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18 March 2024

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

All other Members for Information Only

Dear Councillor

REGULATORY PANEL (PLANNING)

You are requested to participate in the above Panel to be held on **Thursday, 28 March 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
Chief Governance Officer

B U S I N E S S

1. Declarations of Interest.
2. Planning Application continued from the Regulatory Panel on 28 February 2024 and site visit to take place on 22 March 2024: 23/00182/APPM, Craig Tara Holiday Park, Dunure Road, Ayr - Submit previous report issued for the Regulatory Panel on 28 February 2024 by the Housing, Operations and Development Directorate (copy herewith).

[Application Summary](#)

3. Hearing relating to an Application for Planning Permission - Submit report by the Housing, Operations and Development Directorate (copy herewith).
4. Consultation under Section 36 of the Electricity Act 1989 (23/00671/DEEM) Loch Fergus C74 from B742 north-east of Bowmanston to A70 at Old Toll, Ayr - Submit report by the Housing, Operations and Development Directorate (copy herewith).

[Application Summary](#)

5./

5. Public Access Exemption Order: The South Ayrshire Council (Royal Troon Golf Course 152nd Open) Exempting Land from Access Rights (No. 3) Order, 2024 Ayr - Submit report by the Housing, Operations and Development Directorate (copy herewith).

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

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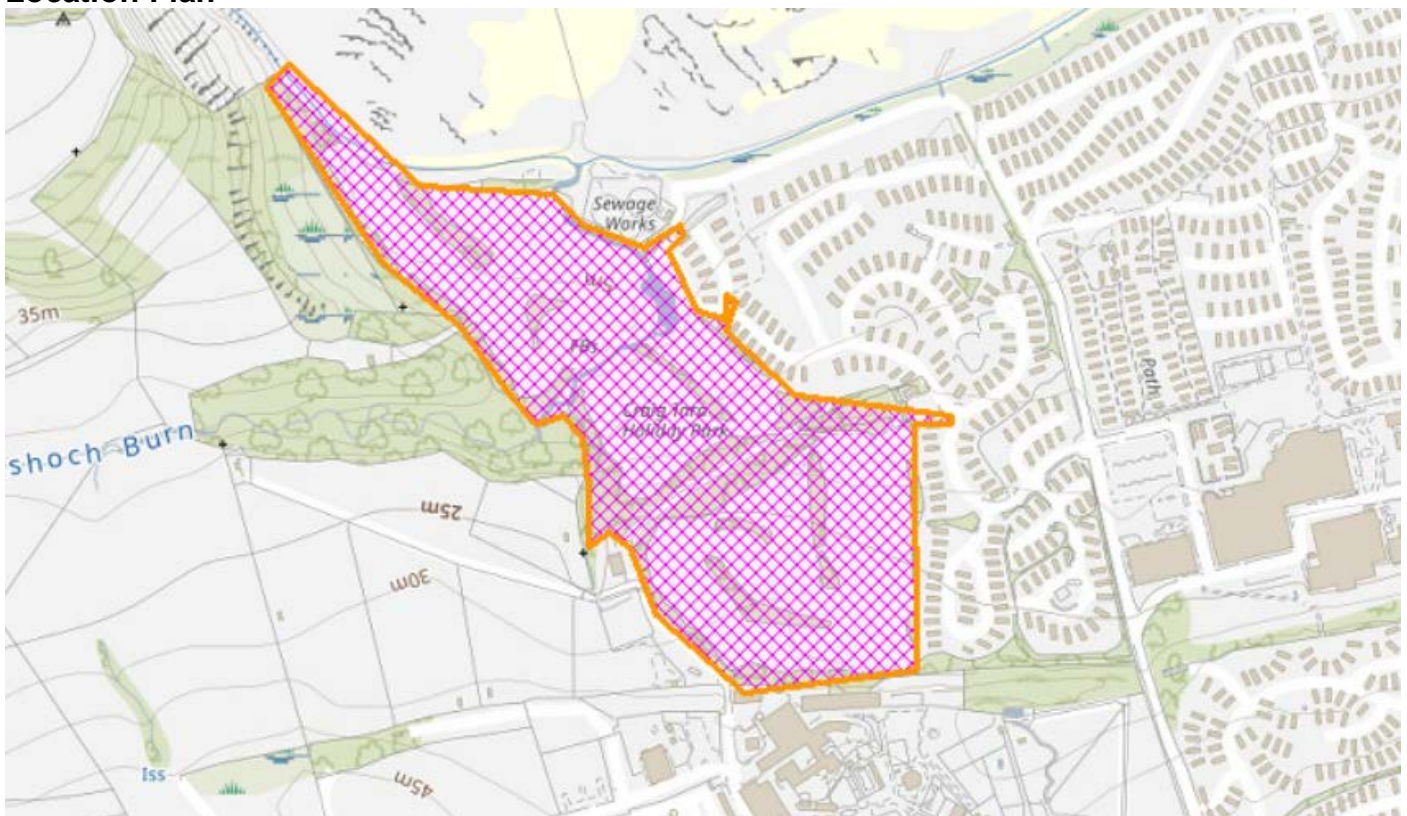
REGULATORY PANEL: 28 FEBRUARY 2024

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 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, SportsScotland 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 they 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.wosass.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; WosassEnquiries@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)

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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.

South Ayrshire Council

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

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	23/00954/APP Ms Susannah Groves (Objections) https://publicaccess.south-ayrshire.gov.uk/online-applications/applicationDetails.do?keyVal=S607ENBDI9S00&activeTab=summary	244 - 246 High Street Ayr South Ayrshire KA7 1RL	Change of use of a vacant Class 3 unit to form an adult gaming centre	Merkur Slots Ltd	Approval with Condition(s)

REGULATORY PANEL: 28 MARCH 2024

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

23/00954/APP

244 - 246 HIGH STREET AYR SOUTH AYRSHIRE KA7 1RL

Location Plan

APPLICATION SITE 



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Summary

Planning permission is sought for the change of use of a vacant class 3 (food and drink) unit to form an adult gaming centre. The application site at 244-246 High Street forms a ground floor commercial unit in an unlisted three-storey building situated within both the retail core of Ayr Town Centre and the Ayr Central Conservation Area. There are dwelling flats sited above the application site. The unit was last occupied by a bakery and has lain vacant for approximately four years.

The application has been assessed against various material planning considerations which includes the provisions of the development plan, consultations, representations received and the impact of the proposed development in the locality. The assessment concludes that the proposed development complies with the development plan and the proposals will not have a significant adverse impact on the amenity of the locality subject to conditions requiring noise mitigation measures to be installed/ carried out. The consultation responses do not raise any issues that would merit a recommendation of refusal of the application. Similarly, the issues raised in the 7 representations received, including one from Fort, Seafield and Wallace Community Council, have been considered and, subject to the recommended conditions being imposed with respect to noise mitigation measures, would not merit a recommendation of refusal of the application.

Considering the above and having balanced the applicant's rights against the general interest, it is recommended that planning permission be approved subject to conditions.

The application is required to be reported to the Council's Regulatory Panel, in accordance with the Council's approval procedures for handling planning applications and scheme of delegation, as the Planning Service has received a competent written objection from a Community Council, via their designated contact person(s), and the appointed officer is minded recommending a determination which is contrary to the views expressed by the Community Council.

A separate advertisement consent has been submitted for the erection of a fascia and projecting sign at the property. In accordance with the Councils' approval procedures for handling applications and scheme of delegation, as no objection has been received regarding that proposal, the advert application will be determined under delegated powers.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 28 MARCH 2024

SUBJECT:	PLANNING APPLICATION
APPLICATION REF:	23/00954/APP
SITE ADDRESS:	244 - 246 HIGH STREET AYR SOUTH AYRSHIRE KA7 1RL
DESCRIPTION:	CHANGE OF USE OF A VACANT CLASS 3 UNIT TO FORM AN ADULT GAMING CENTRE.
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 21 December 2023.
- The application was validated on 21 December 2023.
- A Site Visit was carried out by the Planning Authority on 9 January 2024.
- 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 3 January 2024.
- 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 9 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 9 January 2024.

1. Proposal:

The application site is a ground floor unit of a three-storey building at 244-246 High Street, Ayr which is a town centre location and within the Ayr Central Conservation Area. The unit has been vacant for approximately 4 years and was last used as a Class 3 (cafe) use of Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended. The floors above comprise of dwellingflats.

The applicant proposes a change of use of the unit at the address to form an amusement arcade type use described by the applicant as an 'adult gaming centre' - a 'sui generis' use meaning it falls into a class of its own as it is outwith the defined limits of other use classes. External shopfront alterations are also proposed. More specifically the stall-risers are to be stripped back and it is proposed to install porcelain tiles and the entrance lobby floor to be retiled. The shopfront frames and entrance doors along with pilasters are to be re-sprayed.

The applicant/agent has submitted a supporting statement which outlines the proposed operating terms of the adult gaming centre as follows:

- The adult gaming centre would have no fixed odds betting terminals. The machines would offer stakes ranging from 10p to a maximum of £2 only. Electronic bingo tablets would also be on offer.
- The premises is intended to operate on a 24-hour basis.
- A 'Think 25' entrance policy is operated at venues whereby any persons who look under 25 must produce a form of identification (nobody under 18 years old will be allowed entry).
- Background music only will be played in the premises and there will not be any tannoy systems.
- Complementary refreshments, teas and coffees are to be provided (they do not hold an alcohol licence at the premises).
- The operation will employ between 6 and 12 staff.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling of planning applications and scheme of delegation, as the planning application has received a competent written objection received from a Community Council, via their designated contact person(s), and the appointed officer is minded to recommend a determination which is contrary to the views expressed by the Community Council.

2. Consultations:

Council's Environmental Health Service - Offers no objection subject to conditions.

Ayrshire Roads Alliance - No objection.

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.

A comprehensive noise report has been submitted in support of the planning submission. The report states that a site survey and inspection was undertaken at the application site and recommendations have been made to improve the sound insulation performance. Since the closest noise sensitive receptors to the site are the residential flats above, the separating floor was a focus of the noise assessment. The survey shows large gaps present in many locations, exposing the floor to the flats above and joints were not sealed up. It is recommended that a new double layer of 15mm thick fireboard is affixed to the underside of the joists and all junctions are sealed with non-hardening sealant. In addition, a layer of 100mm thick mineral fibre insulation and a suspended grid mineral fibre ceiling be installed at 19mm thick. Acoustic perimeter seals around the frame and bottom of the entrance door to prevent unnecessary sound transmission to the outside and an automatic closer system for the door is also proposed.

Internal Noise Impact Assessment – an assessment of potential internal noise impact from 24-hour operation to the residential units above was undertaken. The assessment demonstrated that, once all rectification works are complete as captured above, the separating floor can attenuate operational noise levels sufficiently so that noise rating (NR) 20 will be achieved in the first-floor unit above.

External Noise Impact Assessment – an assessment of potential external noise impacts from 24-hour operation to the closest residential units (directly above) was undertaken. A series of case studies of patron behaviours have been undertaken from six different Merkur premises with 24-hour consent to assess if noise impacts could occur. Three of the sites had a residential unit directly above. The studies concluded that patrons are nearly always alone or in a pair and do not behave in a way that would cause disturbance to others. The assessment demonstrated that the external building façade can attenuate operational noise levels sufficiently so that Noise Rating (NR) 20 will be achieved in the closest noise sensitive receptor and maximum levels at the window are below the BS8233 criteria.

The Council's Environmental Health Service has no objection to the proposal subject to the recommendations in the noise report being implemented.

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:

7 representations (from 6 households and Fort, Seafield and Wallace Community Council) have been received, which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

In summary, the following concerns have been raised:

- Impact on residential amenity,
- Concentration of use,
- Protecting the retail core centre,
- 24/7 trading use,
- Implications gambling use will have on the area and increase in anti-social behaviour,
- Undermine the health, wellbeing and amenity of the community.
- Concealed shop frontage.

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

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 14 Design, quality, and place

Policy 27 Cities, town, local and commercial centres (b) (i)

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 and overarching 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.

NPF4 emphasises the need to make efficient use of existing buildings, land and infrastructure and to redevelop rural and urban brownfield sites before greenfield sites. Brownfield land is defined in the NPF4 as including land occupied by redundant or unused buildings. In this regard, it is of note that the site is located within Ayr Town Centre. The site is considered to fall within the above noted NPF4 definition of brownfield land. It is considered that the application proposals represent the sustainable re-development and secure use of a vacant building within the town centre which is in accordance with the objectives of NPF4. NPF4 also takes a town centre first approach and supports proposals that will improve the vitality and viability of town centres and it is considered that the proposals are consistent with this.

NPF4 also emphasises the importance of Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost. The site is considered to represent sustainable development due to involving the re-use of an existing building within a settlement. Potential for impacts of this proposal on the amenity of neighbouring properties is discussed further below.

With regards to 'Placemaking', NPF4 states that planning should take every opportunity to create high quality places by taking a holistic and design-led approach which demonstrates the six qualities of a successful place these are; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. It is considered that the proposal offers the opportunity to continue the use of a property located in a prominent location within the town centre without significant adverse impact on the character or townscape setting of the area. Matters of amenity are considered further below. The proposal is not considered to contravene the NPF4 in terms of 'Placemaking'.

The preservation of the historic environment is also a key consideration in NPF4. The application site is within the Ayr Conservation Area and the proposals are not considered to directly impact the character of the Conservation Area to any extent that would warrant refusal of these applications. This is 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.

Overall, and for the reasons noted above, it is considered that the proposal accords with the provisions of NPF4.

(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 Policy Strategic Policy 1: Sustainable Development
LDP Policy Strategic Policy 2: Development Management
LDP Policy: General Retail
LDP Policy: Town Centres (guiding land use)
LDP Policy: Town Centre; and
LDP Policy: Ayr town centre guidance
LDP Policy: Leisure Development
LDP Policy: Historic Environment.
LDP Policy: Land use and transport

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.

The above policies direct development proposals to the main towns (i.e. Ayr, Prestwick, Troon, Maybole and Girvan), and in particular proposals for commercial, industrial or community facilities. In particular, the policies seek to promote and enhance the vitality and viability of town centres, and the use of vacant, redundant or brownfield sites. The application site benefits from a prominent location within Ayr town centre, and the proposals involve bringing a vacant premises back into use.

Under the Town Centre First Principle, new public and private sector development proposals are, in the first instance, directed towards town centres. The Network of Centres policy identifies that the main towns of Ayr, Troon, Prestwick, Maybole and Girvan will be supported as locations for retail, office and commercial leisure development that help to sustain those centres as vibrant centres for their local communities.

The Town Centre policy identifies the site as being within the Ayr town centre, and the policy seeks to ensure that town centres remain a strong shopping centre. Amusement arcade formats including adult gaming centres has been identified as a Sui Generis (uses which do not fall within the specified use class) in the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended. Although, classified as a 'Sui Generis' use, it can reasonably constitute a commercial leisure facility as described in Local Development Plan 2 - "Leisure and recreation facilities provided by the private sector as a business enterprise." To make sure town centres continue to be lively and viable, there is scope for different uses including such leisure facilities, offices, cafes, restaurants and tourist accommodation. From a wider perspective, National Planning Framework 4 indicates that 'Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported'. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be considered in decisions concerning proposals to expand or change the use of existing development. Therefore, the proposal must be considered in the broader context, and as such is compliant with LDP Policy: Town centre (guiding land use) where commercial leisure development is acceptable, and of the overarching intent in the strategic policies to prioritise the regeneration of town centres.

Furthermore, this holistic approach needs to be taken to enhance and improve the vitality and viability of a centre. This assertion is echoed in the LDP Policy: Ayr town centre guidance. Central Retail and Leisure Core where applications will be assessed against the policies in the LDP to determine where they add to the vitality of the retail core. The proposals are also considered to offer the potential for not only linked trips to multiple commercial premises, but also sustainable trips by means of other modes of transport such as walking, cycling, or bus trips. Therefore, the proposals are considered to accord with the LDP policy in relation to sustainable development. Given the above policy context the development proposal is considered to accord with the afore-mentioned provisions of the local development plan.

The applicant proposes to operate the gaming centre on a 24-hour basis. Although it is acknowledged that such an operation may bring customer activity to the premises during the late-evening and early-morning periods it is considered that any such footfall is likely to be of a relatively low amount and frequency during those hours. As such, combined with small scale nature of the operation and the Council's Environmental Health Service response of 'no objection' subject to conditions, it is not considered necessary to attach a condition restricting the opening hours, this has been discussed further below.

An 'active' shopfront is one which is designed to extend the influence and animation of interior uses outwards into the surrounding street by visual contact between inside and out. The existing shopfront (disregarding that it is currently obscured by a marketing advertisement) achieves this due to its largely glazed frontage. This application proposes minimal alterations to the shopfront. The proposed external details involve the shop front stall-risers to be porcelain tiles and the entrance lobby floor to be retiled. The shopfront frames and entrance doors along with pilasters to be re-sprayed, these alterations indicates that an active shop frontage would be retained.

The Historic Environment Policy states that new development should preserve and enhance the character and appearance of South Ayrshire's conservation areas and their settings. This should include the appropriate layout, design, materials, scale and siting of development affecting buildings and structures located within a Conservation Area. Notwithstanding this, bringing this unit back into active use which may otherwise lie vacant is considered a positive factor in the planning balance. Ayr High Street is characterised by a broad range of uses including retail, restaurants, convenience stores, public buildings, sui genres uses and professional services. The introduction of an adult gaming centre would be commensurate with the pattern of development. Overall, it is considered that re-use of a vacant property which is located within a prominent location on Ayr High Street will not have a negative impact on the conservation area.

Given the above policy context, the development proposals, as conditioned, is considered to be in accordance with the aforementioned policy provisions of the local development plan.

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)

In terms of managing change within conservation areas, Planning Advice Note 71 (PAN71) - Conservation Area Management - indicates that physical change in conservation areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area. Physical and land use change in conservation areas should always be founded on a detailed understanding of the historic and urban design context. Whilst the scope for new development may be limited in many conservation areas, all will present some opportunities for enhancement.

