

REGULATORY PANEL: 5 MARCH 2025

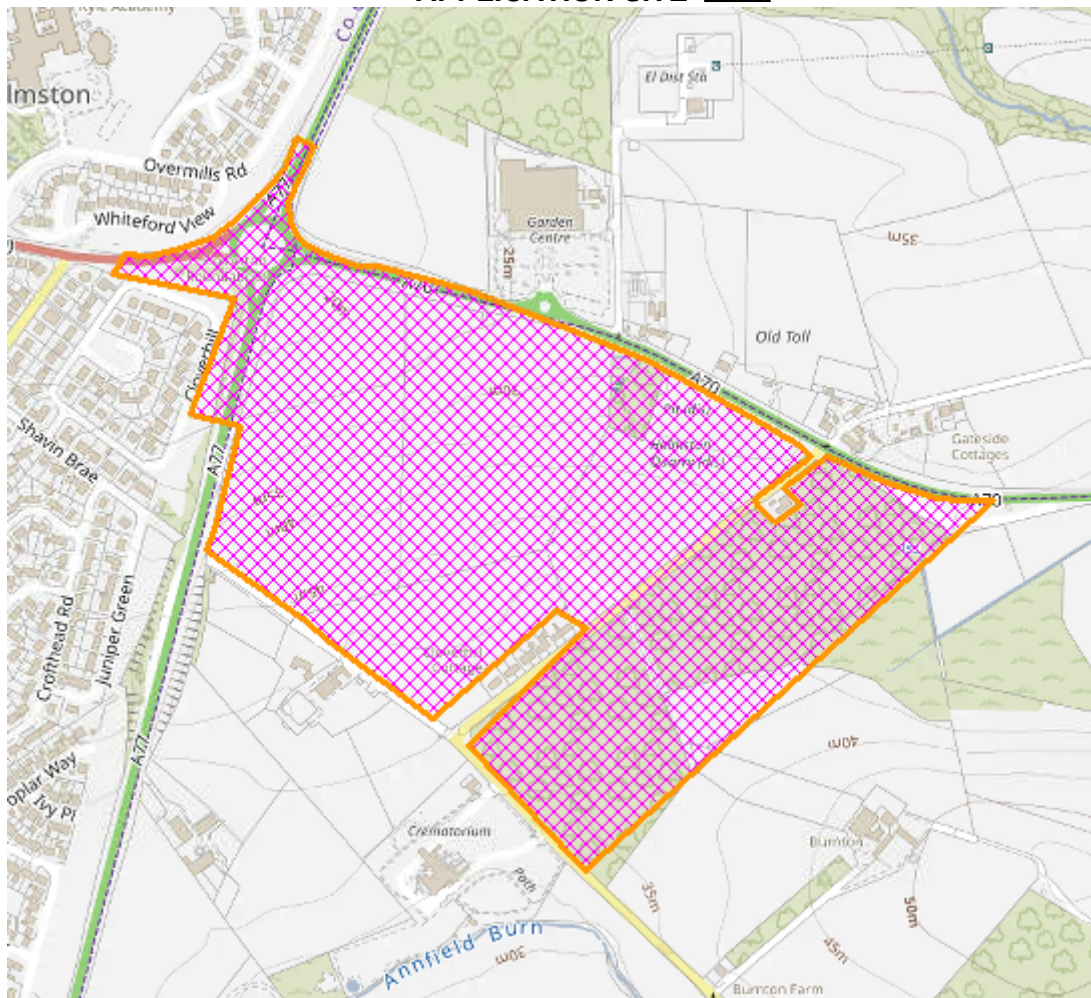
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

22/00302/PPPM

LAND TO THE EAST OF A77T FROM HOLMSTON ROUNDABOUT TO BANKFIELD ROUNDABOUT AYR SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[\(Application Summary\)](#)

Summary

This application was previously reported to the Council's Regulatory Panel (Planning) on 25 June 2024 with a recommendation of refusal. The Panel was 'Minded to Grant' the application, subject to identification of appropriate conditions and identification of legal requirements, with the matter to be referred back to the Panel for further consideration once those issues had been identified.

The Planning Service recommendation remains unchanged; is recommended that the application is refused for the reasons set out within the earlier Report of 25 June 2024.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 5 MARCH 2025

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00302/PPPM
SITE ADDRESS:	Land to the East of A77T from Holmston Roundabout to Bankfield Roundabout Ayr South Ayrshire
DESCRIPTION:	<p>Planning Permission in Principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works</p> <p>Refuse - for the reasons outlined in the report dated 25 June 2024 and that Policy 16 of NPF4 should be included within the reasons for refusal 1.</p>
RECOMMENDATION:	Note - Should Members maintain their 'minded to grant' position the application will be referred to the Scottish Ministers who may 'call in' the application for their own determination or clear the Council to continue to determine the application.

ADDENDUM TO APPLICATION REPORT

This addendum report together with the original report to Regulatory Panel on 25 June 2024 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.

