a ventilation flue to the rear of the building. A 2.4-metre-high timber fence and gate shall also be erected to screen the storage area to the rear of the building. It is noted that details of materials to be used have not been provided and as such it is deemed prudent to attach a condition to any permission granted requesting these details are provided prior to commencement of the development.

Given the nature of the alterations and repair works proposed, and that the flue shall be sited on a less visible roof plane from the wider conservation area, it is not considered that they shall result in a detrimental impact on the character and of Ayr Central conservation area, subject to the condition outlined.

It is therefore considered that the proposal accords with the aforementioned policies and Council Guidance on the basis that the development will have a neutral impact on the conservation area.

(iv) Objector Concerns

- *Obstruction of public footway.*

Concerns have been raised that the proposed development shall obstruct access to the existing public footway for wheelchair users, prams etc. In response, the Ayrshire Roads Alliance have advised that they have no objections to the proposed development and as such the information provided is regarded to be sufficient and the proposal is not considered to raise any issues relating to safety or additionally, parking, road infrastructure and traffic. Additionally, it is noted that the intention is to remove the proposed outdoor seating and flexi barriers each day to be securely stored while the premises is not open.

- *Ownership and title deeds.*

Matters regarding ownership of land and extent of title deeds do not constitute material planning considerations but rather legal matters and should therefore be more appropriately be addressed between relevant parties. As such, this matter does not form part of the assessment of the current planning application.

(v) Impact on the Locality

As noted above, the application site is located within both an area of Open Space and Ayr central conservation area, as designated by the Adopted South Ayrshire Local Development Plan 2. The application proposals involve the reuse of an existing vacant former public conveniences and surrounding areas of hardstanding to form a hot food take away, the erection of fencing to form a storage area and an outdoors seating area. As outlined above, the proposed development is considered to meet the policy provisions of the open space policy and there would be no cumulative effect on the amenity or recreational value of the area.

It is noted that the building is located along Ayr seafront, which is an area visited by both tourists to South Ayrshire, and local residents. As such, there are other food and drink kiosks/restaurant/cafes within this locale, to both the north and south of the application site, which service both local residents and tourists throughout the year. It is also acknowledged that hot food takeaway uses are ordinarily directed towards town centre areas. However, considering the proposed use of the building, while bringing a vacant building back into use, would add to the existing food and drink offering in the nearby area, therefore also improving tourist facilities at this locale, it is not considered that this location is inappropriate for the hot food takeaway use proposed, in this instance.

The agent for the application has confirmed that there is no specific operator for the premises at the time of the application and therefore no details regarding the operation of the premises has been provided. It is therefore noted that opening hours of the premises have not been specified. However, this is a matter for the Council's Licensing Service.

As set out above, the scale, use and design of the development proposals are considered to be acceptable in this instance. Therefore, it is not considered that the proposals will adversely impact on the amenity of the surrounding locale or have a detrimental impact on its setting.

The proposed ventilation flue is located to the rear of the premises and there are no residential properties located in proximity to this property. It is considered that the proposed flue is acceptable in size, scale, siting and design. Given its proposed siting, the flue is considered to be acceptable and shall not result in a significant detrimental impact on either the amenity of the surrounding locality or the character and appearance of the conservation area.

The Council's Environmental Health section has been consulted and has offered no objection to the development proposals, subject to the attachment of relevant conditions and advisory notes to any consent granted. It is therefore considered that, subject to these conditions, the property can be appropriately ventilated, and the proposed use would not adversely impact on the amenity of nearby properties.

Furthermore, it is acknowledged that the Ayrshire Roads Alliance has offered no objections to the proposals.

The application has been assessed against the various material planning considerations which include the provisions of NPF4, LDP2, consultations and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Overall, it is considered that the proposal will not 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 approved subject to conditions.

8. Conclusion:

The application has been assessed against the various material planning considerations which include the provisions of NPF 4, LDP2, consultations, representations received, the planning history of the site and the impact of the proposed development on the locality. There are no policy objections and following the above assessment, it is considered that the proposal will not 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 approved, subject to conditions.

9. Recommendation:

It is recommended that the application is approved with condition(s).

- (1) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (2) 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.
- (3) 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.
- (4) Ventilation within the kitchen requires to be adequate and suitable for the food handling/cooking carried out therein. In order to prevent the occurrence of an odour nuisance, the ventilation system in this area must be provided with suitable means of filtration e.g., grease and charcoal filters and extended ducting terminating at least one metre above eaves level of any building within 15m of the building housing the commercial kitchen, or alternatively the operation of the premises is limited to enclosed unit cooking. Details of the ventilation system shall be submitted for the approval in writing of the Planning Authority through consultation with the Council's Environmental Health Service and thereafter installed as approved, prior to the occupation of the development.

9.1 Reasons:

- (1) 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.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) To safeguard the character and appearance of the conservation area.
- (4) In order to prevent the likelihood of a smell nuisance.

9.2 Advisory Notes:

- (1) The premises require to fully comply with the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 and any Regulations and requirements therein and thereto.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): DR-A-0010 Location Plan

Drawing - Reference No (or Description): DR-A-0020 All Details as Existing

Drawing - Reference No (or Description): DR-A-0021 Rev. B All Details as Proposed

9.4 Reason for Decision (where approved):

The application has been assessed against the various material planning considerations which include the provisions of NPF4, LDP2, consultations, representations received, the planning history of the site and the impact of the proposed development on the locality. There are no policy objections and following the above assessment, it is considered that the proposal will not have an adverse impact on the amenity of the locality.

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

Background Papers:

1. Planning application form, plans and supporting information.
2. National Planning Framework 4.
3. Adopted Local Development Plan 2.
4. Historic Environment Policy for Scotland
5. South Ayrshire Council Planning Guidance – Historic Environment
6. Consultation Responses.
7. Representations.

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:

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