The provisions of PAN71 are largely emphasised by policies HEP2 and HEP4 of the adopted Historic Environment Policy for Scotland. Policy HEP2 states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. The provisions of the Historic Environment Policy for Scotland are supplemented by Historic Environment Scotland's Managing Change in the Historic Environment series. With regard to this application, the Managing Change documents on Setting is particularly relevant.

The Managing Change document on Setting requires planning authorities to take into account the setting of historic assets in the determination of applications for planning permission. Where development is proposed it is important to identify the historic assets that might be affected, define the setting of each historic asset, and assess the impact of any new development on this. The Council will allow flexibility and encourage businesses to promote themselves in an effective manner but will be mindful of the effect this may have on the building concerned and the area as a whole.

South Ayrshire Council's Guidance on the Historic Environment refers specifically to development proposals within or affecting the setting of 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.

The application site is situated within Ayr Central Conservation Area. The external alterations are minimal and are not considered to cause harm or adversely impact on the setting, character or appearance of the conservation area at this locale. The proposals will bring an otherwise vacant property into active use. The proposals are considered to be in accordance with the guidance set out above.

(iv) Objector Concerns

It is noted that those objecting to the development proposal are nearby neighbouring residents and the local Community Council. Their concerns are summarised in *italics*. Responses to the representations are offered directly below in **bold**.

Concentration of use

The proposal must be considered based on the local context in evidence at time of application. The application site is a long-term vacant unit, the neighbouring unit has also been vacant for an excess of 3 years. It is noted that the neighbouring unit at 242 High Street operated as an adult gaming centre, however it has not been operational since 2017, furthermore, it would not be appropriate for the purposes of this assessment to presume upon the probability, timing or nature of a future land use of 242 High Street. Having regard to the above and noting only one operational adult gaming centre presently exists elsewhere in the centre at reasonable separation between the application site and the existing adult gaming centre on the High Street, it is considered there is no undesirable concentration of this use either in quantity or proximity terms either presently or in consequence of this proposal's implementation.

Protecting the retail core centre

Amusement arcade formats including adult gaming centres can represent a commercial leisure use. The development plan expects such uses to be directed to town centres first, via Local Development Plan (LDP) policy: general retail sequential approach, LDP policy: town centre (guiding land use) and LDP policy: Ayr town centre guidance, in conjunction with NPF4 Policy 27(b)(i). The proposal must be considered in the broader context of both of the town centre first principle being applicable to commercial leisure development, and of the overarching intent in strategic development to prioritise the regeneration of town centres. Furthermore, a holistic approach needs to be taken as this type of development will complement the role and offering of the retail core while bringing a vacant unit back into use.

Impact on Residential Amenity/ 24/7 Trading use

As noted above the application site is within Ayr town centre where a degree of noise and activity can be expected in the evening and early hours. It is acknowledged that such an operation may bring customer activity to the premises during the late-evening and early-morning periods however, it is considered that any such footfall is likely to be of a relatively low amount and frequency during those hours. The applicant states that, based on their experience of other premises they operate, that the customer base after midnight is predominantly the local entertainment workforce and shift workers. The Councils Environmental Health Service were consulted regarding the development proposals under consideration. In their response, they offered no objections to the development subject to the attachment of appropriate conditions relating to noise management to any planning permission granted. However, should any statutory noise arise once the unit is operational, it is for the Councils Environmental Health Service to address such matters under their statutory powers.

Increased levels of gambling addiction and the resultant negative impact on deprivation in the area, negative impact on health, well-being and amenity of the community.

National Planning Framework 4 Policy 27(d) makes policy allowance to resist 'further provision' of non-retail uses if their services 'will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas'. This policy explicitly targets specific uses i) hot food takeaways, ii) betting offices and iii) high interest money lending premises. However, it is understood that adult gaming centres are not cited directly within the policy, and it is further understood that the policy's intention is more about land use compatibility e.g. in close proximity of schools. As noted above, it is not considered that there is an over proliferation of such uses in the town centre and there is an absence of obvious or sufficient evidence to indicate in this case that one newly implemented adult gaming centre unit would have wider health and wellbeing implications.

Concealed frontages overlaid with vinyl.

The proposed changes to the shop front are not significant and do not give rise to any concerns with respect to design and the conservation area setting as captured elsewhere in this report. A separate application for advertisement consent has been submitted and will be considered separately.

(v) Impact on the Locality

Change of use

The premises is located within Ayr Town Centre and within an area designated in the Local Development Plan as the 'Core Shopping Area' of Ayr. The Local Development Plan strives for the Core Shopping Area to contribute to a strong shopping centre with the ground floor units to be made up of shops. Furthermore, to make sure town centres continue to be lively and viable, the Local Development Plan identifies that there is scope for different uses. These uses include, but are not limited to, offices, café and restaurants, tourist accommodation and leisure facilities. While it is understood the importance of providing retail and class 1a uses (as defined in the Town and Country Use classes (Scotland) order 1997 as amended) within a core shopping area, a balanced approach needs to be utilised when looking at the vitality and viability of the town centre. NPF4 also makes reference to the importance of putting town centres first. Development proposals that enhance and improve the vitality and viability of town and local centres will be supported.

An application of this amusement arcade format which includes adult gaming centres represents a type of commercial leisure use and the development plan expects such uses to be directed to town centres first, via LDP policy: general retail (sequential approach) and LDP policy: leisure development, in conjunction with NPF4 Policy 27(b)(i). On balance, it is considered that re-use of a long-standing vacant property which is located within a prominent location on Ayr High Street will have a positive contribution to the high street noting this will increase footfall and which may in turn encourage linked trips in favour of trading for other town centre uses. Therefore, the principle of this use is in accordance with the development plan.

To ensure applications for change of use do not negatively affect the streetscape and the conservation area it is noted that the LDP policy; town centre (guiding land use) (c) requires proposals to 'keep a full and attractive window display or appropriate front'. The proposal is for minimal works are proposed to the facade on the principal elevation (High Street) and the window display is as existing, and as such it is considered this criterion (c) is complied with.

Amenity:

The application site is within Ayr town centre where a degree of noise and activity can be expected in the evening and early hours, and it is acknowledged that such an operation may bring customer activity to the premises during the late-evening and early-morning periods. However, consideration and weight are given to the applicant's Noise Impact Assessment which demonstrates that the proposed use would not harm the amenity of any neighbouring uses, including the flats which are situated above the premises, subject to the implementation of appropriate mitigation measures.

The Councils Environmental Health Service were consulted regarding the development proposals under consideration and in their response, they offered no objections to the development subject to the attachment of appropriate conditions which relate to the noise mitigation measures as proposed and set out in Section 3 of this report being installed, to any planning permission granted. The adult gaming centre would not have a kitchen and currently does not have an alcohol license. Therefore, generic issues affecting amenity such as odour and litter are not considered to be an issue in this instance. However, should any statutory noise arise, or any other matter related to air quality, lighting or health and safety issues once the unit is operational, it is for the Councils Environmental Health Service to address such matters under their statutory powers. Therefore, given the existing town centre character and amenity of the surrounding area, combined with the nature of the intended use and the accepted Noise Impact Assessment information and mitigation, it is considered that the adult gaming centre would not have any undue impact on the amenity of the flats which occupy the upper floors of the building, nor on any other neighbouring properties.

It is recognised that residential properties within, or immediately adjacent to town centres may, by virtue of their location, have a reduced level of residential amenity than a property which is located in an exclusively residential area. Notwithstanding, careful consideration has been given to the 24-hour operation of the proposals. Although it is acknowledged that such an operation may bring customer activity to the premises during the late-evening and early-morning periods it is considered that any such footfall is likely to be of a relatively low amount and considering the noise mitigation measures proposed to be installed and the position of the Councils Environmental Health Service, it is considered to be acceptable.

It should be noted for information, that it is understood that South Ayrshire Council Licensing Service granted a license for the application premises their Licensing Board on 8th February 2024.

Accessibility and parking:

The application site is located on Ayr High Street which is classified as Central retail and leisure Core, in close proximity to multiple public transport routes and public parking. As such, the proposed use would be accessible via a range of different transport modes, including sustainable and active travel, and the proposed development is thus compliant with LDP Policy: land use and transport. The Ayrshire Roads Alliance has no objection to the proposal.

8. Conclusion:

The proposed change of use represents an investment in the town centre that would bring a vacant unit back into use and would provide an evening-time economy offering and footfall which is supported by South Ayrshire Local Development Plan. The proposed change of use is compliant with LDP Policy: Town Centres (guiding land use) LDP Policy: Town Centre; which supports a range of uses that contribute towards the vitality and viability of the city centre.

The applicant's Noise Impact Assessment demonstrates that mitigation can protect neighbouring properties from any noise and activity associated with the use. As such, such subject to conditions, the proposed use would not have a detrimental impact on amenity.

The proposed external alterations are minimal and would not have an adverse impact on the street frontage or conservation area setting or character or appearance. The proposals are therefore in accordance with the historic environment policies of NPF4 and LDP2.

Therefore, 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. Equally, the points raised in the letters of objection have been fully considered, but do not raise any issues that would merit a recommendation of refusal of the application. A condition can be imposed requiring the mitigation measures to be completed (as contained within the submitted noise report), and a verification report is required to be prepared by a competent person to the satisfaction of the planning authority and submitted to the planning authority in order to demonstrate compliance with the specific noise criteria which formed part of the planning conditions. Overall, there are no policy objections and following the above assessment, it is considered that the proposals, as conditioned, will not have a significant adverse impact on 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, subject to 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.
- (3) The noise mitigation measures as set out in the Noise Report by ARCHO Consulting dated 14/12/23 shall be implemented in full prior to the occupation of the unit as an adult gaming centre. Once the mitigation measures works are complete, a verification report shall be prepared and submitted by a competent person to the satisfaction of the planning authority, in consultation with the Council's Environmental Health Service, in order to demonstrate that the mitigation has been installed in accordance with the details in the noise report and compliance with the specific noise criteria. Thereafter, the noise mitigation measures shall be maintained for the duration of the use of the premises as an adult gaming centre.
- (4) That there shall be no form of tannoy or amplified sound systems in the premises.

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) In order to minimise noise emissions from the use and to safeguard the amenity of neighbouring residential uses.
- (4) To avoid unacceptable noise disturbance in the interests of residential amenity.

9.2 Advisory Notes:

N/A

9.3 List of Determined Plans:

Drawing - Reference No (or Description): Existing Ground Floor Plan

Drawing - Reference No (or Description): Existing Shopfront Plan

Drawing - Reference No (or Description): Location Plan

Drawing - Reference No (or Description): Proposed Shopfront Plan

Drawing - Reference No (or Description): Proposed Ground Floor Plan

9.4 Reason for Decision (where approved):

The use of the premises hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings subject to the conditions imposed being adhered to.

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. Application form, plans and submitted documentation.
2. Representations.
3. Consultation Responses.
4. Adopted South Ayrshire Local Development Plan (LDP2).
5. National Planning Framework 4 (NPF4).
6. South Ayrshire Council Regulatory Licensing Board decision 8th February 2024

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:

Ms Susannah Groves, Planner - Place Planning - Telephone 01292 616 180

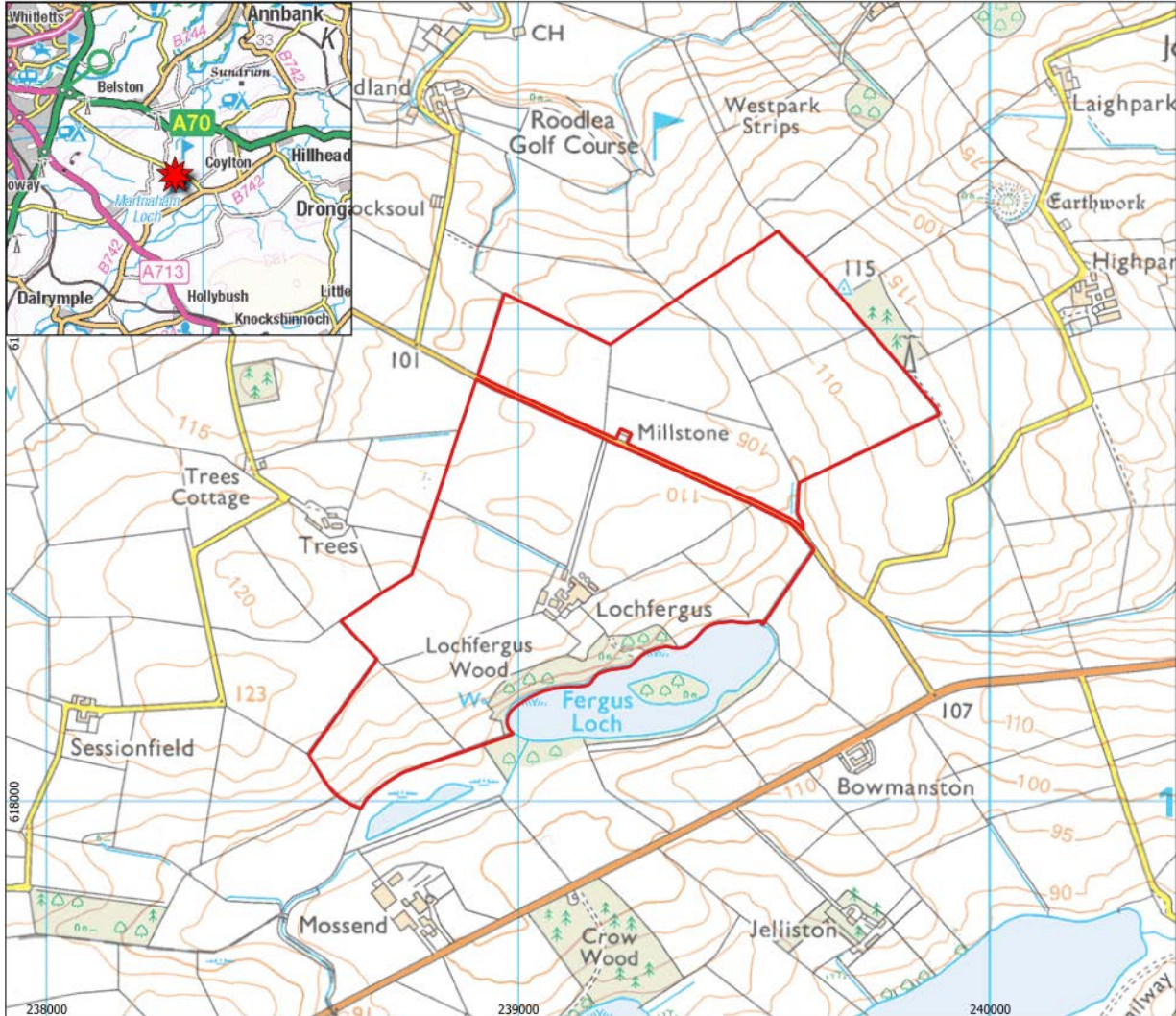
REGULATORY PANEL: 28 MARCH 2024

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

23/00671/DEEM

LOCH FERGUS C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL, AYR
 Location Plan

APPLICATION SITE 



Summary

The proposal under consideration is a consultation from the Scottish Government Energy Consent Unit for a solar generating facility and battery generation station with a combined capacity of around 85MW alongside associated development including solar panels, battery storage containers, security fencing, CCTV cameras, access tracks, cabling, inverters, substations, landscaping and other ancillary development on land at Loch Fergus Farm to the east of Ayr, and southwest of Coylton, South Ayrshire. The Council is not the determining authority for this proposal but instead a statutory consultee to the Section 36 application process.

The site of the proposal is situated approximately 3.3km east of Ayr, and just under 1km west of Coylton. The proposed solar installation encompasses several fields (approximately 58.2ha in total) within the boundaries of the Loch Fergus Farm, situated on both sides of the C74 road which connects the B742 with the A70.

The site is comprised of gently undulating pastoral farmland generally sloping from the north-east from approximately 115m above ordnance datum (AOD) to the south and south-west to some 105m (AOD). The site is currently predominantly used for grazing livestock and the production of silage for feeding dairy cattle and borders more agricultural land to the west, north and east, with Loch Fergus and surrounding woodland located to the south.

The site does not form part of any statutory designated site for nature conservation with qualifying ecological interests. The nearest such designation is the Martnaham Loch and Wood SSSI which is located 0.8km to the south and encompasses the entirety of Martnaham Loch and the surrounding ancient oak woodland.

Upon assessment, the proposal accords with the strategic and overarching policies of National Planning Framework 4 (NPF4) in that it would make a significant contribution to the generation of renewable energy, helping to tackle the climate crisis. Based on NPF4 Policy 1, this would add significant weight in support of the proposal. The proposal is classified as a National Development in NPF4, thereby benefitting from 'in principle' policy support. This in principle support is further reiterated by NPF4 Policy 11 which supports renewable energy projects, subject to consideration of detailed matters.

Having regard to detailed and site-specific matters, any potential effects regarding landscape and visual, transport, ecology, water pollution and residential amenity impacts can be mitigated. When assessed against the provisions of the development plan, there are no significant effects that would warrant the decision-making balance to be shifted away from the significant benefit of the proposals in supporting renewable energy provision and reduction in greenhouse gas emissions.

This proposal aligns with the intent of primary NPF4 policies which seek to address the climate emergency through promoting development that minimises emissions to achieve zero carbon, restore the natural environment and adapts to the current and future impacts of climate change.