1. Purpose:

On 25 June 2024 the Council's Regulatory Panel was 'Minded to Grant' application Ref. 22/00302/PPPM contrary to the recommendation of Officers of the Planning Service, which was to refuse the application. In planning terms, 'minded to grant' indicates an intention to approve a planning application, pending other processes being concluded. The 'minded to grant' position does not amount to a concluded decision.

In this case, Members of the Panel were 'minded to grant' the planning application and as the minutes recorded, for Officers of the Planning Service to *"identify appropriate conditions and subject to legal agreements as required...and that the matter be referred back to Panel for further consideration."*

The purpose of this report is to present Members of the Panel with the draft schedule of conditions and draft headline terms of a S75 legal agreement but also to inform them of a letter dated 26 June 2024 from the Scottish Government's Chief Planner with respect to Policy 16 – Quality Homes of NPF4 and the letter dated 12 November 2024 from the Chief Planner and Minister for Public Finance (which introduces the document 'Planning and the Housing Emergency – Delivery Plan') which are new material considerations relevant to this application. Any decision maker on a planning application requires to consider all material planning considerations right up to the time that a formal decision is made to either grant the planning application or to refuse the planning application.

2. Planning Process

Preparation of the draft schedule of conditions and draft Headline terms of a legal agreement required further consultation with the Council's Education Service and the Ayrshire Roads Alliance. Input from these consultees and the subsequent draft schedule of conditions and headline terms for a S75 legal agreement is provided within this report. Also provided is a summary and explanation of the letters from the Scottish Government's Chief Planner dated 26 June 2024 and the letter dated 12 November from the Chief Planner and Minister for Public Finance, which are also materially relevant to this case. As per the content of the Regulatory Panel report dated 25 June 2024, Council Officers maintain their recommendation that the application be refused for the reasons set out within that report and that Policy 16 of NPF4 should be included within reason for refusal 1.

Once Members of the Panel have considered the further information contained within this report, some of the options available are to:

a) continue their 'minded to grant' position subject to the finalisation of the draft conditions and signing of a legal agreement, as set out in Heads of Terms. Noting that the matter would then be notified to the Scottish Government; this is explained further below.

Or;

b) refuse the application in accordance with officer recommendation.

Referral process – with regards a) above, planning authorities are required under section 46(1) of the Town and Country Planning (Scotland) Act 1997 to notify Scottish Ministers if they are minded to grant planning permission in respect of certain categories of development as specified in The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. Following this notification, Scottish Ministers may 'call in' the application for their own determination.

One of the categories requiring notification to the Scottish Ministers is development in which planning authorities have a financial or other interest **and** where the proposed development would be significantly contrary to the development plan. In this instance, the development would involve a S75 Legal Agreement in respect of the applicant providing financial contributions to the Council towards education provision. In addition to the above, the Council would incur ongoing transportation costs to transport pupils from the proposed development to the primary and potentially also the secondary school. It is therefore considered that there is a financial interest. The second consideration is whether the application is significantly contrary to the Development Plan.

As noted in the report of 25 June 2024, paragraph 4.77 of Circular 3/2022 (Development Management Procedures) notes that while the judgement as to whether a proposal is significantly contrary to the development plan lies with the Planning Authority, and ultimately the Courts, Scottish Ministers' general expectation is that if the proposal is contrary to the vision or wider spatial strategy of the Plan then it should be considered significantly contrary to said plan. These considerations are planning judgements undertaken by the Chief Planning Officer of the Council.

In this case, as the application site is not allocated for housing and commercial development in the Local Development Plan, it is the judgement of the Chief Planning Officer of the Council that the proposal for housing and commercial development is significantly contrary to the vision and spatial strategy of the Plan.

Given that there is a financial interest in this development and the proposal is significantly contrary to the Development Plan, should Members be minded to maintain their 'Minded to Grant' position, contrary to recommendation of Officers, then the application would require to be notified to the Scottish Ministers under section 46(1) of the Town and Country Planning (Scotland) Act 1997 who can then choose to 'call in' the application for their own determination, or alternatively, instruct the Planning Authority to determine the application as they see fit.

If the application is 'called in' for determination by Scottish Ministers, or if Scottish Ministers clear the Planning Authority to continue to determine the application, the s75 would require to be finalised, in line with the Draft Heads of Terms. The draft headline terms of the S75 as set out in this report are therefore not final and may be subject to change by either the Scottish Ministers or in response to matters deemed to require further clarity. The draft conditions may also be subject to change if the Scottish Ministers 'call in' the application for their determination and are minded to approve the application.

As the application is a 'major' development that is significantly contrary to the development plan, a pre-determination hearing is required to be held. The purpose of this is to allow the views of applicants and those who have made representations to be heard before a planning decision is taken. A pre-determination hearing for this application took place on 25 June 2024. A further hearing is not required to take place in relation to this further, addendum report.

3. Background

The Regulatory Panel report of 25 June 2024 is attached as an annex to this report. In this report, the Planning Service recommended refusal of the application. However, the Regulatory Panel at their meeting of 25 June 2024 were minded to grant the application (extract) "...subject to identification of appropriate conditions and subject to legal agreements as required... and that the matter be referred back to Panel for further consideration."