Having considered the application submission as a whole and notwithstanding the identified benefits of the scheme, together with the responses received and having balanced the developers' interest against the wider community interest, it is recommended that the Council confirms a position of no objection to this proposed development be submitted to the Scottish Government.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 28 MARCH 2024

SUBJECT:	CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989
COUNCIL REFERENCE:	23/00671/DEEM.
ENERGY CONSENTS UNIT APPLICATION REFERENCE:	ECU00004855
SITE ADDRESS:	LOCH FERGUS C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6ER
DESCRIPTION:	APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR CONSTRUCTION AND OPERATION OF LOCH FERGUS SOLAR GENERATING FACILITY AND BATTERY GENERATION STATION WITH A GENERATING CAPACITY OF UP TO 85MW ALONGSIDE ASSOCIATED DEVELOPMENT INCLUDING SOLAR PANELS, BATTERY STORAGE CONTAINERS, SECURITY FENCING, CCTV CAMERAS, ACCESS TRACKS, CABLING, INVERTERS, SUBSTATIONS, LANDSCAPING AND OTHER ANCILLARY DEVELOPMENT
RECOMMENDATION:	NO OBJECTION

1. Purpose of Report:

- 1.1. South Ayrshire Council (the Council) has been consulted by the Scottish Government Energy Consents Unit (ECU) under Section 36 of The Electricity Act 1989, regarding an application by Loch Fergus Solar Limited (SC734927) for the erection and operation of a solar farm, battery storage and grid connection at Loch Fergus Farm, South Ayrshire, KA6 6ER.
- 1.2. The Council is not the determining authority for this proposal but instead a statutory consultee to the Section 36 application process. This report sets out the Council's proposed consultation response. The ECU consultation request to the Council was issued on 5th September 2023 with an initial deadline of the 5th January 2024. An extension of time has been agreed with the ECU for the Council to provide its consultation response by 15th April 2024.
- 1.3. Under the Council's Scheme of Delegation, all Section 36 consultation responses prepared by the Council require to be referred to the Regulatory Panel.
- 1.4. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph 2 (a), where the relevant Council as Planning Authority notifies the Scottish Ministers that they object to the application and their objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held.
- 1.5. On the basis that the Council were not to respond by the agreed date then there is no mandatory requirement for a public inquiry to be held.

2. Recommendation

2.1 It is recommended that the Regulatory Panel:

- Submits this report to The Scottish Governments Energy Consent Unit as a position of no objection on behalf of the Planning Authority to the Section 36 application (ECU Reference: ECU00004855).

Approves delegated authority to the Director of Housing Operations and Development to conclude planning conditions with The Scottish Governments Energy Consents Unit, should the Scottish Government be minded to grant consent.

Background and Procedural Matters

Consenting

On 3rd July 2023, Loch Fergus Solar Farm Limited submitted an application under Section 36 of the Electricity Act 1989 for consent to construct and operate a solar generating facility with a capacity of up to 45 MW with embedded battery storage of up to 40 MW at Loch Fergus Farm, Ayr in South Ayrshire. The proposal includes solar panels, battery storage containers, security fencing, CCTV cameras, an internal access track, underground cabling, inverters, substations, underground cabling, grid connection, landscaping, environmental enhancement measures and other ancillary development (the Proposal), for determination by the Scottish Ministers.

Current methods for calculating generating capacity result in the combined capacity of the site being in excess of 50MW and as such the proposal requires an application to Scottish Ministers under Section 36 of the Electricity Act 1989.

Under Section 36 of the Electricity Act, if the proposal is approved, the development will also receive deemed planning consent.

Environmental Impact Assessment

Under the Electricity Works (Environment Impact Assessment) (Scotland) Regulations 2017, Scottish Ministers are required to consider whether any proposal for a generating station is likely to have a significant effect on the environment. These Regulations stipulate that Scottish Ministers must consult the Council as the local Planning Authority, NatureScot (formerly 'Scottish Natural Heritage), Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES). The Regulatory Panel are asked to note that in the event that the Council as Planning Authority objects to a Section 36 application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).

In reaching their decision, Scottish Ministers have to take into account the environmental information submitted with the application, the representations made by statutory consultative bodies and others in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Scottish Planning Policy on Renewable Energy (now superseded by NPF4), other relevant Policy, Planning Advice Notes, the relevant local Planning Authority's Development Plans and any relevant supplementary guidance.

It is relevant to note that EIA Screening Opinion Requests have been submitted for two different proposals on the site. This first request was submitted to the ECU as determining authority (given that the proposal exceeded the 50MW threshold) on 20th September 2022 for the development of a solar farm and energy storage system with a generating capacity in excess of 50MW (ECU Reference ECU00004622 and Council Consultation Reference 22/00793/EIASCR).

The other EIA Screening Opinion request was submitted directly to the Council as determining authority (given that the proposal was for a development below the 50 MW threshold) on 29th November 2022 for the development of a solar farm and energy storage system with a generating capacity of up to 49.9MWMW (Council Reference 22/01011/EIASCR). The details and outcomes of each of these requests are outlined further under the sub-headings below.

EIA Screening Opinion - ECU00004622 (ECU Reference) and 22/00793/EIASCR (Council Reference)

The Council were consulted by the ECU as a statutory consultee and the consultation response issued on 14th October 2022 was that the Council did not consider the proposal to constitute an EIA development.

The Council's EIA Screening Opinion Consultation Response to the ECU concluded that subject to the following supporting information being provided (and including all of the requirements as set out by the Council and consultees engaged as part of the separate Pre-application process), it is considered that these will be sufficient to assess the effects of the development upon the environment during both the construction and operational phase:

- Ecological Appraisal;
- Landscape and Visual Assessment;
- Glint and Glare Assessment;
- Archaeology and Cultural Heritage Assessment;
- Flood Risk Assessment;
- Transport Assessment;
- Agricultural Land Classification Assessment; and
- Noise Assessment.

On the 15th of November 2022, the ECU issued their EIA Screening Opinion response as determining authority which confirmed that they considered the proposed development to constitute an EIA development.

1 Within their response they outlined that whilst they agreed with the Council's assessment for the most part, a combination of factors including the scale of the development, the potential consequence for the development to cause wildfires*, the potential for it lead to pollutants and other material to discharge in Loch Fergus alongside potential impacts on birds of prey, made the development be considered as EIA.

* The matter of fire safety and risk in terms of its relationship to the land use planning function is considered in Section 11 of this report. i

EIA Screening Opinion - 22/01011/EIASCRC (Council Reference)

Following the Screening Opinion issued by the ECU as outlined above, the applicant submitted a separate EIA Screening Opinion request to the Council (Council Reference: 22/01011/EIASCRC) for a different proposal which fell below the 50 MW threshold and as a result, would be determined by the Council should it have been progressed to full planning application stage.

On the 13th of December 2022, the Council issued their EIA Screening Opinion, with the position reached that the development proposals subject to the request did not to constitute an EIA development.

EIA Screening Opinion - ECU00004622 (ECU Reference) revisited.

Separately, on the 22nd of December 2022, the ECU contacted the Council to advise that the earlier EIA Screening Opinion issued on the 15th of November 2022 had now been withdrawn. The reason for this was not specified.

A revised EIA Screening Opinion from the ECU was subsequently issued on 19th January 2023 and concluded that the same development proposals as previously considered were now not an EIA development and did not require to be supported by an Environmental Impact Assessment – coming to the same conclusion as the Council. The Council's initial consultation response provided (Council Consultation Reference 22/00793/EIASCRC) remained unchanged and unaffected.

Development Proposal

As stated, the Proposal comprises of the construction and operation of Loch Fergus solar generating facility and battery generation station with a combined capacity of around 85 MW alongside associated development including solar panels, battery storage containers, security fencing, CCTV cameras, access tracks, cabling, inverters, substations, landscaping and other ancillary on land at Loch Fergus Farm to the east of Ayr, and southwest of Coylton, South Ayrshire.

Full details of the Proposal and the associated development features can be summarised as follows:

- **Solar PV Panels** – Approximately 93,000 static photovoltaic solar panels installed on metal frames aligned to be south facing to form arrays. Maximum height of solar array will be approximately 3.0m above ground level (AGL).
- **Solar Inverter Stations** – Inverter stations positioned within the array at appropriate locations within enclosures with a maximum height of 3.0m.
- **Battery Storage Units** – Battery storage facility located to the south of the site away from identified noise sensitive receptors whilst also reducing visual impact. Battery storage compound includes up to 40 battery storage containers alongside 10x battery interface cabinets, 10x PCS/inverter units and 5x transformer units. In addition to the battery storage unit the development will also include the installation of an electrical substation, metering unit, comms unit and storage unit.

- **Associated Infrastructure** – The Proposal also requires the installation of supporting infrastructure to facilitate the operation of the solar farm which includes:
 - Transformer enclosures with a max height of 3.2m;
 - Switchgear enclosures with a max height of 3.2m;
 - Customers and DNO substations with a max height of 4.0m;
 - A communication building with a max height of 4.0m; and
 - Storage buildings with a max height of 3.2m.
- **Site Access** – The site is accessed by three separate access tracks from the existing minor road, two of which are in the same locations as existing field access points. The entrance point to the northern part of the site off the public road will need to be created to allow for suitable visibility splays. In addition to the site access points 2.7km of new access track will be formed within the site boundary.
- **Main Entrance Construction Compound** – A hardstanding area is required for the delivery and assembly of the solar array and will comprise a compacted area of hardcore measuring 60m x 60m. Following construction this area will be reduced to 12m x 16m and will be used for occasional maintenance works and visitors during the operation phase of the development.
- **Temporary Construction Compounds** – Installation of temporary hardstanding areas approximately 30m x 40m adjacent to the other entrance points of the public road to facilitate delivery and assembly of components.
- **Fencing** – For site security 2.0m high post and wire deer fencing is to be installed around the full perimeter of the panels with further installation of 3.0m high acoustic fencing surrounding the battery storage area.
- **Security** – Fencing will be supplemented by a number of security and monitoring systems such as infrared motion detection and remote camera surveillance.
- **Grid Connection and Cabling** – The cable connecting the solar array to the proposed grid connection point will be installed underground to minimise visual impacts.
- **Landscaping** - 1.5km (linear) of species rich hedgerows is proposed in addition to maintaining and enhancing the 4km (approximate) linear length of existing hedgerows on the majority of the site perimeter and along the roadside to increase screening.

Application Site

The site of the Proposal is situated approximately 3.3km east of Ayr, and just under 1km west of Coylton. The solar installation encompasses several fields (approximately 58.2ha in total) within the boundaries of the Loch Fergus Farm on both sides of the C74 road which connects the B742 with the A70.

The site comprises of gently undulating pastoral farmland generally sloping from the north-east from approximately 115m above ordinance datum (AOD) to the south and south-west to some 105m (AOD). The farmland is predominantly used for grazing livestock and the production of silage for feeding dairy cattle. The site borders more agricultural land to the west, north and east, with Loch Fergus and surrounding woodland located to the immediate south. None of the trees or sections of woodland within or immediately adjoining the site are subject to a Tree Preservation Order (TPO) or an ancient woodland inventory.

The application site is classified as non-prime agricultural land by the James Hutton Institute (JHI) scale. Much of the proposed site is Grade 4.2, with around 85% of the site within this category, and 6% of the land being Grade 5.2. There are two small sections of Grade 3.2 to the south and north of the farm which can be seen to equate to around 9% of the total proposed site area.

SEPA's online flood risk mapping indicates that within the site boundary, there is no evident risk of fluvial flooding but there is a high (10% chance of it happening in any one year) to medium (0.5% chance of it happening in any one year) likelihood of surface water (pluvial) flooding located to the northwest to the existing cluster of farm buildings at Loch Fergus Farm.

Surrounding land use is predominantly agricultural in character, with a few dispersed farmsteads, clusters of buildings and individual residential properties located in close proximity to the site. Existing field and road boundaries are clearly defined by established hedgerows and post and wire fencing. The local area is predominantly in use for dairy farming. Other local uses include Crofthead Holiday Park, a Crematorium, a Business Park/Industrial Estate, a Hospital, and equestrian related businesses.

The site does not form part of any statutory designated site for nature conservation with qualifying ecological interests. The nearest such designation is the Martnaham Loch and Wood SSSI which is located approximately 0.8km to the south and encompasses the entirety of Martnaham Loch and the surrounding ancient oak woodland.

Consultation

Consultation on the Section 36 application is primarily led and undertaken by The Scottish Government's Energy Consent Unit (ECU), on behalf of the Scottish Ministers who are the determining authority. The following consultation responses received by the ECU (not including public comments received from any interested parties) are noted for informative purposes.

The Planning Service also undertakes consultation with Council department services, and other relevant stakeholders/statutory consultees, and the responses received are summarised below. These responses are taken into account in the assessment of the Proposal and have informed the Council's overall position as a consultee. Where appropriate and relevant, copies will be forwarded to the Scottish Government as part of the final recommendation.

ECU – Statutory Consultees

NatureScot (30/11/2023): No objection subject to conditions – The response acknowledged the hydrological connection between the proposal site and the Martnaham Loch and Wood SSSI and addressed the indirect risks posed to Martnaham Loch. It was however detailed that the upland oak woodland notified feature of the SSSI would not be affected by the Proposal. NatureScot state that they would object to the approval of the proposal unless the consent is subject to conditions including a Construction Environmental Management Plan, a Surface Water Drainage Strategy, a Fire Safety and Management Plan and a Decommissioning Plan. It should be noted that the matter of fire safety and risk in terms of its relationship to the land use planning function is considered in Section 11 of this report.

Historic Environment Scotland (HES) (14/09/2023): No objection – Noted that the Proposal does not have a direct physical impact on any assets within their remit but detailed potential impacts on a number of scheduled monuments. They broadly support the methods and outcomes of the archaeological assessment. HES also expressed that vegetation such as trees are subject to environmental and seasonal change and cannot necessarily be relied upon to mitigate adverse impacts of development (upon the setting of several ancient monuments).

The Council also consulted HES.

Scottish Water (06/09/2023): No objection - Noted that there is live infrastructure in the proximity of the development area that may impact on Scottish Water assets. Any conflicts must be identified, and asset impact team contacted for an appraisal of the proposals. Any conflicts with identified assets will be subject to restrictions on proximity of construction. Written permission must be obtained before any works start within its area of apparatus. There are no Scottish Water drinking water catchments or abstraction sources in the area that may be affected by the proposal.

Scottish Environmental Protection Agency (SEPA) (11/09/2023): No objection – SEPA have indicated no objection to the proposal but referred the applicant to advice documents regarding flood risk, water environment, ecology, and general battery storage guidance.

Transport Scotland (28/09/2023 and 14/12/2023): No objection – initially responded requesting further information as the applicant had not provided sufficient information to determine any potential impacts on the trunk road network. Following submission of the additional information, updated consultation comments were submitted to ECU on 14th December 2023, confirming that Transport Scotland were satisfied that construction of the proposal would not give rise to any significant traffic impacts or any associated environmental effects on the trunk road (A77).

The Council also consulted Transport Scotland.

ECU – Non-Statutory Consultees

Glasgow Prestwick Airport (26/09/2023): No objection – Response confirmed that the Proposal has no effect on the Glasgow Prestwick Airport Surveillance Radar(s), Instrument or Visual Flight Procedures, Obstacle Limitation Surfaces, or other navigational aids. They accept the conclusions of the Glint and Glare Assessment and as such have no objection to the application.

The Council also consulted Glasgow Prestwick Airport.

British Telecom (BT) (08/09/2023): No objection – Response provided considered EMC and related problems to BT point-to-point microwave radio links and concluded that the proposal should not cause interference to BT's current and presently planned radio network in the surrounding area.

National Gas Transmission (07/09/2023) No objection – Response confirmed that there are no National Gas Transmission assets affected as a consequence of the proposal.

The Coal Authority (06/09/2023): No objection – Provided a response which detailed that whilst the development site falls within the coalfield it is located outside the Development High Risk Area as defined by the Coal Authority. As such, there was no comment to be made from the consultee regarding the Proposal.

Scottish Power Energy Network (05/09/2023): No objection – Response indicated no objection to the Proposal but advised that SP Distribution Plc have HV overhead lines within the vicinity of the proposal and as such reserve the right to protect and/or deviate our apparatus at the applicant's expense.

Health and Safety Executive (05/09/2023): No objection – Responded detailing that despite Section 3C of the Electricity Act 1989 stating that HSE should be consulted about all relevant electricity safety issues, Section 3D states that Section 3C does not apply in relation to function of the Secretary of State under Section 36. As such, HSE did not have to provide a response to the Proposal on this basis. The response stated that if consent is granted, construction and operation will need to be in accordance with health and safety law.

South Ayrshire Council Internal Consultees

Noise Consultant (ACCON UK Limited) (28/09/2023): No objection – Response determined that following detailed review of the Noise Assessment provided, there would be no over-riding reason for refusal in respect of noise.

Council's External Ecology Advisor and Consultant (AECOM) (27/09/2023 and 18/12/2023): No objection subject to conditions - Detailed response received on the 27th of September 2023 reviewing the Preliminary Ecological Appraisal Report, Winter Bird Survey Report and Draft Biodiversity and Land Management Plan. Concluded that the proposal does not present any obvious source of potential impacts to the Martnaham Loch and Wood SSSI but did raise minor concerns over construction runoff and the impacts on Loch Fergus, suggesting a Construction Environmental Management Plan (CEMP) be undertaken and agreed and approved by South Ayrshire Council. AECOM also recommended a condition of consent requiring the preparation of a detailed Habitat Management Plan (HMP) setting out a precise method for creation and maintenance of desired habitats on the development site.

Following submission of additional information requested by AECOM in their initial consultation response, a further consultation response was issued by AECOM on the 18th of December 2023 confirming they were satisfied with the proposal, subject to conditions (CEMP and HMP).

Council's Landscape Architect and Advisor (Carol Anderson Landscape Associates Ltd.) (CALA) (October 2023 and January 2024): Revisions to the proposed design requested – The October 2023 consultation response outlined concerns in relation to the location, scale and landscape and visual impact of the proposal, requested further photomontages and visualisations, and suggested that additional mitigation measures are secured.

In the January 2024 response, Carol Anderson Landscape Associates Ltd. provided further comments in January 2024 and requested further redesign is undertaken to reduce the extent of the proposed development, and to remove panels on sloping ground close to Fergus Loch. A request was made for broader mitigation and for an enhancement plan of hedgerow and tree planting (and their management) to be provided, covering land within approximately 1km outwith the application site boundary.

West of Scotland Archaeological Society (29/09/2023) No objection subject to conditions – Noted the potential for buried remains in landscape and as such recommended that a condition be attached which requires a Written Scheme of Investigation (WSI) ahead of any proposed ground disturbance taking place at the proposal site.

Glasgow Prestwick Airport (20/09/2023): No objection – No objection to the Proposal on statutory safeguarding grounds.

NATS Safeguarding (06/09/2023): No objection – No anticipated impacts of the Proposal and as such had no comment to make regarding the application.