4. Draft S75 headline terms

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.

Approval of this planning application would require the applicant to enter into a section 75 legal agreement. This agreement would cover education contributions for the proposed development, with notional secondary education contributions currently standing at £4,000 per home and notional primary education contributions at £7,000 per home, taking the total education contributions to £11,000 per home. The proposed development is for 350 residential units, which results in a required education contribution by the developer of £3.85 million. This figure would likely increase following a full education impact assessment and feasibility study on a schedule of accommodation required to more than just meet the minimum number of pupil spaces in Ayr catchment area non-denominational secondary schools.

This full education impact assessment would be undertaken, and the total amount of contributions would be finalised through the S75 process and contributions would require to be secured before development starts on site.

The draft headline terms of the S75 agreement are discussed above and in Section 5 of this report. The table below has been produced for ease of reference.

Section 75 Legal Agreement Headline Terms

Indicative Education Contributions*	Indicative Cost	Arrangements
Primary contribution	£7,000 per home	Contribution on pro rata basis from construction of first house with payment on a quarterly basis/as number of houses are complete. Payment index linked. Affordable houses would not make a contribution.
Secondary contribution	£4,000 per home	Contribution on a pro rata basis from construction of first house with payment on a quarterly basis/as number of houses are complete. Payment index linked. Affordable houses would not make a contribution,
Total contribution per home	£11,000	
Total education contribution that would require to be secured through S75 legal agreement	£11,000 x 350 (homes) = £3,850,000 (less affordable housing)	

*This figure would likely increase following a full education impact assessment and feasibility study on a schedule of accommodation required to more than just meet the minimum number of pupil spaces in Ayr catchment area non-denominational secondary schools.

5. Assessment

The assessment of this application remains as outlined in the report put before the Regulatory Panel on 25th June 2024 (attached as an annex to this report).

The purpose of this addendum report is to outline proposed conditions and the content of a section 75 legal agreement together with providing supplementary information including consultation responses that informed this work. A Scottish Government Chief Planner letter was issued on 26 June 2024 and together with the Minister for Public Finance, a further letter was issued on 12 November and are also relevant to this case and are considered further below.

Education considerations

As noted in the report dated 25 June 2024, St John's Primary School, Whitletts Road, Ayr and Queen Margaret Academy, Dalmellington Road, Ayr are the denominational catchment schools for the application site; both currently have capacity to accommodate anticipated primary and secondary denominational pupils arising from the proposed development.

Forehill Primary School, Cessnock Place Ayr and Kyle Academy, Overmills Road, Ayr are the non-denominational catchment schools for the application site. Following the Regulatory Panel meeting on 25 June 2024, Education Services have confirmed that these schools are at capacity and cannot accommodate pupils anticipated to arise from the proposed development. These schools are not considered eligible for extension or for the siting of temporary accommodation.

Education Services has concluded that the 99 anticipated non-denominational primary pupils arising from the proposed development could be accommodated at Coylton Primary School, which is approximately 5.3 kilometres (3.2 miles) to the east of the application site, accessed along the A70. The anticipated 61 non-denominational secondary pupils could be accommodated at Ayr Academy secondary school which is approximately 4.2 kilometres (2.6 miles) to the west, at the opposite side of the A77 and River Ayr. Education Services advise that to accommodate the 99 anticipated non-denominational primary school aged pupils arising from the proposed development would require a four-classroom extension, or modular accommodation, at Coylton Primary School – with the cost estimated to be in the region of £2 to £2.5 million. This would require a minimum contribution from the applicant of £7,000 per home, once other factors such as Early Years accommodation are also factored in, to mitigate the impact of the proposed development on non-denominational primary school provision.

Although Ayr Academy non-denominational school has available capacity, as noted in section 4 of this report, the Service still needs to secure secondary financial contributions to mitigate the impact of the proposed development on non-denominational secondary schools in the wider Ayr catchment area. Adding 350 homes from this proposed development to the other planned sites listed in the 2023 South Ayrshire Council Housing Land Audit and LDP2 allocated sites means there would be approximately 5,445 new homes in total delivered over the plan period (until August 2032). This increase could affect the three non-denominational secondary schools: Ayr Academy, Kyle Academy, and Belmont Academy. The proposed development accounts for 6.5% of this figure.

The projected number of non-denominational secondary school aged pupils arising from 5445 homes would be 941 pupils, with the current available spaces within the three non-denominational secondary schools totalling only 562. Should all of the development sites in the Ayr catchment area progress, the shortfall in spaces across the 3 non-denominational secondary schools would total circa 380. Therefore, notwithstanding there being current capacity at Ayr Academy, secondary school contributions will be required.