Historic Environment Scotland (HES) (14/09/2023): No objection – Noted that the Proposal does not have a direct physical impact on any assets within their remit but detailed potential impacts on a number of scheduled monuments. They broadly support the methods and outcomes of the archaeological assessment. HES also expressed that vegetation such as trees are subject to environmental and seasonal change and cannot necessarily be relied upon to mitigate adverse impacts of development (upon the setting of several ancient monuments).

South Ayrshire Council Environmental Health (14/09/2023): No objection – No objection as the Proposal is predicted to comply with Noise Rating Curve 25. However, did acknowledge the predicted night-time increase and the potential for this to result in noise complaints from surrounding residents. The Environmental Health Enforcement Officer

also confirmed as part of the consultation response provided that there are no Private Water Supplies (PWS) within or near to the boundary of the application site and that PWS in relation to the Proposal did not require to be considered further.

South Ayrshire Council Ranger Services (19/09/2023): No objection subject to conditions – Response indicates no objection but requested to review the Construction Environmental Management Plan (CEMP) and associated Species Protection Plans (SPPs) prior to work commencing if permission for development is approved.

South Ayrshire Council Sustainable Development (Landscape and Design Officer) (06/10/2023 and 12/01/2024) No objection subject to conditions – Initial response requested submission of a tree survey report. Recommended the applicant submit a detailed planting plan and management regime for the proposed species of rich grassland, wildflower meadow and additional hedge/tree planting, as well as the maintenance and enhancement of the existing hedgerow. Following submission of the tree survey report as requested, this was confirmed as acceptable in an re-consultation response provided by this consultee. The detailed planting plan and management regime for the proposed species rich grassland, wildflower meadow and additional hedge/tree planting, as well as the maintenance and enhancement of the existing hedgerow was suggested as a condition and agreed by the applicant.

Ayrshire Roads Alliance (ARA)

ARA as Roads Authority (10/01/2024): No objection subject to conditions – Conditions relate to access construction, junction visibility splays, gates set back / open inwards, discharge of water, off road parking provision (during construction) and a Construction Traffic Management Plan.

ARA as Flood Authority (20/10/2023): No objection subject to conditions – No objection providing that the recommendations made in the Kaya Consulting Flood Risk Assessment & Drainage Strategy (July 2023) are implemented including a Drainage Strategy developed and designed in accordance with the principles of the SuDS Manual (CIRIA Report C753, 2015).

Community Councils

Coylton Community Council (31/10/2023) – Coylton Community Council's comments to the ECU raised various concerns, including the disruption of local ecosystems and wildlife habitats, resource consumption (extraction of rare earth minerals and water consumption), visual impact, property devaluation, site selection, energy reliability and cost, and health and safety concerns.

Supporting Information

The application submission to Scottish Ministers is accompanied by a range of supporting documentation. This includes a Pre-Application Consultation (PAC) Report, Planning Design and Access Statement, Preliminary Ecological Appraisal, Winter Bird Survey Report, Flood Risk Assessment and Drainage Strategy, Landscape and Visual Appraisal (LVA), Archaeological Assessment, Transport Statement, Glint and Glare Assessment, Socio Economic Assessment, Noise Impact Assessment, Peat Impacts Statement, Tree Survey Report, Biodiversity and Land Management Plan, in addition to a suite of accompanying plans, drawings, visualisations, and photomontages.

A number of additional documents have been submitted in order to address consultation comments, notably including:

- Addendum to the Design and Access Statement which appraises the impact of the Proposal on the Local Development Plan residential allocated site in Coylton, referenced as COY1;
- Response letter to the Council's Landscape Architect and Advisor including three additional viewpoint photomontages;
- LVA addendum including photos and images of the proposal when viewed from residential properties within 500m of the site;
- Tree Survey Report; and
- Letter addressing Transport Scotland Consultation comments in relation to construction traffic impact on the A77 and clarification on Abnormal Loads.

Planning History

The following recent planning history (since January 2000) is applicable to the application site:

- 15/00253/APP: Alterations and extension to dwellinghouse (Millstone, By Ayr, KA6 6ER) – Approved 07 April 2015.
- 18/00759/APP: Erection of replacement slurry store (Loch Fergus, Ayr, KA6 6ER) – Approved 10 September 2018.

Regulatory Panel (Planning): 28 March 2024

Report by Housing, Operations and Development (Ref: 23/00671/DEEM)

- 20/00811/PPP: Planning permission in principle for erection of dwellinghouse (Loch Fergus, Ayr, KA6 6ER) – Refused 09 December 2020.
- 22/00489/APP: Erection of dwellinghouse (C74 From B742 Northeast of Bowmanston to A70 At Old Toll, Ayr, KA6 6ER) – Approved 08 July 2022.

The following applications for similar types of development to that proposed within South Ayrshire are of relevance for context:

- ECU Ref: ECU00004658 and Council Consultee Ref: 22/01029/DEEM: Section 36 application for the Construction and operation of a 350MW Battery Energy Storage System (BESS) with associated infrastructure including access roads, sub-station buildings and supporting equipment, drainage and ponds, fencing and landscaping (Camsiscan Farm 350 MW, Craigie, Kilmarnock South, KA1 5JT) – Approved 26 January 2024. This site is located approximately 13 km to the north east of the Loch Fergus site.
- Council Ref: 23/00176/APPM: Installation of energy storage facility comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works (Land to East of Holmston Roundabout, Ayr) – Approved 30 June 2023. This site is located approximately 3.5 km to the north west of the Loch Fergus site.
- ECU Ref: ECU00002112 and Council Consultee Ref: 20/01085/DEEM: Application under Section 36 of the Electricity Act 1989 (as amended) for the proposed battery energy storage system (BESS) with installed capacity to a maximum of 50MW (Proposed Wind Farm at Dersalloch, Dalmellington Road, Straiton) – Approved 24 June 2021. This site is located approximately 12 km to the south of the Loch Fergus site.
- ECU Ref: ECU00002197 and Council Consultee Ref: 21/00387/DEEM: Application for consent under Section 36 of the electricity act 1989 for the proposed Kilgallioch battery energy storage system (BESS) & associated works including synchronous condenser (Proposed Wind Farm Kilgallioch, Barrhill) - Approved 01 October 2021. This site is located approximately 60 km to the south of the Loch Fergus site.
- Council Ref: 22/00625/APP: Erection of wind turbine with tip height of 99.5m and associated works including access track, crane hard standing, control cabin and temporary construction compound (Ailsa Hospital, Ayr, KA6 6AB) – Validated 29 July 2022 and pending a decision. This site is located approximately 3 km to the west of the Loch Fergus site.

Only development approved under planning application reference 23/00176/APPM and the site subject to planning application reference 22/00625/APP are within 3.5 km of the Loch Fergus site. As such, these are referred to under the cumulative impact assessment section in this report, as required by NPF4 Policy 11 (e xiii).

It is also worth noting that the Council have submitted an EIA Screening Opinion to the ECU (determining Authority) in relation to the following two Section 36 applications, both of which are within approximately 3 km of the Loch Fergus site. Neither are currently subject to a Section 36 application however:

- ECU Ref: ECU00004885 and Council Consultee Ref: 23/00610/EIASCR: Section 36 Environmental Impact Assessment Screening Request for a 250MW battery storage scheme (South of 3 Belston Holdings, Annbank, Ayr, North of A70, South Ayrshire, KA6 5JR) - EIA Screening Opinion issued 23 August 2023.
- ECU Ref: ECU00004995 and Council Consultee Ref: 23/00915/EIASCR: Section 36 Screening request for BESS, Braston New Energy - ECU00004995 (Braston Farm, A713 from A77t Bankfield Roundabout past Ailsa Hospital to Council Boundary, Ayr, KA6 6AA) - Consultation to ECU issued 26 January 2024.

As these proposals are not subject of a Section 36 application, they are not considered under the cumulative impact assessment section of this report.

Development Plan

As this application is submitted under Section 36 of the Electricity Act 1989, consequently Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended), which requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise, does not apply in this instance. The Development Plan does however remain a significant material consideration in the determination of the application, as deemed planning permission will be granted if Scottish Ministers approve the development.

Following the implementation of the Planning (Scotland) Act 2019 and the adoption of National Planning Framework 4 (NPF4) on the 13th of February 2023, the current Development Plan for South Ayrshire incorporates NPF4 and the South Ayrshire Local Development Plan 2 (LDP2) (2022).

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 LDP2, therefore NPF4 will prevail in the event of any incompatibility between the policy frameworks.

NPF4 and the policies which apply in the context of the development proposal subject to this application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching 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. Greater weighting will be given to the assessment criteria for renewable energy within NPF4 than in LDP2 as it is the most up to date policy on this subject.

NPF4

The primary policy consideration against which the proposal will be assessed against is NPF4 **Policy 11 - Energy**.

Other NPF4 policies of relevance are outlined below and can be viewed in full at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 1 – Tackling the climate and nature crises
- Policy 2 – Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 4 – Natural Places
- Policy 5 – Soils
- Policy 6 – Forestry Woodland and Trees
- Policy 22 – Flood Risk and Water Management
- Policy 23 – Health and Safety
- Policy 25 – Community Wealth Building
- Policy 29 – Rural Development

As is set out within the 'Transitional arrangements for NPF4' Chief Planner letter (February 2023, NPF4 is to be read and applied as a whole, and as such no policies should be read in isolation. An assessment of the development proposal against the provisions of NPF4 follows.

It is worthwhile to note that in assessing the Proposal, the Council is not the determining authority and is providing comments as a Statutory Consultee to the Scottish Ministers.

As previously stated, a number of comments from consultees have already been submitted directly to The Scottish Government. Consultation responses received are considered in the Council's assessment of the application, and are incorporated into the recommendation. The full text of the submissions made to the Scottish Government can be found at The Scottish Government [Energy Consents Unit website](#) (ECU Case Reference ECU00004855).

NPF4 - National Development

NPF4 outlines eighteen National Developments which are defined as developments of national importance that will assist in the delivery of the Spatial Strategy for Scotland and support the delivery of:

- Sustainable places, where we reduce emissions, restore, and better connect biodiversity;
- Liveable places, where we can all live better, healthier lives; and
- Productive places, where we have greener, fairer, and more inclusive wellbeing economy.

Under National Development 3 (Strategic Renewable Electricity Generation and Transmission Infrastructure), any onshore electricity generation development, including electricity storage, from renewables exceeding 50 megawatts capacity which would normally be classed as a major application, constitutes a National Development.

This application for a solar generating facility with a capacity of up to 45 MW with embedded battery storage of up to 40MW constitutes a National Development due to exceeding the 50 MW threshold and as such would help to support the overarching aims of NPF4 and the spatial strategies to achieve net-zero targets and provide energy through renewable sources. Despite the classification as a National Development the proposal still must be robustly assessed against relevant national and local policy before any determination can be made.

South Ayrshire Council Local Development Plan 2 (LDP2)

The following policies of LDP2 are considered relevant to 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
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Landscape Quality
- LDP Policy: Woodland and forestry
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flooding and Development
- LDP Policy: Agricultural Land
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Renewable Energy
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport
- LDP Policy: Outdoor Public Access and Core Paths

As per NPF4, the provisions of LDP2 must be read and applied as a whole and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 as the Development Plan.

Assessment

This report is structured to assess the relevant and comparable policies within NPF4 and LDP2 together and to assess any that are only in one part of the Development Plan separately. As NPF4 is the most recent Development Plan document, its policies are used as the primary considerations and structure for the assessment, with the relevant LDP2 policies also assessed.

Having regard to the Development Plan, the key considerations are identified as follows:

Sustainable Places

Both NPF4 and LDP2 actively promote sustainable development practice through the creation of sustainable places that respect the environment and are designed to mitigate and adapt to the impacts of climate change.

Tackling the climate and nature crises, through climate mitigation and adaptation, is a fundamental requirement of the Development Plan:

- **NPF4 Policy 1 – Tackling the climate and nature crises:** When considering all development proposals, significant weight will be given to the global climate and nature crises.
- **NPF4 Policy 2 – Climate mitigation and adoption:** Seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- **LDP Strategic Policy 1 - Sustainable Development:** Supports the principles of sustainable development by making sure that development meets the following standards (of relevance) set out within the policy:
 - a. Respects, protects and where possible, enhances natural, built and cultural heritage resources.
 - b. Protects and safeguards the integrity of designated sites.
 - c. Protects peat resources and carbon rich soils.
 - d. Does not have a negative effect on air or water quality.
 - e. Respects the character of the landscape and the setting of settlements.
 - f. Respects, and where possible contributes to the Central Scotland Green Network.

- g. Makes efficient use of land and resources.
- h. Helps mitigate and adapt to the effects of climate change.
- i. When considering development proposals, due weight will be given to the consideration of net economic benefit.

Scottish Government policy, commitments and targets for renewable energy are set out in ministerial statements, key policy documents and statutes, namely; The Scottish Governments Declaration of Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emission Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (December 2017), and the Scottish Climate Change Plan 2018 to 2032 (2020 updated).

Furthermore, the Draft Energy and Strategy and Just Transition Plan was published in January 2023. This plan proposes a deployment ambition of at least 4GW, but up to 6GW, of solar power by 2030.

There is a clear policy emphasis at all levels towards tackling the climate crisis, with a strong drive towards green energy and reduction of carbon. NPF4 Policy 1 sets out that significant weight must be given to tackling the climate and nature crises and thereby, proposals which support these objectives, would have significant support.

NPF4 Policy 2 also sets out that any development should be sited and constructed in a way to minimise lifecycle greenhouse gases. These aims need also be put in the context of sustainable development which aims to ensure that development is carried out sustainability without significant detrimental impacts which would outweigh the development's positives and carbon reduction benefits. Strategic Policy 1 (Sustainable Development) of the LDP2 sets out criteria in this regard. NPF4 puts forward a presumption in favour of development which will help tackle the climate and nature crises, but this must be balanced against any significant detrimental impacts of a development which may outweigh these positives.

The supporting information submitted with the application sets out that the solar generating facility will have a capacity of up to 45 MW with embedded battery storage of up to 40 MW. This will help meet the Scottish Government's renewable energy generation targets.

Paragraph 3.20 of the applicant's Planning, Design and Access Statement states that the Proposal will have an export capacity of 45MW, and will generate and export approximately 57GWh of locally sourced renewable electricity to the national grid annually. This is equivalent to a typical annual demand of circa 13,600 UK households.

Paragraph 3.20 of the Planning, Design and Access Statement states that the proposal will offset approximately 19,300 tonnes of carbon dioxide in year one, using BEIS's "all fossil fuels" emissions statistic of 432 tonnes per GWh of electricity supplied from fossil fuel generators within the Digest of UK Energy Statistics Annual data for UK, 20202. This represents a significant contribution to the legally binding national and international targets to increase renewable energy generation and reduce carbon emissions, which are discussed in Section 5.2 of the statement.

It is considered that the Proposal would comply with NPF4 Policies 1 and 2 as the proposal would assist in tackling the climate crisis and would have a positive effect in terms of greenhouse gas emission reduction targets.

In terms of LDP2 Strategic Policy 1, it is considered that the Proposal meets the criteria specified within the policy. Detailed assessment against the specific applicable criteria within this policy are set out within other sections of the report. There is a notable overlap between the criteria of LDP Strategic Policy 1 and NPF4 Policy 11 (Energy), therefore these matters will be discussed in appropriate sections below to avoid unnecessary repetition.

Renewable Energy

NPF4 Policy 11 (Energy) is the most relevant policy to the consideration of this proposal. The policy highlights a key focus on the encouragement, promotion and facilitation of all forms of renewable energy development in both onshore and offshore environments and provides criteria for the assessment of proposals for renewable development, which, alongside corresponding criteria from LDP2 2022 will form the main structure of the assessment of the proposal presented below.

NPF4 Policy 11 states:

- a) *Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:*
 - i. wind farms;*
 - iii. energy storage, such as battery storage;*
 - vii. proposals including co-location of these technologies.*
- b) *Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.*

- c) *Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*
- d) *Development proposals that impact on international or national designations will be assessed in relation to Policy 4.*
- e) *In addition, project design and mitigation will demonstrate how the following impacts are addressed:*
- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*
 - ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*
 - iii. public access, including impact on long distance walking and cycling routes and scenic routes;*
 - iv. impacts on aviation and defence interests including seismological recording;*
 - v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
 - vi. impacts on road traffic and on adjacent trunk roads, including during construction;*
 - vii. impacts on historic environment;*
 - viii. effects on hydrology, the water environment and flood risk;*
 - ix. biodiversity including impacts on birds;*
 - x. impacts on trees, woods and forests;*
 - xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
 - xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
 - xiii. cumulative impacts.*
- In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.*
- f) *Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.*

The proposal is assessed against the above criteria below, alongside any other relevant development plan policies.

Criteria (a) and (b) – Application type and location

The Proposal is a solar farm and associated battery storage system and is therefore compliant with Criteria (a).

The Proposal is not for a windfarm and the site is not located within a National Park or National Scenic area. Criteria (b) is therefore not applicable.

Criteria (c) – Socio-economic impact

Criteria (c) details that development is only supported if it maximises net economic impacts, including local and community socio-economic impact benefits.

The other relevant Development Plan policies are:

- NPF4 Policy 25 (Community Wealth Building): proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.
- LDP2 Strategic Policy 1: When considering development proposals, due weight will be given to the consideration of net economic benefit.

The key socio-economic benefits that are associated with the proposal are detailed within the Socio-Economic Impact Assessment submitted in support of the application, and include:

- £431k in pre-development investment and planning fees, benefitting a range of Scottish based companies and organisations;

- Total expected investment of £50 million (in 2023 prices). With opportunities for local businesses to support in terms of groundwork, landscaping, civil engineering, and construction contracts;
- One direct onsite job and operational expenditure of £800k per annum (in 2023 prices), with 50% benefiting firms in the Ayrshire. Over the 40-year project lifespan, this equates to a local benefit of £16 million;
- Using an industry standard proxy for jobs per MW, there is the potential for supporting 315 jobs directly and indirectly across the supply during the construction and operation phases;
- GVA benefit for the UK economy of £64 million (in 2023 prices) over the project lifespan;
- Wider financial benefits linked to community benefit funding, rent, rates, and taxation, including local business rates of £2.77 million (in 2023 prices) and community benefits funding of £720k (2023 prices) over the project lifespan;
- Enough generation capacity to power the equivalent of 13,600 UK homes all year round, based on current estimates (2023); and
- Approximately 19,300 tonnes of annual carbon emission savings.

As is identified above, delivery of the proposed development can result in local and community socio-economic impact benefits and aid the building of community wealth by encouraging local investment, jobs, skills, development, and incomes in the local area, in addition to on a national basis.

Overall, it is considered that the net economic benefits of the Proposal have been maximised as far as reasonably possible, and that the proposal therefore complies with Criteria (c), in addition to the other relevant policies identified.

Criteria (d) – International and National Designations

This states that proposals that impact on international or national designations will be assessed in relation to NPF4 Policy 4 (Natural Places). Although the site is not subject to any such designation, the Martnaham Loch and Wood Site of Special Scientific Interest (SSSI) lies approximately 0.8km to the south of the site and is designated for its botanically rich mesotrophic loch and upland oak woodland. SSSI is a statutory national designation made by NatureScot under the Nature Conservation (Scotland) Act 2004.

The other relevant Development Plan policies include:

- LDP2 Policy: Natural Heritage – This states that Development, either individually or in combination with other plans or projects, which is likely to have a significant effect on a designated or proposed European Sites will be subject to an appropriate assessment of the implications for the site in view of the site's conservation objectives.
- LDP2 Policy: Water Environment – States that development will only be allowed if it meets a number of objectives, including:
 - It will protect, and where possible, improve the water environment; and
 - It will not harm the biodiversity of the water environment.

NPF4 Policy 4 (d) states that development proposals that affect a site designated as a local landscape area in the LDP will only be supported if it does not have significant adverse impacts on the area. In this respect, the site is located approximately 2.2km east of Ayr Valley Local Landscape Area. However, as confirmed in the Council's External Landscape Architect/Advisor's consultation response, the Ayr Valley Local Landscape Area would not be significantly affected by the Proposal due to the distance and limited extent of visibility which reduces intrusion. As such, this criteria is not applicable.

Policy 4 (c) is applicable, stating that development proposals that will affect a Site of Special Scientific Interest will only be supported where:

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

The impact of the proposal on the Martnaham Loch and Wood SSSI is assessed below.

Water Pollution

In terms of water pollution, the Martnaham Loch and Wood SSSI is hydrologically connected to Loch Fergus. The applicant states within the Planning, Design and Access Statement that when an environmental DNA (eDNA) test was undertaken, there was visible evidence of agricultural runoff and livestock presence within the waterbody and that by

granting consent for the proposal, these impacts will be reduced/removed, resulting in a positive impact on the Loch Fergus waterbody, and theoretically the hydrologically connected SSSI. This incidental impact is acknowledged by NatureScot in their consultation response.

As requested by NatureScot via their consultation comments, a requirement to follow standard best practice pollution prevention methods during the construction phase to avoid adverse impacts on the Martnaham Loch and Wood SSSI will form part of a recommended condition (Secured through a Construction Environmental Management Plan).

As requested by SEPA via their consultation response, a Surface Water Drainage Strategy is also a recommended condition which will detail how, in the event of poor infiltration rates, it will be possible to attenuate and discharge clean water to Loch Fergus and hence the SSSI.

It is therefore considered that subject to the recommended conditions, any water pollution related impact on the SSSI may result in be betterment to the existing water quality, and would not compromise the objectives of the designation and the overall integrity of the area.

For the reasons outlined, the Proposal is considered to comply with NPF4 Policy 4 and the Natural Heritage and Water Environment Policies within LDP2.

Criteria (e) – Project Design and Mitigation

Criteria (e) requires that project design and mitigation demonstrate how a number of potential impacts that will occur due to the Proposal will be addressed. In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

This aligns with the broader policy intentions of LDP2 which supports renewable energy development provided they do not result in harmful effects on the environment.

It should be noted that the NPF4 policy 11(e) criterion does not specifically state that if any of the detailed impacts are not fully addressed that the Proposal is unacceptable, only that it must be demonstrated how the applicant has sought to address these impacts through design and mitigation.

Criteria e (i) – Impacts on communities and individual dwellings

Criteria e (i) requires demonstration of how impacts on communities and individual dwellings, including residential amenity, visual impact, noise and shadow flicker are addressed.

The following Local Development Plan policies are also applicable:

- NPF4 Policy 23 (Health and Safety) - Development proposals that are likely to have significant adverse effects on air quality or are likely to raise unacceptable noise issues will not be supported.
- LDP Policy: Sustainable Development - We will support the principles of sustainable development by making sure that development meets the following relevant standards: Does not have a negative effect on air or water quality and respects the character of the landscape and the setting of settlements.
- LDP Policy: Air, Noise and Light Pollution - We will not allow development which would expose people to unacceptable levels of air, noise or light pollution.

Due to its scale, nature and means of operation, the Proposal has the potential to generate noise, nuisance, and visual amenity effects on adjacent residential properties.

Compliance with Policy 11 Criteria e (i) is assessed below:

Visual Impact (Individual Dwellings)

Specific to residential visual amenity, it is recognised that the Proposal would represent a significant visual change to the current rural, agricultural landscape in which several neighbouring dwellings are sited.

Appendix B of the Landscape and Visual Assessment (LVA) outlines the predicted change to visual amenity in relation to the 10 residential properties within 500 metres of the site, in addition to the mitigation measures proposed. The extent of visibility from these properties varies depending on the location, orientation, and proximity to the development site.

Appendix A of the LVA states that the panel array has been designed by considering the potential visibility within the study area, with the following embedded mitigation measures proposed:

- All elements of the Proposal are contained within the curtilage of the photovoltaic (PV) panels and cables are largely undergrounded in order to contain the development within a visually cohesive whole;
- At the north-eastern boundary of the site, panels were brought down below the ridgeline in order to reduce visibility generally, and specifically in eastern areas and from far views from residential properties to the west;
- Along the southern boundary to the east of Fergus Loch the panels were pulled northwards to create more distance between the B742 and the panels, thus reducing the level of change at this location; and
- A separation distance of at least 100m in all directions from Millstone bungalow was introduced to maintain open views.

A landscape scheme of hedge planting (Plan Reference: 7580-DRW-DES-0026 and Titled 'Existing and Proposed Hedging Version 1.0) has been provided in order to minimise localised visual impacts. A 1.5km (linear) of species rich hedgerows is proposed in addition to maintaining and enhancing the 4km (approximate) linear length of existing hedgerows. The proposed hedge planting would follow existing field boundaries to reinforce the existing field pattern and would comprise mixed species allowed to reach a height of at least 3m in order to provide a degree of screening within the local landscape.

The applicant has advised that the existing hedgerows will take an estimated 2-3 years to grow to 3 metres high, and 7-10 years for the new hedgerows to achieve this height.

These measures will provide a greater level of visual screening to the development as the reinforced landscaping matures and establishes. Over time, this would assist with integrating the built form into the landscape, further reducing views to the site from surrounding properties.

The LVA concludes that the level of change to visual amenity (based on 3m high hedgerows) is as follows for the following properties:

- No impact: Mossend Farmhouse, Highpark, and Sessionfield;
- Low: Knocksoul, Trees Farm and Trees Cottage;
- Low-Medium: Martnaham, Bowmanston (comprising 6 separate plots) and Lochfergus Farmhouse; and
- Medium: Millstone.

Regarding Millstone, it is relevant to note that the applicant has advised the ECU and the Council that this property is now occupied by the owners of Loch Fergus Farm who have a financial interest in the proposal. As such, Millstone is now part of the Loch Fergus farm landholding.

Within the Council's external Landscape Advisor consultation responses, the greatest impact on views are considered to occur within approximately 2km of the Proposal with views from residential properties and roads being principally affected. Baseline photography and visualisations from the 10 residential properties above were provided to address the comments raised in the initial consultation response from Carol Anderson Landscape Associates Ltd, and fully appraise the impact on these dwellings, as it was considered that significant adverse impacts were likely to arise and that the LVA appears to under-estimate the likely effects (notably Millstone, Bowmanston and Loch Fergus Farmhouse).

The supplementary illustrative images and photographs from these properties provided by the applicant, illustrate the predicted change to visual amenity as outlined within Appendix B of the LVA.

The applicant outlines that Loch Fergus Farm Farmhouse would not experience direct views to PV panels from living areas within the dwelling or from the garden space to the south of the house, due to intervening sheds, buildings and/or mature vegetation. This is demonstrated within the visuals submitted.

Regarding Millstone, additional photomontage (Viewpoint B) provides views from the road, representative of views from this property. The additional photomontages of Viewpoint B demonstrates that the proposed mitigation strategy (hedge planting along solar panel fields boundary) would minimise visual impact from both the property and the C74 road as it traverses the site. Furthermore, as shown on the proposed layout plan (Plan Reference: 7580-DRW-DES-0002 and Titled: Layout Plan-v3.0), the solar panels are to be setback by a minimum 100m in each direction from the boundary of the property, therefore reducing the impact.

The visualisation from the B742 (additional Viewpoint A) just west of Bowmanston illustrates the parts of the Proposal is likely to be visible from this location. Given that the height of the PV panels is 3.0m and that these would be visible at a distance of over 350m, a level of change is likely to be experienced by the residents of Bowmanston facing the Proposal. The applicants' submission assesses this level of impact to be 'medium'.

The Residential Visual Amenity Assessment (RVAA) Technical Guidance Note (2019) published by the Landscape Institute provides best practice guidance for assessing private views and private visual amenity. The RVAA threshold is referred to as the effect of the development on Residential Visual Amenity being of such nature or magnitude that it potentially affects living conditions or Residential Amenity. The RVAA Technical Guidance Note states that the threshold at which a residential property's visual amenity becomes an issue of residential amenity has sometimes been described as the point when "the effect(s) of the development on the 'private interest' is so great that it becomes a matter of 'public interest'".

Based on the visuals and photomontages submitted, in addition to observations during the site visit undertaken, it is acknowledged that at the most sensitive receptors, there would be varying degrees of visual impact, as captured in the opinion of the Council's External Landscape Advisor. However, the extent of this impact is not considered to breach the Residential Visual Amenity Threshold, and would not be so significant as to be unacceptable, particularly when weighted against the benefits of renewable energy in tackling the climate crisis.

Noise

A Noise Impact Assessment (NIA) identifies and describes potential noise effects on key receptors during the operational phase of the Proposal. The operational noise assessment indicates that predicted rating levels at neighbouring receptors will be up to 5 dB above the representative background sound levels during the day. In the context of the low overall and background sound levels, this is not considered to be an indication of adverse impact. During the night, predicted rating levels could be up to 9 dB above the representative background sound levels outside and this would correspond to internal sound levels of up to 24 dB LAeq. The very low predicted internal sound levels are considered to result in a low impact.

The Council's External Noise Consultant; ACCON UK Limited have advised that the methodologies used in the Noise Impact Assessment are in compliance with guidance given in BS 4142:2014+A1:2019 and consider that there would be no over-riding reason for refusal in the respect of noise.

The Council's Environmental Health Service have no objection to the Proposal in relation to noise. It was however acknowledged by this consultee that that predicted night-time increase of 9dB, even though in compliance with the Noise Rating Criteria, is substantially greater and may give rise to noise complaints.

However, based on the findings of the Noise Impact Assessment and the final positions reached in the respective consultation comments from technical consultees, it is considered that noise generated from the Proposal would not result in significant impacts that would compromise the amenity of the surrounding residential properties and environments.

Shadow Flicker

Shadow flicker is not applicable to the proposal.

Glint and Glare Assessment

A Solar Photovoltaic Glint and Glare Assessment has been submitted as part of this Section 36 application which assesses the possible impacts in terms of glint and glare on road safety, residential amenity and aviation activity associated with Glasgow Prestwick Airport. The assessment carried out geometric reflection calculations and, where a solar reflection is predicted, took into account the screening (existing and/or proposed) between the receptor and the reflecting solar panels.

The assessment establishes that solar reflections are geometrically possible towards fourteen of the assessed 29 identified dwelling receptors (within the 1km assessment area and have a potential view of the panels). The report concludes that no impact is predicted for eleven dwellings, and a low impact is predicted for two of the dwellings. For the final dwelling, the duration of effects are more than 3 months per year, but less than 60 minutes on any given day. However, screening and mitigating factors reduce significance of impact, and the report concludes that the overall impact is low. Mitigation is not recommended for any of the dwellings assessed.

Within their consultation comments, Glasgow Prestwick Airport accept the conclusions of the Glint and Glare Assessment and as such have no objection to the Section 36 application. Furthermore, the Council's Environmental Health Service did not raise any issues in their consultation response regarding implications of glint and glare for residential properties.

Overall, the evidence submitted suggests that any impact on residential amenity for the identified surrounding residential receptors surrounding the proposal would be within acceptable parameters, and that the Proposal is therefore acceptable in this regard.

Air and Light Pollution

No permanent lighting is proposed as part of the development. All cameras will utilise infrared technology. Furthermore, the Council's Environmental Health Service did not raise any issues in their consultation response regarding lighting impacts on residential properties.

The Planning Design and Access Statement states that best practice would be followed during the anticipated 12 month construction period to prevent and mitigate potential impacts, and that there would be no air or light pollution during operation. This is to be set out within the CEMP. Given the nature of the proposed use, this position is accepted.

Conclusion

For the reasons outlined above, the Proposal is considered to accord with the Development Plan in relation to impact on communities and individual dwellings.

Criteria e(ii) Landscape and Visual Impact

Criteria e(ii) requires demonstration of how significant landscape and visual impacts are addressed, recognising that such impacts are to be expected for some forms of renewable energy. The policy also states that where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable.

The other relevant policies are:

- NPF4 Policy 4 (Natural Places): Criteria (a) states that development proposals by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- NPF4 Policy 29 (Rural Development): Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.
- LDP2 Strategic Policy 2 (Development Management): States that the Council will ensure that development proposals meet several requirements, including not having an unacceptable impact on the amenity of nearby land uses, or committed development proposals (with Planning Permission or allocated LDP development sites).
- LDP2 Policy Landscape Quality: aims to maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including:
 - a. *Community settings, including the approaches to settlements, and buildings within the landscape;*
 - b. *Patterns of woodland, fields, hedgerow and tree features;*
 - c. *Special qualities of river, estuaries and coasts;*
 - d. *Historic and cultural landscape;*
 - e. *Geodiversity of the area;*
 - f. *Skylines and hill features, including prominent views.*

It is important to note the applicants considered landscape and visual impact into account in finding the proposed site location. In their pre-application submission to the Council, the principal aim as set out was to find a suitable site close to the connecting substation at Ayr, but importantly, outwith the Ayr Green Belt and avoiding areas of particular landscape sensitivity or designation. The approach is described in detail in section 2.2 of the Planning Design and Access Statement.

The Landscape and Visual Assessment (LVA) uses a 3km study area for assessment, informed by the height of solar panels and their visibility. A 'bare earth' Zone of Theoretical Influence (ZTV) has been provided which scopes the potential receptors. A 'screened' ZTV has also been submitted which takes into account intervening woodland blocks and settlements. Field work was used to identify where visibility maybe further constrained/filtered.

The LVA focuses on the identification of likely 'Major' landscape and visual effects, including those that are, beneficial and adverse, direct, and indirect, as well as cumulative effects (where applicable). This includes the potential effects on local landscape character and landscape designations, as well as the potential effects on views experienced by people (receptors) including (but not limited to); core paths and local paths, tourist destinations and places of interest, settlements, and transportation corridors.

The LVA baseline study demonstrates that there is no potential for effects on the visual amenity of the village of Coylton. As such, this has not been assessed.

Impacts from a landscape and visual perspective are considered under the headings below.

Landscape Impact

The application site lies within the Agricultural Lowlands - Ayrshire Landscape Character Type (LCT) as defined in NatureScot's online landscape character classification. This LCT is characterised by its gently rolling landform, small to medium sized pastoral field pattern enclosed by hedgerows and fences, dispersed farms and narrow rural roads.

The site is not however subject to any international, national, or local landscape related designation.

Ayr Valley Local Landscape Area is located approximately 2.2km east of the site. Comments in the consultation response provided by Carol Anderson Landscape Associates Ltd. state that the Ayr Valley Local Landscape Area would not be significantly affected, nor would any other LCT's.

In terms of direct landscape effects, the LVA acknowledges that the Proposal would directly alter the appearance of the site from farmland to farmland with PV panels, but states that the land cover and the physical land itself would remain largely unaltered and that therefore, the effect on the physical fabric of the landscape of the site is considered to be 'Minor' adverse. With regard to areas subject to mitigation hedge planting, the LVA states that there is a 'Minor' beneficial effect on the landscape as a result of an improvement to the ecological value of the land.

With regard to indirect landscape impacts, the LVA states that the effect would be 'Major-Moderate' adverse locally (local landscape character) given that the introduction of PV panels would change the appearance of the land which would alter the character of the LCT locally. This would most likely to be experienced from the north where the road is elevated above the site.

The LVA states that the Proposal would not change the key characteristics of the Agricultural Lowlands LCT in the wider area however, resulting in a 'Minor' non-adverse impact.

The consultation response from the Council's external Landscape Advisor/Architect Carol Anderson Landscape Associates Ltd. states that the built infrastructure of the Proposal would introduce an incongruous feature to part of the *Agricultural Lowlands - Ayrshire* LCT 66 and that there would be adverse effects on the fabric and character of the site as currently intact rolling farmland. The response also comments that the scale of the Proposal, together with the increased susceptibility of the landscape within 2-3 km of the site (due to the small scale and diverse landform, waterbodies, woodland and field pattern), would contribute to the significance of these effects. Notwithstanding this, criteria (e) of NPF4 policy 11 states that significant landscape and visual impacts are to be expected for some forms of renewable energy and where impacts are localised and there is suitable design mitigation, as is considered to be the case with the current Proposal, they will generally be acceptable.