Advice from Property Services is that the cost per m² of extending an existing secondary school would be £4542 and that 12m² of accommodation per secondary school pupil would be required. Therefore, to extend any of the secondary schools in the Ayr catchment area to accommodate, at the very minimum 380 additional pupils, would cost at the very least £20,711,520, subject to indexation. Attributing 6.5% of this figure to the proposed 350 home development produces the sum of £1,346,248.80, or circa, minimum £4,000 contribution per home to mitigate the impact of the development on non-denominational secondary school provision for the projected 61 pupils. As noted in Section 4 of this report, this figure would likely increase following a full education impact assessment and feasibility study on a schedule of accommodation required to more than just meet the minimum number of pupil spaces in Ayr catchment area non-denominational secondary schools.

Based on the primary and secondary contribution requirements mentioned above, the Council will require to seek an estimated minimum of £11,000 per home to address the impact on education provision in South Ayrshire. 350 homes x £11,000 equals education contributions of approximately £3,850,000 for this proposed development. This would require to be secured through a S75 legal agreement. It is important to note that affordable housing provided through Scottish Government Grant provisions are not able to make a contribution towards developer contributions. As a consequence, there would be a shortfall of 25% in overall contributions that the Council would require to provide. No allowance for this has been made in the Council's Capital budget setting.

The total amount of contributions would be finalised through the S75 legal agreement process and would require to be secured before development starts on site; this would be written into and secured through the legal agreement.

It is key to note that in addition to the above, the Council would incur ongoing transportation costs to transport pupils from the proposed development to the primary and potentially also the secondary school. All Scottish Local Authorities have approved distance criteria for free school transport, with 2 miles for primary and 3 miles for secondary being the most common – it is a Council decision and one which the Council is bound by, with a requirement to provide, and to which children are entitled, transportation to and from school.

As the proposed development is located further than 2 miles from Coylton Primary School, transportation would require to be paid for and provided by the Council. In respect of secondary education, any property located 3 miles or more from the school would be entitled to transportation. The proposed development is approximately 2.6 miles from Ayr Academy. While this is within the aforementioned 3 miles, the route to the school must be a safe walking route, otherwise children within 3 miles may also be eligible for transportation. Factors such as an active travel route across the A77 (see condition 19) would determine whether a safe walking route can be identified between the site and Ayr Academy.

At this moment it is difficult to apportion a cost to the transport as provisions are tendered based on eligibility, pupil numbers and pick up points and the detail of condition 19 with respect to active travel networks has not been provided with this Planning Permission in Principle application. The Council's Education Service has advised however that transporting children out of the catchment area to another school would be absorbed by existing Education budgets.

It is important to emphasise that the closest non-denominational schools to the application site (Forehill and Holmston Primaries and Kyle and Belmont Academies) do not have the capacity or ability to accommodate pupils arising from the proposed development and that the catchment schools would therefore be Coylton Primary School and Ayr Academy.

Although not a material planning consideration, if this application were to be approved, prospective buyers should be made aware that children arising from the development would not be attending the closest geographical non-denominational primary and secondary school. Unfortunately, this proposal by Education Services does not fulfil the criteria of forming a competent planning condition and the Council does not have the powers to notify prospective buyers on this matter.

Ayrshire Roads Alliance (ARA) consultation

The Ayrshire Roads Alliance were re-consulted to obtain proposed conditions in relation to roads and transportation matters. The ARA recommend various conditions and note that the proximity of Dobbie's Garden Centre to the proposed development suggests that this may be a popular local resource for residents. However, the indicative layout and detail within the Transport Assessment does not provide any insight into how pedestrian trips generated by the development proposals seeking to cross the A70 would be safely accommodated.

The proposed access to the site is via the augmentation of the existing Dobbie's access roundabout to create a new 4-arm roundabout. However, the A70 is an arterial route linking Ayr with neighbouring local authorities (East Ayrshire Council, South Lanarkshire Council, etc.) as well as providing a strategic link to the M74 and as a result not only carries a significant volume of traffic but also a higher proportion of HGV traffic than is generally typical on our local roads.

It should also be noted that an Active Travel route spans the northern side of the A70 between the A77(T) and the village of Coylton – again, residents of the proposed development would require to cross the A70 in order to access this facility.

The ARA are therefore of the view that consideration of safe and convenient crossing facilities on the A70 requires to be incorporated into the overall development proposals at the detailed application stage, should this application for planning permission in principle be approved. It therefore remains the case that it is not known if the development is capable of providing safe means of access for non-vehicular traffic.

In addition to the above, recommended conditions include the following: submission of travel packs, public transport strategy, infrastructure improvement, parking provision, vehicle turning and servicing, footways and street management, construction management and flooding and drainage matters.

The consultation response from Transport Scotland that was received through the processing of this application included recommended conditions in the event the application is approved. Transport Scotland were subsequently made aware of the draft schedule of conditions and offered no objection to these.