The applicant responded to the consultation response as follows:

- The Proposal will not alter the topography of the site area;
- The pile foundations mean that the soil structure and integrity will remain largely intact;
- The soil quality will improve over time, and run off into local water courses/bodies will also be cleaner since agricultural processes would be halted (annual slurry and herbicide/pesticides applications);
- Existing hedgerows will be maintained and enhanced, and new ones planted.

As such, they conclude there would be an equally beneficial and adverse 'Minor' effect on the fabric of the landscape.

In terms of the landscape character of the local area, the Zone of Theoretical Visibility (ZTV) demonstrate that there are large areas within 1km of the Site from which the Proposal would not be visible. Therefore locally, the effect on the landscape character cannot be greater than 'Major-Moderate' adverse, as noted in the LVA.

While the Council's External Landscape Architect/Advisor considers there to be significant impact on the *Agricultural Lowlands - Ayrshire* LCT 66, in this landscape context, adverse effects are deemed to be localised. Widespread significant impacts are not anticipated, or evidenced, due to the degree of visual containment and enclosure provided by the landform combined with the proposed boundary treatment, site design and layout and landscape mitigation. Due weight is also given to the fact that the development is low density and scale in nature, including the solar panels (which make up the primary component of the development). which will be a maximum 3m high. This in turn will limit the visual reach of the Proposal so that it is locally contained.

As noted above, criteria (e) of NPF4 policy 11 states that significant landscape and visual impacts are to be expected for some forms of renewable energy and where impacts are localised and there is suitable design mitigation, as is considered to be the case with the current Proposal, they will generally be acceptable. Furthermore, Policy 11 and the

overarching aims of the NPF4 in promoting renewable energy developments sets out that any landscape and visual impacts need to be weighed up against the positive benefits of energy development such as this. The Planning Service concludes that the context and characteristics of the local landscape including landform lends itself to containing the full extent of visual impacts and in combination with the design and landscape mitigation effects will not be so significant to warrant objecting to the Proposal, particularly when weighted against the positive benefits of this development. In conclusion, it is considered that the adverse effects identified are localised and low and would in their entirety be within the parameters of acceptability.

Visual Impact

As visual impact on residential properties is assessed under criteria e (i) above and so this section focuses on non-residential property related visual impacts.

The screened Zone of Theoretical Visibility (ZTV), which allows for screening features such as woodland belts and buildings shows that the area of potential visibility is greatly reduced in general, and particularly in the north-eastern portion of the site area due to the various woodland blocks. Where there is theoretical visibility, this is generally of less than 50% of the Proposal. As outlined within the LVA, greater amounts of visibility are limited to the higher slopes between 2km to 3km south-east of the site, and to the areas near the site, within approximately 300m.

Five viewpoints were submitted in support of the LVA, which show existing and proposed (photomontage) views of the development and surrounding area. These have been identified as being representative of the landscape and visual receptors within the study area.

The LVA concludes that there would be no substantial effects on key visual receptors within the study area, given that the undulating topography and woodland cover combine to generally limit visibility of the Proposal.

The initial consultation response from Carol Anderson Landscape Associates Ltd. considered that the LVA underestimates the effects of the Proposal. Contrary to the findings of the LVA, the consultation comments consider that significant adverse effects would arise on views from sections of the B742 and from the more elevated C74 road dissecting the Proposal and immediately surrounding the site.

These same consultation comments state that the greatest impact on views would occur within approximately 2km of the Proposal with views from residential properties and roads being principally affected. Additional photomontages from the following three points were requested as a result:

- From the minor road to the north-east of the site at approximately GR400186 at a point where the road is elevated and where the Proposal would be seen in conjunction with scenic views of Fergus Loch;
- From the minor road near Millhouse and the entrance to Lochfergus Farm at approximately GR393187 where the road is elevated, and the Proposal would appear to surround road users; and
- From the B742 south-west of Bowmanston around GR395180 which is likely to reveal a greater extent of the Proposal than shown in Viewpoint 1 on this road.

It was also recommended that the applicant should put in place further mitigation including reducing the extent of the Proposal, particularly the removal of panels seen close to Fergus Loch on the sloping ground containing this scenic waterbody.

During the site visit, it was observed that Loch Fergus is situated at a low elevation relative to the surrounding landscape and is largely surrounded by mature vegetation. Therefore, the water body is generally not visible from the surrounding landscape except from the higher elevations within the study area. This has been demonstrated via the photomontages submitted.

A mitigation and enhancement plan of hedgerow and tree planting (and their management) within approximately 1km beyond the boundary of the Proposal was also recommended, in order to mitigate visual impacts and enhance landscape character and biodiversity. It is however not possible and is not an option as this land is outside of the applicants' control, and implementation of this request cannot reasonably be fulfilled or insisted by the imposition of a planning condition.

The applicant issued a response to the landscape consultation comments, addressing the various points raised. The applicant outlined that in relation to the viewpoint considered to be subject to a significant adverse impact (Viewpoint 4), the vantage point in question is elevated; therefore, walkers would experience a panoramic view within which the Proposal would not be restricted to the 53.5 degree angle shown in the photomontage, which would result in the Proposal taking up a smaller part of the overall panoramic view. Parts of the Proposal are also screened by woodland within this view.

It is considered that any adverse impacts on this view would not be so significant as to be unacceptable, particularly when weighted against the benefits of renewable energy in tackling the climate crisis. Criteria (e) of NPF4 policy 11 also states that significant landscape and visual impacts are to be expected for some forms of renewable energy and where impacts are localised and there is suitable design mitigation, as is considered to be the case with the current Proposal, they will generally be acceptable.

Regarding the impact on nearby roads, the applicant's response to the landscape consultation comments point out that given the duration and type of visibility likely to be experienced by road users (partially shielded by existing or proposed hedgerows), the visual effects on the minor roads cannot be judged to be major.

Following the applicants response, Carol Anderson Landscape Associates Ltd. provided a follow up consultation response which largely reiterates the stance and views outlined within the initial response with respect to the scale of development and relationship with Loch Fergus and surrounds and that further redesign of the Proposal to reduce its extent and to remove panels seen close to Loch Fergus on the sloping ground containing this waterbody was recommended.

- 1 Regarding the above landscape consultation comments, Loch Fergus is not a designated environmental asset. As such, it is not afforded any protection under the development plan - NPF4 Policy 11, only requires development proposals that impact on international or national designations to be assessed in relation to Policy 4. On this basis, there would be no justification for the Service to request a redesign for landscape impact purposes in terms of the development relationship with Loch Fergus, this would be deemed unreasonable.

It is also recognised that the Proposal has been reduced in size during the design evolution, including removal of panels closest to residential receptors and setbacks from field boundaries and water features which benefits the development overall.

LDP2 Strategic Policy 2 requires that development proposals do not have an unacceptable impact on allocated LDP development sites. Consideration has therefore been given to the potential impact of the Proposal on the Local Development Plan residential allocated site, referenced 'COY1' (Hole Road West), which is located on the south western edge of Coylton. This site is 6.72 hectares in size with a capacity for approximately 125 dwellings. LDP2 Strategic Policy 2 provides material weight with regard to preserving the future amenity of this site, despite no planning permission being in place.

As requested by the Planning Service, the applicant has submitted an addendum to the Planning, Design and Access Statement which includes an appraisal of the impact on the COY1 allocation. This includes an OS map which shows in contour form that the Proposal is principally located beyond the horizon when viewed from the allocated site location. This evidence confirms that the Proposal will not significantly impact upon the site referenced COY1.

The applicant has outlined that the Proposal has been specifically located and designed with setbacks from the horizon to avoid visibility towards the east and over Coylton.

The screened ZTV demonstrates that the majority of the allocated COY1 site would experience no visibility of the Proposal. A small section within the south eastern edge of the allocated site would experience low visibility according to the screened ZTV.

The addendum concludes that the given the greater distance of circa 1km to the allocated site, any such views would be imperceptible.

It is therefore considered that any impact of the Proposal on the allocated site would be negligible and is therefore acceptable.

Conclusion on Landscape and Visual Impact

- 1 Overall, it is considered that the proposed development will result in some adverse landscape and visual impacts however these are considered to be acceptable considering criteria (e) of Policy 11 of NPF4 which states that significant landscape and visual impacts are to be expected for some forms of renewable energy and where impacts are localised and there is suitable design mitigation, as is considered to be the case with the current Proposal, they will generally be acceptable.

NPF4 sets out a presumption in favour of development which contributes towards tackling the climate crisis and support for green energy development is also set out within Policy 11, with this policy indicating a tilted balance.

It is considered that the context and characteristics of the local landscape including landform lends itself to containing the full extent of visual impacts and in combination with the design and landscape mitigation measures, effects will not be so significant to warrant objecting to the proposal when weighted against the positive benefits of this development and objectives of NPF4 with regard to renewable energy generation development.

In conclusion, it is considered that the adverse effects identified, would, in their entirety be acceptable, and that the Proposal is therefore compliant with the relevant Development Plan policies identified.

Criteria e (iii) – Public access including impact on long distance walking and cycling routes and scenic routes

Criteria e (iii) requires consideration of the impact on long distance walking and cycling routes and scenic routes.

The following Development Plan policies are also relevant:

- 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;
- LDP2 Policy: Land use and Transport – Development proposals should link to existing and proposed active travel networks, including walking, cycling and public transport networks; and
- LDP2 Policy: Outdoor Access and Public Paths - We will aim to improve and protect all core paths and other significant access routes - including recognised rights of way, disused railway lines (e.g The Culzean Way), riverside walkways, wind farm access tracks and cycleways and cycle parking facilities.

As outlined within paragraph 2.20 of the Transport Statement, roads in the surrounding area do not currently support any dedicated pedestrian or cycle infrastructure in the vicinity of the proposal site. Footways are generally absent from the local road network (southern end of A713, B742 and road fronting the site), owing to the rural nature of the locality and the absence of any pedestrian demand.

An assessment has been undertaken and the site does not have any core paths or recorded rights of way within or immediately adjacent to it but has stated that is an area of land to which the public right of access, as permitted under the Land Reform (Scotland) Act 2003, applies. Given that the area may currently be used for informal recreational access, the proposal should consider providing a facility for public access, especially as Loch Fergus may be a destination for walkers.

In order to comply with this request and in addition to feedback received during the public consultation events, the Proposal has been set back 20m from the field boundary and Loch in this area to allow accessibility to be maintained via a secure and fenced off route outwith the proposal area to the south, to be taken from the C74 which dissects the site. As such, it is considered that access to Loch Fergus would be at least as good as it is currently.

The applicant has also confirmed that general right to roam access is still available to the Loch as well from the south and southwest of the application site although this area is outwith the application site boundary and control of the applicant.

The proposal therefore complies with NPF4 Policy 11 Part (e)(iii) in addition to the other relevant policies identified.

Criteria e (iv) – Impacts on aviation and defence interests including seismological recording

Criteria e (iv) requires applicants to set out how the project design and mitigation will address impacts on aviation and defence interests including seismological recording.

As previously outlined, a Glint and Glare Assessment has been submitted in support of the Section 36 application. This assessment considers the possible impacts upon road safety, residential amenity and aviation activity specifically associated with Glasgow Prestwick Airport. In relation to the Traffic Control Tower at Glasgow Prestwick Airport, the assessment concludes that solar reflections are not geometrically possible towards this, no impact is predicted, and mitigation is therefore not required.

In relation to the 2-mile approach paths for runway 03/21 and 12/30, the assessment concludes that solar reflections are not geometrically possible, no impact is predicted, and mitigation is not required.

Glasgow Prestwick Airport were consulted, and they confirmed that they do not object to the Proposal following due consideration of the Glint and Glare Assessment

Furthermore, NATS Safeguarding (whose interest relates to safeguarding aerodromes, radar, navigation aid installations and flight procedures/routes) anticipates no impact from the Proposal and had no comments to make in their consultation response to the Council.

The proposal therefore complies with criteria e (iv).

Criteria e (v) – Impacts on telecommunications and broadcasting installations.

Criteria e (v) states that it should be set out how the project design and mitigation will address impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.

BT were consulted by the ECU and stated that the Proposal should not cause interference to BT's current and presently planned radio network.

The proposal is therefore considered to comply with criteria e (v).

Criteria e (vi) – impacts on road traffic and on adjacent trunk roads, including during construction.

Criteria e (vi) requires consideration of the impacts on road traffic and on adjacent trunk roads, including during construction.

The other relevant development plan policies are:

- LDP2 Policy: Land use and Transport part (b) - Take appropriate measures to keep any negative effects of road traffic on the environment to a minimum.

Two following routes are viable for access from the strategic road network:

- A77(T), A713, B742; or
- A77(T), A70, Old Toll

It states within the Planning, Design and Access Statement that when considering site access options, the applicant was keen to avoid the town of Coylton. The applicant's preferred option is to utilise the A70/Old Toll Crossroads route as this minimises impact on the number of permanent settlements, including Coylton. However, during intensive HGV arrivals/departures a combination of both routes can be used to avoid interactions at the severe bend in the road on the Old Toll route.

There will be a 3 access points within the site provided from the C74 which dissects the site. These are to be 4m wide tracks with bell mouth entrances abutting the C74. Visibility splays have been provided in accordance with Design Manual for Roads and Bridges (DMRB) standards and are achievable within land owned by the applicant and/or adopted road.

A traffic and transport assessment has been submitted in support of the Section 36 application. This predicts up to 50 daily two-way vehicle movements during the construction period (12 months) and a negligible amount during the operational period. The percentage impact of the predicted vehicle movements during the construction period is 0-13% and during the operational period is negligible. The traffic and transport statement considers that the impact is immaterial on the local road network and will not result in detriment to existing road users.

Ayrshire Roads Alliance (ARA) as the Council's Roads Authority have been consulted and are satisfied that the Proposal can be safely accommodated on the public road network subject to a number of planning conditions and advisory notes. The ARA are satisfied that matters pertaining to mitigation measures for an agreed access/delivery route, and other associated details can be agreed within a Construction Traffic Management Plan (CTMP). The recommended conditions relate to site access construction requirements, junction visibility splays, discharge of water onto the public road carriageway prevention, off road parking provision (during construction), a CTMP and a requirement that gates are set back and open inwards.

Transport Scotland (TS) have also been consulted by both the ECU and the Council. The initial consultation response issued in mid-September 2023 requested further information given that the applicant had not provided sufficient information to determine any potential impacts on the trunk road network. Following a meeting between TS and the applicant, the additional information was requested:

- % impact of construction traffic on A77 using data from Transport Scotland's database of road;
- Traffic count information (known as NTDS) for both total vehicles and HGV trips; and
- Confirmation that Abnormal Indivisible Loads (AILs) would not be used during construction.

This information was submitted, allowing TS to submit an updated response in December 2023. TS have confirmed that they are now satisfied that the Proposal will have a negligible impact on the A77(T) and, therefore have no objection to the development in terms of environmental impacts on the trunk road network.

Conclusions on road traffic and trunk road impact

The Proposal has the potential to have some adverse effects on the road network with an increase in vehicles including HGVs during the construction phase. However, even at the peak period, construction of the proposal will not have any perceivable impact on the A77(T).

The Proposal will be subject to a number of recommended conditions as outlined above, including a CTMP in order to ensure that measures are agreed in order to avoid any potential adverse impacts.

On the whole, it is considered that the Proposal would meet the intent of LDP2 and NPF4 policies in relation of transport.

Criteria e (vii) – impacts on historic environment

Criteria e (vii) requires demonstration of how any impact on the historic environment will be addressed.

The other relevant policies are:

- NPF4 Policy 7 (Historic Assets and Places) - aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
- LDP2 Policy: Historic Environment - We will protect, preserve and, where appropriate, conserve and / or enhance South Ayrshire's historic environment.
- LDP2 Policy: Archaeology - Development proposals that do not safeguard archaeological sites or resources in situ will not be supported unless it is demonstrated to the satisfaction of the Council that the benefit of the proposal outweighs the archaeological value of the site.

An Archaeological Assessment was submitted, establishing that there are limited surviving remains of local heritage value (low sensitivity) within the application site boundary. These include rig and furrow cultivation remains of at least post-medieval date. These remains would be directly affected to some degree by the Proposal, with the direct impact assessed as being of medium magnitude. The findings of the study indicate that there is a low to moderate potential for previously unrecorded archaeological remains to survive within the application site.

The Archaeological Assessment acknowledges that any mitigation measures to avoid, reduce and offset the effects of the Proposal will need to be agreed with the West of Scotland Archaeology Service (WoSAS), and detailed in a Written Scheme of Investigation and implemented in advance of development. This requirement will be subject to a recommended condition.

West of Scotland Archaeology Service (WoSAS) have been consulted by the Council and they state within their consultation response that this application lies in an area of archaeological sensitivity based on the presence of recorded sites and monuments in the surrounding landscape of prehistoric and medieval date. The consultation response WoSAS provided agrees with the findings of the heritage assessment submitted, subject to the views of Historic Environment Scotland (HES) regarding the impact on setting for designated sites. They agree that there is potential for buried remains in this landscape and that mitigation will be required in this regard should the proposals go ahead, due to both the potential for encountering buried remains and the change of use from agricultural ground to industrial. This will take the form of a large scale evaluation of the application area followed by any other mitigation necessary based on the initial findings. This will be detailed in a Written Scheme of Investigation produced for the following recommended condition:

- Implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation.

HES have been consulted by the ECU and the Council (as recommended by WoSAS) and they do not object to the Development Proposals in either response issued. They are satisfied that the methodology used in the Archaeological Assessment is appropriate and that the impacts on the integrity of the setting of the scheduled monuments in the vicinity would not be significantly adverse and would not raise issues of national interest.

Overall, taking into account the responses from HES and WoSAS it is considered that the historic environment will be preserved, and that the Proposal complies with policy 11 part (e)(vii), in addition to the other relevant policies identified, subject to the imposition of the relevant condition.

Criteria e (viii) – Effects on hydrology, the water environment and flood risk

Criteria e(viii) requires proposals to demonstrate how effects on hydrology, the water environment and flood risk are addressed.