Letter from Scottish Government Chief Planner dated 26 June 2024

The purpose of this letter is to provide further clarification on the application of National Planning Framework 4, including Policy 16 'Quality Homes.' Scottish Ministers have reinforced that policies in NPF4 should be read as a whole and that conflicts between policies are normal and to be expected. Recent court judgements, notably *Miller Homes vs Scottish Ministers*, XA41/23 confirmed that NPF4 moves housing policy away from disputes over numbers to an approach which seeks to provide homes in suitable locations and that looking at the policies as a whole there is an emphasis on quality, diversity and sustainability.

The letter is a reminder that the intent of NPF4 Policy 16 is to “to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.”

Policy 16 has four different parts with some aspects relating to location and other to types of homes. The letter confirms that they should be weighed up as relevant to the proposal: there is no hierarchy and no one part of the policy should always outweigh others, a balanced planning judgement should be reached in each case.

A summary of the clarity the letter provides on the different parts of NPF4 Policy 16 is provided below in bold. Parts a. and f. relate to locational considerations and therefore have been grouped, with considerations on types of homes (parts b-e) following thereafter.

Commentary by the Planning Service is provided after each part of the policy clarification provided.

NPF4 Policy 16 parts a and f - locational considerations

On land allocated for housing in local development plans, there is support for development in principle from NPF4 Policy 16-part a).

Planning Service comment: The application site is not allocated for housing in Local Development Plan 2 and therefore does not comply with Policy 16-part a.

Policy 16-part f) includes a limited exception that can allow proposals of less than 50 affordable homes on unallocated sites, where they accord with criteria relating to build-out and the plan's spatial strategy and other relevant policies.

Planning Service comment: A significant element of the previously mentioned legal case (in the report of 25 June 2024) related to Policy 16-part f) and a deliverable housing land pipeline.

Scottish Ministers advised in their letter of 26 June 2024 to Planning Authorities that action programmes associated with local development plans be reviewed, up dated and re-published as delivery programmes, and for this to be done by 31 March 2025. Under transitional arrangements, this will ensure they include the sequencing of, and timescale for, the delivery of housing sites allocated in local development plans. This is currently underway by the Planning Service in South Ayrshire and will demonstrate that there is a sufficient pipeline of housing for open market and affordable needs in South Ayrshire through allocated sites.

The proposal does not accord with the spatial strategy of the plan and the only locational exception (development not on an allocated site) that the policy offers is in circumstances where the proposal is for 100% affordable housing and units do not exceed 50. The proposal is however for 350 units of which approximately 263 will be houses for open market sale and approximately 87 for affordable needs.

The proposal is therefore contrary to NPF4 policy 16-part f.

NPF4 policy 16 parts b to e – type of homes considerations

NPF4 provides at Policy 16-part b) for proposals to explain how they will contribute positively to meeting local housing requirements, to local infrastructure services and facilities, and to residential amenity, using new Statements of Community Benefit.

Planning Service comment: Reference should be made to the earlier Report of Handling dated 25 June 2024. The applicant asserts that the proposed development would support investment in and around Ayr and would contribute to community benefit in the following ways: provision of homes (including 25% affordable on site), delivery of road and transport improvements to accommodate the proposed development and enhance the existing infrastructure, deliver an active travel route across the A77, provision of new neighbourhood amenities for new and existing surrounding residents, support aspirations of the Ayrshire Growth Deal by providing new homes to attract skilled workforce and enhance the green network and provide high quality open space for the enjoyment of new residents and the existing community.

As assessed in the earlier report of 25 June 2024, the proposal relates to the development of a greenfield site at a time when there is no justification for any additional greenfield release sites for the purposes of housing. With regards to the Growth Deal, the spaceport is no longer being taken forward and Mangata are no longer delivering the satellite manufacturing facility. While other growth deal projects are expected to progress, these are of a much smaller scale and do not justify a release of greenfield land for 350 homes. In summary, the applicant's case around the Ayrshire Growth Deal relative to South Ayrshire is unfounded and premature, at this time. Furthermore, there is no shortfall in housing land or the provision of new homes as defined either through the provision of NPF4 or LDP2 and there is no evidence to suggest that the development of the site would do anything other than undermine the delivery of pre-existing housing land supply, i.e. no net economic benefit of the proposed development has been demonstrated. The development of the application site would undermine the Plan led process. Considering the above, the proposal is contrary to NPF4 policy 16-part b.

Policy 16-part c) supports proposals that improve affordability and choice, and address identified gaps in provision.

Planning Service comment: The proposed development includes 25% on site affordable housing provision but this does not outweigh parts a and b of Policy 16 as affordable housing requirements can be met on existing allocated sites – there are no identified gaps in provision.

Policy 16-part d) relates to development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards and is therefore not relevant to this development proposal.

Policy 16-part e) supports proposals for new homes where they make provision for affordable homes to meet an identified need and it strengthens contributions to affordable housing from market sites to 'at least 25%.

Planning Service comment: The proposed development includes 25% on site affordable housing provision; however, this does not outweigh parts a and b of policy 16 as affordable housing requirements can be met on existing allocated sites – there are no identified gaps in provision.

The letter from the Chief Planner of the Scottish Government, dated 26 June 2024, provides useful clarification on Policy 16 of NPF4 and this has been reconsidered by the Service in the context of the current application. After reviewing all aspects of the policy criteria again, the overall conclusion is that the proposal cannot be reasonably supported under policy 16.

In the report of 25 June 2024, the Planning Service recommended 5 reasons for refusal. Recommended reason for refusal 1 has been amended to include specific reference to the proposal being contrary to Policy 16 of NPF4 and this is captured directly below.

Reason for refusal 1: The proposed development is contrary to NPF4 Policies: 5: Soils, 9: Brownfield, Vacant and Derelict Land and Empty Buildings and 14: Design, Quality and Place and Policy 16: Quality Homes and LDP Policies: Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Maintaining and Protecting Land for Housing, Rural Housing and Agricultural Land Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan, there is no shortfall in effective housing land supply and allocated sites are not being built out more quickly than expected and it has not been demonstrated that there is a need for residential development in the area concerned. Moreover, there is no evidence to suggest that the development would result in a net economic benefit or contribute significantly to the implementation of the Ayrshire Growth Deal, the regeneration of Ayr or result in overriding community interest. Furthermore, the development of the application site for housing could undermine the viability and probability of pre-existing allocated and consented sites in the LDP being developed, most of which are within existing settlements and/ or on brownfield sites. There are no over-riding reasons to depart from the policies as detailed in NPF4 and the South Ayrshire Local Development Plan.

Letter from the Chief Planner and Minister for Public Finance dated 12 November 2024

This letter introduced the document 'Planning and the Housing Emergency Delivery Plan' which outlines that a housing emergency has emerged as a result of a number of factors in Scotland, including that planning permission has been granted for many more homes than are currently being built. The document outlines an intention to identify a mechanism to stimulate the build-out of housing sites with planning permission, in line with a plan led approach and to improve the efficiency of the planning system.

It should be noted that this letter and accompanying document from the Scottish Government does not alter the Planning Service assessment. The document reiterates that that planning system should be plan led.

Summary

All material considerations from June 2024 to present have been considered as part of this addendum report. Following the additional Education consultation post Regulatory Panel of 25th June 2024, it is evident that pupils will require to be transported to the non-denominational educational provision at Coylton Primary School and Ayr Academy. It is therefore considered that this application represents an unsustainable proposal and does not accord with the sustainability requirements of NPF4 and LDP2. In addition, the Chief Planner letter dated 26th June 2024 and Chief Planner and Minister for Public Finance letter dated 12 November 2024 (which introduced the document 'Planning and the Housing Emergency Delivery Plan') emphasise that notwithstanding the declared National Housing Emergency, the Planning system is a plan led system and that development proposals should be considered primarily against the development plan. In this case, the proposal is significantly contrary to the development plan and material considerations do not outweigh the primacy of the development plan in this case. Finally, Transport Scotland requires the development to provide an active travel connection across the A77 and this is also required to ensure a sustainable development in accordance with the Development Plan. The applicant has proposed an underpass however no design details of an underpass or an alternative active travel connection has been provided (note- an overbridge cannot be considered under this application). Therefore, it has not been demonstrated that an underpass or alternative active travel connection is capable of being delivered and therefore this may inhibit the delivery of this development.

6. Recommendation

None of the reasons for refusal set out in the report dated 25 June 2024 (as set out in Appendix 2) have been satisfactorily resolved or mitigated by draft conditions or Heads of Terms. It is recommended that the application is refused for the reasons set out in Appendix 2. Reason for refusal 1 has been revised to include specific reference to Policy 16 following the Chief Planners letter of the 26th June 2024.

Note - Should Members maintain their 'minded to grant' position the application will be referred to the Scottish Ministers who may 'call in' the application for their own determination or instruct the Council to determine the application as they see fit. In this case, proposed conditions and associated reasons are outlined in section 7 of this report below together with advisory notes for the applicant and a table detailing the draft headline terms of a S75 legal agreement.

7. Draft schedule of conditions (C) and reasons (R) and draft S75 headline terms

Timing of permission

1C – The development to which this permission relates must be commenced no later than five years from the date of this permission.

1R- Reason: 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.

Matters to be included in Approval of Matters Specified in Conditions (AMSC) Applications

2C - That applications for Approval of Matters Specified in Conditions (AMSC) shall include full details of the proposed development, including the siting, design and external appearance of all buildings, ground engineering works including existing and proposed cross sectional drawings, means of access, roads, footpaths and cycleways, landscaping measures, SUDS drainage and any other matters specified in conditions below.

2R - To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning etc. (Scotland) Act 2006. In order to retain proper control over the development proposal.

Approved Plans

3C - That this planning permission in principle relates to the plans listed below unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

3R - To clarify the extent of the planning permission and to be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 21 of the Planning etc. (Scotland) Act 2006.

Scale of Development

4C – That the total number of dwellings to be developed throughout the site shall not exceed 350 residential units, unless otherwise agreed in writing by the Council as Planning Authority through consultation with Transport Scotland.