The other relevant development plan policies are:

- NPF4 Policy 22 (Flood risk and water management) - seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- LDP2 Policy: Water Environment - We support the objectives of the Water Framework Directive (2000/60/EC). We will only allow development that meets these objectives and shows that:
 - a. It will protect, and where possible, improve the water environment;
 - b. It will not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water); and
 - c. It will not harm the biodiversity of the water environment.
 - d. It seeks to avoid (or remove) instances of construction works and structures in and around the water environment;
 - e. It provides an appropriately sized buffer strip between the development and a water course.
- LDP2 Policy: Flood and Development - Development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. We will assess development proposals against the Scottish Environmental Protection Agency's (SEPA) publication 'Flood Risk and Land use Vulnerability Guidance' (2018), or subsequent updates.

The intent of the relevant development plan policies is to ensure the water environment and ecological features are protected and improved where possible, and that flood risk is understood and managed to accord with SEPA's advice. Furthermore, the policies require that risks to others is not exacerbated as a result of new development in flood prone areas.

A Flood Risk Assessment and Drainage Strategy were submitted in support of this Section 36 application. Regarding flood risk, the report outlines that there are no major watercourses nearby and fluvial flooding is not predicted based on the SEPA indicative flood maps. The site is not predicted to be at risk of flooding from groundwater, based on the SEPA groundwater flood maps. A number of recommendations made within the Flood Risk Assessment and Drainage Strategy (such as finished floor levels including a suitable freeboard) will help to protect the site against groundwater flooding risk.

The proposed surface water drainage strategy for the development seeks to provide a sustainable and integrated surface water management scheme and aims to ensure no increase in downstream flood risk by managing discharges from the development via infiltration.

Ayrshire Roads Alliance as the Council's Flooding Authority have been consulted and have no objection to the proposal on the grounds of flood risk, providing the recommendations made in the Flood Risk Assessment & Drainage Strategy are implemented, including a drainage strategy developed and designed in accordance with the principles of the SuDS Manual (CIRIA Report C753, 2015). This could be covered by an appropriately worded planning condition.

NatureScot have also been consulted and have outlined that the proposed battery storage element of the development is hydrologically connected to Martnaham Loch SSSI via the adjacent Fergus Loch. The potential movement of pollutants, through the connecting watercourses to the SSSI, in both the construction and operational phases, is an indirect risk as identified in the Planning, Design and Access Statement supporting the application. As previously outlined, NatureScot raised concern that a major incident such as a fire during the operating life of the facility has the potential to affect the integrity of both Lochs through release of polluting gases and run-off of dissolved substances from the fire itself or from chemicals used to deal with it. Abstraction of water for cooling or containment may also damage the important freshwater sites linked to the proposal area.

As such, NatureScot have requested that a pre-commencement condition is attached to any decision requiring the submission of both a Fire Safety and Management Plan (to be agreed by the Planning Service in consultation with NatureScot and the Local Fire Service) and a Surface Water Drainage Strategy (to be agreed by the Planning Service in consultation with SEPA and NatureScot). The Surface Water Drainage Strategy document must detail how, in the event of poor infiltration rates, it will be possible to attenuate and discharge clean water to Loch Fergus and hence the SSSI. It should be noted that the matter of fire safety and risk in terms of its relationship to the land use planning function is considered in Section 11 of this report.

As previously outlined, the Planning, Design and Access Statement states that during the Environmental DNA survey of Loch Fergus, there was visible evidence of agricultural runoff and livestock presence within the waterbody, and that these effects would be removed, providing a positive impact to the waterbody and theoretically the hydrologically connected SSSI.

SEPA have been consulted by the ECU and raise no objection and comment that in relation to flooding, energy generation developments of this type are a relatively low risk land use in that they can be designed to remain operational if the land floods and they are unlikely to increase flood risk to other people.

The ECU as the determining authority have also formally consulted Scottish Water. They have no objection to the proposal but noted the presence of live infrastructure within proximity of the development area. Any conflicts with identified assets will be subject to restrictions in proximity of construction. There are no Scottish Water drinking catchments or abstraction sources in the area that may be affected by the proposal.

Conclusion on hydrology, water, and flood risk

Overall, the Proposal would have no significant effects on hydrology or the water environment and the development would not be at significant risk of flooding or increase flood risk elsewhere.

Planning conditions controls via the Surface Water Drainage Strategy will ensure that any significant pollution on the water environment, including Martnaham Loch is avoided. The proposal is therefore considered to comply with Policy 11 Criteria (e)(viii) in addition to the other identified relevant development plan policies.

Criteria (e)(ix) biodiversity including impacts on birds

This criteria requires demonstration of how impacts on biodiversity including birds is addressed.

The other relevant development plan policies are:

- NPF4 Policy 3 (Biodiversity) - highlights the importance of nature protection, restoration and securing biodiversity enhancements to reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management.
- LDP2 Policy: Natural Heritage - Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. Criterion (f) requires development to not have an unacceptably detrimental effect upon natural heritage, including wild land, birds and carbon rich soils.

The development is entirely proposed within highly modified agricultural grassland and primarily consists of adapted grassland habitats for the production of fodder. The land is of very low ecological value with the main areas of interest being restricted to hedgerow and margin habitat.

A Preliminary Ecological Appraisal (PEA) has been submitted in support of this Section 36 application, within which the following seven phase one habitats are identified:

- A1.2.2 Plantation woodland;
- B4 Improved grassland;
- C3.1 Tall ruderal;
- J2.1.2 Intact species-poor hedge;
- J2.4 Fence;
- J3.6 Buildings; and
- J4 Bare ground.

Within the PEA, these habitats are assessed for their level of suitability to support protected species, as well as for their importance within the landscape.

The habitats on site are heavily adapted to suit the site's current agricultural use (commercial dairy), and as such, the largest habitat recorded within the development area is improved grassland (B4) at 69.03ha in the form of silage pasture which offers little true ecological value.

The sites main ecological interest in terms of habitats is restricted to hedgerow habitats. The proposal will retain all hedgerow habitat and include suitable protection buffers.

The PEA outlines that the Proposal, if best practice is followed during the construction phase, is not considered to negatively impact any protected species. Through the improvement of habitat on site, both directly and indirectly, the proposal will likely offer improved opportunities for protected species and therefore a positive impact.

Within the PEA, the following recommendations have been made regarding the habitats and species recorded on site and the potential of those habitats to support protected species and species of conservation concern:

- Badger – Update survey is recommended if more than 12 months passes before works commence.
- Bats – Suitable foraging and roosting habitat present on site. Improved grassland to be subject to further survey in line with BCT guidelines to inform a species protection and enhancement plan.
- Birds – Consultation required: suite of surveys in line with Nature Scot requirements recommended to include wintering, migration and breeding bird surveys – both walking transects and where applicable, vantage point surveys.
- Great Crested Newt – eDNA recommended for all waterbodies within 500m of the site to confirm breeding. Follow up population assessments may be required if breeding is confirmed;
- Brown Hare – Site check prior to works to ensure no dependent young are present.

Furthermore, as outlined within the Planning, Design and Access Statement and Draft Biodiversity and Land Management Plan (BLMP), the applicant has incorporated the following significant habitat enhancement measures into the development:

- Creation of permanent species rich grassland;
- Planting of native species rich hedgerows;
- Enhancement of native species rich hedgerows;
- Wildflower meadow creation;
- Sympathetic ongoing land management to improve biodiversity opportunities;
- Creation of bird nesting habitat; and
- Creation of bat roosting opportunities.

These outcomes will be managed through a proposed detailed BLMP, which is a recommended condition.

The SEPA consultation response acknowledged that the vast majority of the site comprises improved grassland in agricultural use and does not host peatlands. No objection to the proposal was raised.

The initial consultation response issued by the Council's external Ecology Advisor AECOM concluded that whilst the Proposal does not present any obvious source of potential impacts to the Martnaham Loch and Wood SSSI, they did raise minor concerns over construction runoff and the impacts on Loch Fergus. They subsequently recommended a Construction Environmental Management Plan (CEMP) as a conditional requirement. AECOM also recommended a condition requiring a detailed Habitat Management Plan setting out a precise method for creation and maintenance of desired habitats on the development site.

The initial AECOM consultation comments also raised a number of queries and requests for confirmation, primarily in relation to the following points:

- Loch Fergus Provisional Local Wildlife Site: detail of proposed mitigation to protect Loch Fergus should be captured in a suitable document, such as a CEMP;
- Justification that the proposed standoff of 20-25 m is sufficient to protect the ancient woodland;
- Recommendation that a detailed Habitat Management Plan (HMP) is a conditional requirement;
- Request that the non-native *Ribes sanguineum* is removed from final planting proposals and is replaced with a suitable native alternative;
- Request that the applicant commits to the protection measures as outlined in the Winter Bird Survey Report in a CEMP and/or Habitat Management Plan;
- Recommendation for a pre-construction survey in relation to the otter habitat south of the site; and
- Recommended a suitably worded and appropriate planning condition for a species Protection Plan to ensure mitigation measures designed to protect foraging and commuting bats from permanent / temporary lighting.

The applicant provided clarification and additional information where required within a response document. Following this, AECOM issued a re-consultation response and this confirmed that the applicant has provided further clarification on points raised in their initial response and that they have committed to including further detail in a Construction

Environmental Management Plan (CEMP) and revised Habitat Management Plan (HMP) as requested. AECOM raised no further points of clarification or objection, subject to the mitigation being secured through conditions.

The South Ayrshire Ranger Service consultation response states that the Proposals in the draft Biodiversity & Land Management Plan and their subsequent management regimes if implemented would overall have a positive impact on the biodiversity of the site if implemented. They do not object to the proposal subject to conditions relating to the CEMP and the inclusion of Species Protection Plans as part of this.

The Proposal currently provides an additional 1.5km (linear) of species rich hedgerows as well as maintaining and enhancing the 4km (approximate) linear length of existing hedgerows. In addition, turning the fields over to PV panels and allowing a species rich grassland to cover the land underneath and between panels will provide a further biodiversity net gain. As such, the proposal is considered to meet the requirements of NPF4 Policy 3 (Biodiversity).

Conclusion on Biodiversity

Based on the consultation comments, subject to the recommendations outlined within the PEA and habitat enhancement measures outlined within the Planning, Design and Access Statement, it is considered that adverse impacts on ecological values can be avoided, remedied or mitigated.

In addition, given the low conservation values of the site at present, it is considered that the proposal would contribute to biodiversity enhancement improving the current situation by creating new habitats and offering opportunities for increased biodiversity across the site.

The Proposal is therefore considered to be in accordance with the relevant NPF4 and LDP2 biodiversity related policies identified (subject to the recommended conditions).

Criteria e (x) impacts on trees, woods and forests

Criteria e (x) requires demonstration of how impacts on trees, woods and forests are addressed.

The other relevant Development Plan policies are:

- NPF4 Policy 6 (Forestry, woodland and trees) – aims to protect and expand forests, woodland and trees.
- LDP2 Policy: Preserving Trees - When assessing proposals for development that might involve loss of, or work to trees, we will consider how much it would affect the local area and will take measures to protect trees, especially those covered by a provisional or confirmed Tree Preservation Order. Ancient and veteran trees of high nature conservation and landscape value will be protected.
- LDP2 Policy: Woodland and Forestry - We will support proposals for woodland and forestry that are: a. Consistent with the objectives and main actions of the Ayrshire and Arran Woodland Strategy; and b. Sympathetic to the environmental (including landscape and visual impacts), nature and wildlife interests of the area, and, wherever appropriate, provide recreational opportunities for the public. Relevant advice contained within The Scottish Government's Policy on Control of Woodland Removal will be taken into account when determining planning applications.

Within their consultation comments, the Council's external Ecology Advisor AECOM outlined that it was unclear if the Proposal will directly impact the ancient woodland adjoining Loch Fergus to the south. Justification that the proposed standoff is sufficient to protect the ancient woodland was therefore requested.

The applicant has outlined that NatureScot do not currently have standing guidance on the minimum buffers to protect Ancient Woodland from proposal and that Natural England's and the Forestry Commission's (FC) guidance has been adopted. In accordance with this guidance (recommended 15m buffer for ancient woodland), the minimum standoff zone between the boundary of the adjacent ancient woodland and the closest solar array is 20m from the woodland boundary and 15m from the canopy.

The consultation comments from the Councils Sustainable Development Landscape and Design Officer states that the adjacent Loch Fergus Wood (ancient woodland) area to the south of the Proposal is an important feature in the local landscape, with high nature conservation value. This internal consultee required the submission of a tree survey report with accompanying protective measures for woodland areas.

Following submission of the tree report as requested, confirmation was received by the Landscape and Design Officer that the contents of this in addition to the recommendations are acceptable, and that there was no objection.

The consultation comments also requested submission of a detailed planting plan and management regime for the proposed species rich grassland, wildflower meadow and additional hedge/tree planting, as well as the maintenance

and enhancement of the existing hedgerow. It has been agreed with the consultee and the applicant that this would be addressed as a planning condition.

Based on the consultation comments, subject to the recommendations outlined within the Tree Survey and conditional requirement for a detailed planting plan and habitat management regime, it is considered that adverse impacts on trees can be avoided.

The Proposal is therefore considered to be in accordance with the relevant NPF4 and LDP2 related policies identified.

Criteria e(xi) – proposals for the decommissioning of developments, including ancillary infrastructure and site restoration; and

Criteria (e)(xii) - the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.

Criteria e (xii) relates to the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.

It is outlined within the Planning, Design and Access Statement that on reaching the end of its operational life of 40 years, a decommissioning program will be agreed with the Council prior to the decommissioning works commencing. Whilst the details of this will need to be agreed and reflect the requirements at that time, the basis of this is that all the plant and equipment installed as part of this development can be removed from the site and reused, recycled or disposed of as required, and the land returned to its former use if deemed appropriate at the time.

10.190 Overall, it is not considered there would be any unacceptable impacts associated with the decommissioning period. Site restoration and decommissioning plans would be implemented including the measures in place to safeguard or guarantee the effective implementation of those plans. This could be controlled via appropriately worded planning conditions, including in relation to the requirement for a financial guarantee and restoration bond to be in place which would be requested by the Council.

The Proposal therefore complies with NPF4 Policy 11 Part e (xi and xii).

Criteria e (xiii) – Cumulative impacts

As identified within Section 7 of this report (Planning History), there are a number of approved and pending applications for similar types of development within South Ayrshire.

The applicant has adopted a 3 km radius for the cumulative impact assessment, as per the LVA study area. This has been applied in accordance with current best practice for this type of development and is informed by the visibility of the 3m high structures from certain distances. The applicant has outlined that at distances of approximately 3km, in the context of the landscape, visibility levels are to a degree which would not generate a substantial effect.

The applicant has acknowledged that a planning application (reference: 23/00176/APPM) for a 49.9MW energy storage facility at the Holmston Roundabout was granted in June 2023. The applicant considers there to be no cumulative impacts with this development given that the battery project is located over 3km from the site and is contained within a relatively small and screened area of land.

With regard to planning application reference 22/00625/APP which seeks planning permission for the erection of a wind turbine (with tip height of 99.5m) and associated works at Ailsa Hospital, this site is located approximately 3 km to the west of the Loch Fergus site. The application was submitted in July 2022, and is currently pending a decision. The applicant has stated that there is not predicted to be cumulative visual impacts with this project and the turbine development given the low-lying nature and density of the Proposal which ensures that visibility is largely screened by the higher land between the site of the Proposal and Ailsa Hospital as demonstrated in the ZTV mapping (Figures 2 and 3, LVA).

Given the lack of intervisibility possible between the Proposal and the two schemes above as outlined by the applicant, it is therefore considered that there is no potential for substantial cumulative effects.

There are no other existing schemes or pending/recently approved planning or Section 36 applications for solar farm, battery storage or wind farm related developments within a 3 km radius of the site.

There is therefore considered to be capacity within the landscape for this development without generating adverse cumulative effects. The Proposal is therefore compliant with Criteria e (xiii).

Policy 11 Conclusion

Policy 11 states that in considering impacts, significant weight will be placed on the contribution of the Proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. Policy 11 also states that significant landscape and visual impacts are to be expected for some forms of renewable energy and where impacts are localised and there is suitable design mitigation, as is considered to be the case with the current Proposal, they will generally be acceptable.

Each of the potential environmental impacts have been considered in detail above. Based on the conclusions drawn, there are no significant environmental effects that would warrant the balance to be shifted away from the Proposal's significant benefit to enhancing renewable energy provision and reducing greenhouse gas emission. This aligns with the intent of NPF4 which seek to address the climate emergency through promoting development that minimises emissions to achieve zero carbon, restore the natural environment and adapts to the current and future impacts of climate change.

In terms of LDP2, a similar conclusion can be reached. The key issue is narrowed to landscape and visual impact effects which will lessen overtime as a result of the hedgerows will, once established, screen and assist with the containment of the development in the local area, not resulting in widespread effects on any valued landscapes or designations.

All other effects identified above can be suitably mitigated, whereby adverse effects would not be significant and compliance with the LDP2 policy framework achieved.

The Development Proposal is therefore considered to accord with the Development Plan.

Other Considerations

Fire Safety and Fire Risk

Fire safety and fire risk in relation to renewable development proposals is a matter which has been subject to recent discussion at both Scottish Government and Heads of Planning Scotland (HOPS) level. At present, there is uncertainty in terms of its materiality to the Section 36 determination process as there is no government policy position or guidance on this matter.

Shortly after receiving the Section 36 consultation request through, the Council proactively engaged with The Scottish Government ECU to gain an early understanding on how the subject of fire safety and fire risk would be handled and considered by them as the determining authority. The response received from the ECU on the 13th of September 2023 advised that: (extract)

- 1 *“such matters have been considered to be out with the scope of planning considerations, with these being dealt with under existing UK law relating to health, safety and electricity operational safety.”*

As part of their response, the ECU also referenced a Private Members Bill (Lithium-ion Battery Storage (Fire Safety and Environmental Permits) Bill) which is calling for the UK's fire and rescue services to be made statutory consultants regarding planning applications for proposed industry lithium-ion battery storage facilities is at First Reading Stage (the first stage of a Bill's passage through the House of Commons). Given this Bill, the ECU's advised that despite their understanding and position on fire safety and fire risk, their current stance is to still consult both the Health and Safety Executive and Scottish Fire and Rescue Service for Section 36 applications of this nature.