4R – To define the terms of this permission and to ensure that the scale of the development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

Development Brief

5C - The first Application for Approval of Matters Specified in Conditions shall include a Development Brief / Design Code for the site. The Development Brief / Design Code shall have full regard to the Scottish Government's published guidance "Creating Places: A Policy Statement on Architecture and Place for Scotland" or any subsequent updated policy guidance.

5R - In the interest of good design and promoting a sense of place.

Programme for Development of the Site

6C - The first Application for Approval of Matters Specified in Conditions shall include a detailed phasing plan showing the exact sequences of development for each proposed land use, land engineering works, the provision of infrastructure, hard and soft landscaping, open space, equipped play areas, footpaths, cycleways, SUDS features and the distribution of the 262 market homes and 88 (25% of 350) affordable homes within the current application site. The development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Council as Planning Authority.

6R - In order to ensure that the green and community infrastructure is provided timeously and that the development is progressively landscaped at the earliest opportunity during the construction phase.

Affordable Housing

7C – The first Application for Approval of Matters Specified in Conditions shall include a detailed scheme for: the provision of 88 (25% of 350) affordable homes on site. The affordable housing to be provided on site shall be in accordance with the approved scheme and shall meet the definition of 'affordable housing' (namely good quality homes that are affordable to people on low incomes) in the Scottish Government's National Planning Framework 4 or any future government policy that replaces it. The scheme shall be designed to take account of the Council's current guidance on affordable housing (or any subsequent replacement guidance) 'New Housing Developments and Affordable Housing: A Guideline for Developers') and shall include:

- a) the timing of the delivery of the market homes within each phase or sub-phase of the site and the timing of delivery of the affordable homes in the relevant phase or sub-phase of the site;
- b) the arrangements for the transfer of affordable homes to an affordable housing provider e.g., registered social landlord or for the management of the affordable homes;
- c) the factoring and/or common maintenance regime (including charges) for affordable homes;
- d) the arrangements to ensure that any affordable home is affordable for both first and subsequent occupiers of the affordable home; and
- e) the occupancy criteria to be used for determining the identity of occupiers of the affordable homes and the means by which such occupancy criteria shall be enforced.

Thereafter, affordable housing shall be provided and maintained in perpetuity on site in accordance with the terms of the detail approved under this condition.

7R - To ensure the delivery of and satisfactory arrangements are made for the provision of affordable housing on the site.

Archaeology

8C - That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

8R - To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

Cross Sections, Ground Levels and Finished Floor Levels

9C - That at the Approval of Matters Specified in Conditions stage the detailed plans for each phase of development shall include suitably scaled block layout plans and cross sections showing;

- a) Existing ground levels;
- b) Proposed ground levels;
- c) Existing and proposed cross sections drawings through the site and extending to the surrounding area including the A77 and A70, Cloverhill Farm Stables and Livery, Sandyhill Terrace and the dwellinghouse known as 'Treborlea' Old Toll; and
- d) Finished floor levels of each proposed dwellinghouse.

Thereafter, the development shall be completed in accordance with the terms of the detail approved under this condition.

9R - In the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties and to avoid excessive level changes to the site and surrounding landscape and underbuilding.

Flood Risk Management

10C – That the recommendations contained within the submitted Flood Risk Assessment prepared by Kaya Consulting Ltd dated March 2022 shall be adhered to in full throughout the development of the site.

10R - In order to ensure no increased flood risk within and outwith the development.

Noise Nuisance

11C – Prior to the commencement of works on-site, a noise impact assessment shall be undertaken and submitted as to determine the likelihood of noise nuisance on the noise sensitive receptors. The assessment shall include all relevant noise sources that may impact on the noise sensitive receptors using the current British Standard (or as may be amended). Maximum Target Noise Levels within the noise sensitive receptor to be used are as follows:

The noise impact assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, in accordance with the principals outlined in Technical Advice Note (TAN) Assessment of Noise.

LAEQ 16hrs	35dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX	45dB	(2300-0700)	internal noise level
LAEQ 16hrs	50dB	(0700-2300)	outside amenity space

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB outside to inside with window open. The submitted assessment shall identify any mitigation measures required to achieve the above ratings and shall be agreed in writing with the Planning Authority, prior to the commencement of works on-site and therefore be implemented as approved.

11R – To avoid noise disturbance in the interests of residential amenity.

12C - Prior to the commencement of works on-site, a noise impact assessment shall be undertaken and submitted to determine the impact of noise from aircraft on the new development.

In terms of Planning Advice Note 1/2011 (PAN) The noise impact assessment shall be carried out in accordance by a suitably qualified acoustic consultant or other competent person, with the principals outlined in Technical Advice Note (TAN) Assessment of Noise. All Noise sensitive receptors in the high and medium category (table 2.1 TAN) shall be identified and the level of significance determined.

Maximum Target Noise Levels within the noise sensitive receptor to be used in the determination:

LAEQ 16hrs	30dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX	45dB	(2300-0700)	internal noise level
LAEQ 16hrs	52dB	(0700-2300)	outside amenity space

The internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open.