The Health and Safety Executive (HSE) were subsequently consulted by the ECU and in their response stated that: (extract)

- 1 *“whilst Section 3C of the Electricity Act 1989 states that HSE will be consulted on all relevant electricity safety issues, Section 3D states that Section 3C does not apply in relation to functions of the Secretary of State under Section 36.”*

On this basis, HSE advised that they do not require, by the Electricity Act 1989, to provide a response to this Section 36 application. The response did state however that If consent is granted, construction and operation will need to be in accordance with health and safety law.

The Scottish Fire and Rescue Service were also consulted by the ECU, but there was no reply to this at the time of writing this report.

- 1 In contrast to the position set out by the ECU and the Health and Safety Executive, NatureScot advise in their response that they do consider fire risk to be a material consideration. NatureScot recommend a condition requiring a full fire safety and management plan otherwise they would object to the proposal.

- 1 The applicant has provided commentary on fire risk measures within their Design and Access Statement, and includes the following proposed mitigation:

“If temperature increase continues or there is a failure of the air-conditioning units, the container would automatically partially or fully shutdown to mitigate against the risk of thermal runaway and fire; and

In the very unlikely event of a battery fire in one of the modules, a waterless fire suppression system would be triggered automatically. The fire suppression system would comprise appropriately designed extinguishing gas.”

- 1 While the Scottish Government Energy Consents Unit and Health and Safety Executive do not consider fire risk and safety to be a matter for the S36 process, and therefore this proposal which is under consideration, NatureScot is of the contrary view that the matter is material to the S36 process because of the effects that fire could have on the environment. Given this identified risk, it is the view of the Planning Service that a precautionary approach to the potential environmental impacts (including potential impacts on the SSSI) associated with fire should be taken account of. This can be reasonably captured through a condition requiring an Emergency Action Plan which includes the recommendations of NatureScot and the applicant and which sets out a response, management and mitigation in such an event.

Agricultural Land and Peat / Soils

The relevant policies are:

NPF4 Policy 5 (Soils) - aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development and sets out that development on peatland, carbon rich soils and priority peatland can be acceptable where the development is for generation of green energy and aids the reduction in green house gases.

LDP Policy: Agricultural Land - seeks to protect prime agricultural land and where it is essential be used for the generation of energy from a renewable source, all development proposals must make secure provision for restoration to return the land to its former status once generation has ceased.

The Proposal is located entirely on non-prime agricultural land with the majority of the site located within class 4.2 which is described as “Land capable of producing a narrow range of crops, primarily on grassland with short arable breaks of forage crops”.

Available British Geology Society published data describes the superficial soils at site to be underlain by Till which contains clay, sand, gravel, and boulders varying widely in size and shape. NatureScot’s mapping indicates the soils across the entire site to be Noncalcareous Gleys which consist of Drifts derived from Carboniferous Sandstones, Shales and Limestones. The Scottish national Heritage Carbon and Peatlands tool illustrates that the entire site is covered in ‘Mineral Soils’ which is described as: “Mineral soil - Peatland habitats are not typically found on such soils (Class 0)”

A Peat Impact Statement has been submitted in support of this Section 36 application to act as confirmation of the consideration of peatlands within the project. Evidence of Peatland habitat has not been discovered through desk-based analysis and this has been confirmed by an on-site ecological survey.

Based on the above assessment, it is considered that the development is in compliance with NPF4 and LDP 2 policies given that the site is not identified as prime agricultural land, and there is no evidence of peatland habitat.

Furthermore, it is noted that the current agricultural application of slurry, pesticides and herbicides would be halted, which would reduce if not remove the potential for run-off affecting water bodies and watercourses in the surrounding area. Moving to less intensive farming methods over a prolonged period will also allow the soil to rest and recover naturally from years on intensive management.

S36 Consultation Conclusion

Having considered the applicant’s supporting documentation and notwithstanding the identified benefits of the scheme, together with the responses received and having balanced the developers’ interest against the wider community interest it is recommended that no objection be submitted to the Scottish Government.

Recommendation

It is recommended that no objection be raised to the proposal and that the Regulatory Panel delegate authority to the Director of Housing Operations and Development to conclude planning conditions with the Energy Consents Unit regarding, but not limited to, the following matters, should the Scottish Government be minded to grant consent as determining authority.

All conditions requested by Consultees can be grouped into the following topics and it is recommended that these be imposed should the ECU be minded to grant consent. In this event, the ECU would consult and seek to agree with the Planning Service, the specific wording of conditions.

- a. Surface Water Drainage Strategy;
- b. Construction Environmental Management Plan (CEMP);
- c. Decommissioning, Restoration and Aftercare Plan including financial guarantee and restoration bond;
- d. Construction Traffic Management Plan (CTMP);
- e. Management of the Discharge of Water;
- f. Access Construction Details;
- g. Off-Road Parking Provision Arrangements;
- h. Archaeological Written Scheme of Investigation (WSI);
- i. Pre-commencement updated ecological surveys including any Species Protection Plan;
- j. Detailed Habitat Management Plan; and
- k. Detailed planting plan and management regime.

Restrictions on construction days and hours;

Appropriate noise condition to ensure development operates in accordance with findings and levels of Noise Impact Assessment;

Flood risk avoid measures in line with recommendations made within the Kaya Consulting Flood Risk Assessment and Drainage Strategy;

All mitigation proposed within the Planning, Design and Access Statement;

Construction Management Plan (CMP);

Removal of infrastructure/physical components in the event they become obsolete or redundant;

Restriction on signage or illumination of infrastructure except for those required by law under other legislation;

Staff Travel Plan;

- Emergency Action Plan (can be contained in CEMP);

Background Papers

Application form plans and supporting documentation including the Planning Statement and supplementary appendices and figures

Consultation responses to the ECU

Representations to the ECU

National Planning Framework (NPF) 4 - February 2023

Draft Energy and Strategy and Just Transition Plan (published January 2023)

Historic Environment Scotland Policy Statement

Planning Advice Note 2/2011 'Planning and Archaeology'

South Ayrshire Council Local Development Plan 2 - August 2022

South Ayrshire Local Landscape Designations Review 2018

Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)

Technical Advice Note: Assessment of Noise (TAN)

SEPA Flood Maps

Person to Contact:

Mrs Erin Goldie, Co-ordinator (Place Planning) - 01292 616 367

South Ayrshire Council

**Report by
Housing, Operations and Development
to Regulatory Panel of 28th March 2024**

**Subject: Public Access Exemption Order: The South Ayrshire Council
(Royal Troon Golf Course 152nd Open) Exempting Land from Access
Rights (No. 3) Order, 2024**

1. Purpose

- 1.1 This report seeks authority to undertake a public consultation on a proposed temporary public access exemption Order under Section 11 of the Land Reform Act (Scotland) 2003 for areas of land affected by the 152nd Open 2024 at Royal Troon Golf Course.

2. Recommendation

2.1 It is recommended that the Panel:

- 2.1.1 Approves the commencement of a public consultation on the proposed temporary public access exemption order under Section 11(1) of The Land Reform (Scotland) Act 2003, for the area of land at Royal Troon Golf Course and a section of the Smugglers Trail/Wrack Road (Core Paths SA1, SA2 and SA6 and Right of Way SKC 28), as set out in Appendix 1.**

3. Background

- 3.1 The 152nd Open 2024 is to be held over the Royal Troon Course from 14th – 21st July 2024 inclusive. The R & A has requested that the Council makes access exemption orders under Section 11 of The Land Reform Act 2003 to facilitate the safe and successful setting up and dismantling of temporary structures, staging of the event and to permit the charging of an entrance fee during the event, covering South Beach car park, the Course itself, as well as the core paths and right of ways which cross it.
- 3.2 The Regulatory Panel on 6th December 2023 agreed to make three temporary public access exemption orders for land at Royal Troon Golf Course, including sections of the core paths SA1, SA2 and SA6 and right of way SKC 28. These Orders were referred to Scottish Ministers in December for approval, as required by legislation. Orders nos. 1 and 2, and the Order for South Beach Car Park, have now been approved and will come into force on the agreed dates. However Scottish Ministers have refused Order No.3, which would apply for the dates 24th June – 29th July 2024 inclusive, on the grounds that the Notices issued for the consultation process did not include as the one of the reasons for making the Order that there will be an entrance fee charged during the period of the Open event. As such, Scottish Ministers have directed that the Council should reconsult on Order No.3, with new public Notices to be issued containing amended wording.

4. Proposal

4.1 The area for which the R & A is seeking a temporary public access exemption order:

4.1.1 Area - This area covers the entire golf course, therefore during the event itself, the R & A has requested that access rights exemption applies over the land and routes (Appendix 1) for the dates 24th June – 29th July 2024 inclusive.

4.1.2 For the period during which the relevant exemption order is in force, there will be no diversion route available for the Smugglers Trail where it crosses the course, or for the golf access road. The Ayrshire Coastal Path will be temporarily diverted along Troon beach, at a distance of at least 10m from the western boundary of the golf course.

4.2 Consultation

4.3 The period of consultation will take 21 days and will include a press advert, Council website updates and social media communications, site notices as well as direct consultation with the landowner, the Local Access Forum, Troon Community Council, and the local Elected Members for this ward.

4.4 Following the consultation period, this Panel will be asked to consider any representations made on the proposed Order and for their agreement to make the Order. The access exemption order will then be submitted to the Scottish Ministers for confirmation. Assuming the Ministers confirm the Order, a further public notice (of confirmation) will be published in the local press and on the Council's website, in compliance with the legislation.

4.5 The previous Orders, requested by the R and A for the 152nd Open 2024 (for specific areas within the Golf Course boundary and for the South beach car park), have been confirmed by Scottish Ministers and will come into force on the dates specified in those Orders. A public notice relating to these confirmed Orders has been published in the local press, to advise the public.

5. Legal and Procurement Implications

5.1 The recommendations in this report are consistent with legal requirements (the relevant provisions of The Land Reform (Scotland) Act 2003).

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Costs associated with undertaking the public consultation and making the access exemption order can be met from existing Planning budgets, advert costs will be recoverable from the R & A as event organiser. There will be no ongoing financial commitments arising from this report.

7. Human Resources Implications

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

8. Risk

Risk Implications of adopting the recommendations.

- 8.1 There is a risk access takers visiting the area may be unaware the Course and the Core Paths and Right of Way across it have been exempted temporarily from access rights. This will be mitigated by publishing notices of the exemption orders in the local press and on the Council's website, and by erecting signage on site, and by the use of security/marshals (as arranged by the R & A) on site.

Risk Implications of rejecting the recommendations.

- 8.2 Rejecting the recommendation to undertake the public consultation would mean that the Order could not be made, which could jeopardise the staging of the 152nd Open 2024. There could also be a health and safety risk associated with not creating the order, in that members of the public could attempt to access the Course during the golf event.

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 2.

10. Sustainable Development Implications

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

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

11. Options Appraisal

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

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to the Council strategic objectives of *Live, Work, Learn* and *Civic and Community Pride*.

13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.

14. Next Steps for Decision Tracking Purposes

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

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Request for permission from Panel to consult public on the proposed Order	28 th March 2024	Service Lead - Planning and Building Standards
Public consultation on proposed Order	5 th April- 26 th April 2024	Service Lead - Planning and Building Standards
Report consultation responses and request permission from Members to create Order	9 th May 2024	Service Lead - Planning and Building Standards
Refer to Scottish Ministers (if agreed by Panel)	9 th May 2024	Service Lead - Planning and Building Standards
Publish notice of confirmation of Order	Mid- June 2024	Service Lead - Planning and Building Standards

Background Papers

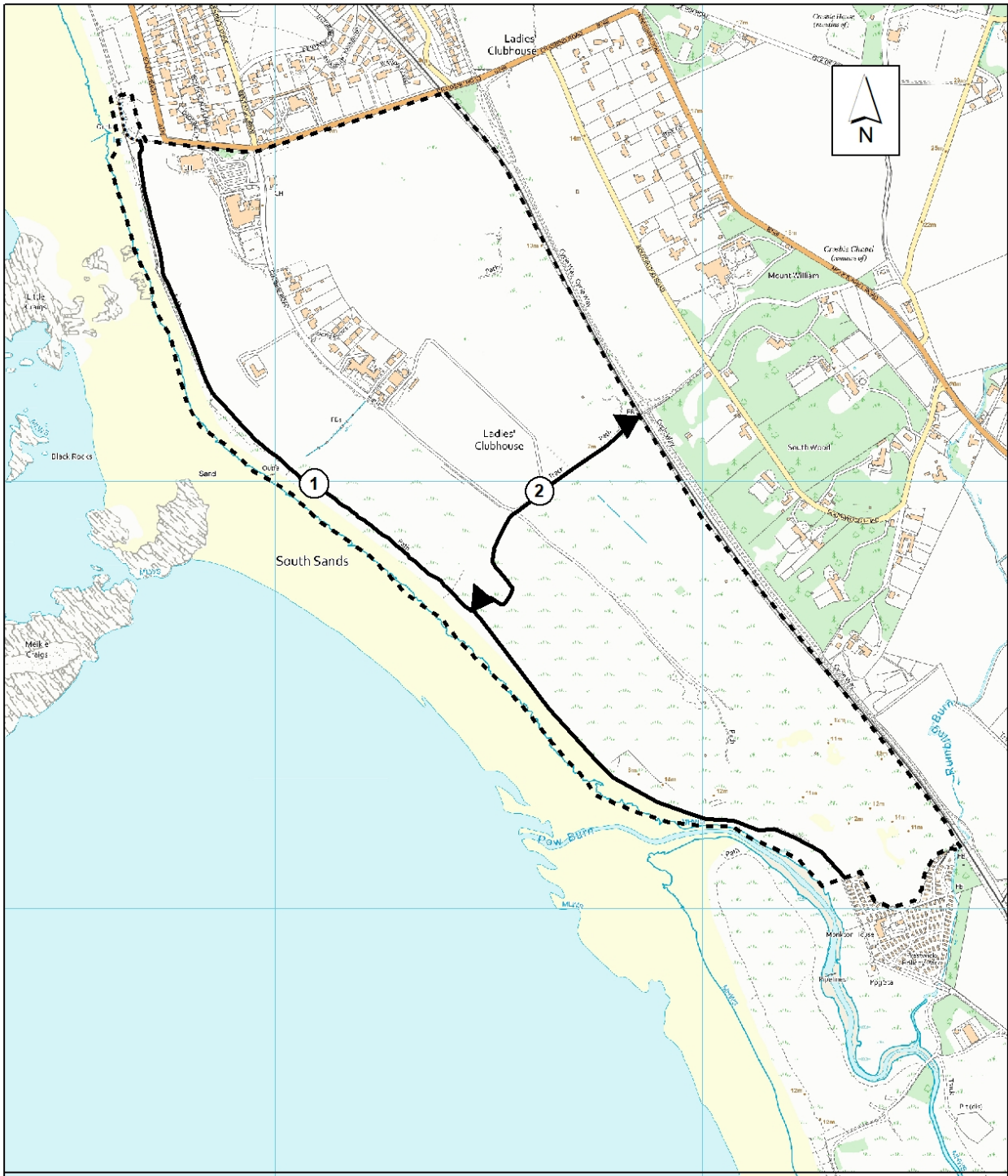
Land Reform (Scotland) Act 2003 [here](#)
Part 1 Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities [here](#)





Person to Contact

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Date: 18th March 2024

Appendix 1



-  Area of land to be exempt from access rights. This includes:
 -  Core Path SA2
 -  Wrack Road (Smugglers Trail) Core Path SA6
-  The short section of core path SA1 will be closed. Access to foreshore via slipway.

***This is the plan referred to in the foregoing
The South Ayrshire Council (Royal Troon Golf Course
152nd Open)
Exempting Land from Access Rights (No. 3) Order 2024***

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Scale 1:12000



South Ayrshire Council Equality Impact Assessment Scoping
1. Proposal details

Proposal Title: Public Access Exemption Orders: the 152nd Open at Royal Troon Golf Course	Lead Officer: Service Lead – Planning and Building Standards
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire		Yes
People from different racial groups, ethnic or national origin.		Yes
Women and/or men (boys and girls)		Yes
People with disabilities		Yes
People from particular age groups for example Older people, children and young people		Yes
Lesbian, gay, bisexual and heterosexual people		Yes
People who are proposing to undergo, are undergoing or have undergone a process to change sex		Yes
Pregnant women and new mothers		Yes
People who are married or in a civil partnership		Yes
People who share a particular religion or belief		Yes
Thematic Groups: Health, Human Rights, Rurality and Deprivation.		Yes

3. Do you have evidence or reason to believe that the proposal will support the Council to:

General Duty and other Equality Themes	Level of Negative and/or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	No/low
Promote equality of opportunity between particular communities or groups	No/low
Foster good relations between particular communities or groups	No/low
Promote positive attitudes towards different communities or groups	No/low
Increase participation of particular communities or groups in public life	No/low
Improve the health and wellbeing of particular communities or groups	No/low
Promote the human rights of particular communities or groups	No/low
Tackle deprivation faced by particular communities or groups	No/low

4. Summary Assessment

Is a full Equality Impact Assessment required? (A full EIA must be carried out on all high and medium impact proposals)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Rationale for decision: The proposal is necessary to facilitate the successful staging of a major, international golf tournament that will accrue significant economic development benefits for the entire community of South Ayrshire. The proposal is to exempt temporarily from statutory access rights Royal Troon Golf Course and paths that traverse it (the Ayrshire Coastal Path and Wrack Road), in the interests of health, safety and security. The exemption orders will have an equal, slight negative effect on all access takers who might wish to traverse the Course during preparation for the Tournament and the event itself, as they will be unable to do so for the duration of the orders. The number of access takers - who might fall into one or all of the protected characteristic groups – likely to be affected by the proposal will be small relative to the entire community of South Ayrshire. I have reason to believe the proposal will be neutral in terms of supporting the Council fulfil its general equality duties and local equalities themes.			
Signed :Craig Iles.....Head of Service Planning & Building Standards			
Date: 20.03.24		Copy to equalities@south-ayrshire.gov.uk	