The submitted assessment shall identify any mitigation measures required to achieve the above ratings and shall be agreed in writing with the Planning Authority, prior to the commencement of works on-site and therefore be implemented as approved.

12R - To avoid noise disturbance in the interests of residential amenity.

Natural Heritage

13C – That an updated version of the Biodiversity Enhancement Plan April 2024, Brindley Associates shall be submitted with the first AMSC application which shall include proposals for native trees to be planted as scattered trees as opposed to Scots Pine, details of the numbers of wildlife refugia shall also be proposed together with details of compensatory tree planting for each tree to be felled. Thereafter the approved plan shall be implemented in full to the satisfaction of the Planning Authority and prior to the completion of development.

13R – To ensure that the development results in biodiversity enhancement of the area.

14C - Should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.

14R - In the interest of nature conservation.

15C – That the recommendations contained within the Updated Ecological Appraisal (April 2024, Brindley Associates) shall be implemented in full to the satisfaction of the Council as Planning Authority. Notwithstanding the content of the Updated Ecological Appraisal, prior to the lopping topping or felling of any of the trees within the site or prior to any land engineering works or construction works taking place within 30m of any of the trees within the site, an initial ground level daytime Preliminary Bat Roost Assessment will be undertaken by a suitably qualified ecologist. Any tree that is identified as containing Potential Roost Features will require a subsequent aerial inspection survey to be undertaken. Should suitability be confirmed, or a feature is not able to be fully assessed during the preliminary surveys, then emergence/re-entry bat activity surveys will be undertaken during the bat activity season (May to September inclusive). The results of the survey shall be reported to the Planning Authority prior to the planned works being carried out and no work shall be undertaken until such time as written consent is provided by the Planning Authority.

15R - In the interest of nature conservation.

16C – That the first Application for Approval of Matters Specified in Conditions shall include an updated Ecological Appraisal which considers the potential effects of the development on nature conservation sites and to include mitigation measures and set out any licencing requirements as necessary. Thereafter, all actions and mitigation identified under the terms of this condition shall be implemented in full.

16R – In the interest of nature conservation.

17C – That the first Application for Approval of Matters Specified in Conditions shall include a detailed lighting design for the site, which should be devised in collaboration with a suitably qualified ecologist. The development shall thereafter be implemented in accordance with the approved lighting scheme and strategy at both construction and operational stages of development to the satisfaction of the Council as Planning Authority.

17R – In the interest of nature conservation.

Landscaping

18C – The Approval of Matters Specified in Conditions for each phase of the development shall include a detailed landscaping plan with information on the plant genus, species, variety, pot size, planting density, mulch material, and maintenance programme. The landscaping scheme shall include:

- I. Public Open Space and Amenity Areas as defined in the Council's published guidance "Open Space and Designing New Residential Developments".
- II. Details of all play equipment to be installed including safety surfacing materials. Such details shall show a range of play equipment to cater for children of all ages, including dynamic items that are specifically designed for older children/teens. The play equipment should also include a number of 'inclusive' items installed to enable children of different levels of ability to play together.

- III. where possible, the retention of native hedgerows. Where it is not possible to retain native hedgerows, these shall be replaced with native species hedgerow enhancements, consisting of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
- IV. the use of native nectar rich species and fruiting species of plants in the soft landscaping areas including Blackthorn, Hazel, Holly, Rowan and Silver Birch.
- V. Additional tree planting and native hedging along the northern boundary to create a structural framework for the site and provide screening and landscape corridor with the surrounding area.

18R - In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality including adequate public open space provision.

19C - Prior to the commencement of development, a phasing plan for the implementation of the landscaping scheme approved under condition 18 of this permission for each phase of the development shall be submitted to and approved by the Planning Authority. The phasing plan shall show implementation of the landscaping works in a staged manner, with the landscaping being completed within any particular area of the development within the first planting season following the completion of construction works within the phase concerned. The open space/landscaped area shall be retained as open space and to this approved standard to the satisfaction of the Council as Planning Authority.

19R - In the interest of visual amenity to ensure that the development is progressively landscaped.

A77 Trunk Road Improvements

20C – That prior to commencement of residential and commercial units a grade-separated active travel crossing of the A77(T), shall be designed, constructed and completed to the satisfaction of the Planning Authority, after consultation with Transport Scotland, and in compliance with the Design Manual for Roads and Bridges (DMRB), and Transport Scotland's Interim Amendments, Roads For All, and the Manual of Contract Documents for Highway Works (MCHW). The active travel crossing will require to be suitable for use by pedestrians and cyclists. For the avoidance of doubt, pre-construction compliance with the DMRB will include, but not be restricted to:

- (i) Approval in Principle
- (ii) Category 3 structural design check
- (iii) Geotechnical Check (Proposal to be considered as Category B)
- (iv) Assessment in accordance with GG142 Walking, Cycling and Horse-Riding Assessment
- (v) Construction Management Plan including Risk Assessment and Method Statement (RAMS)"

For the avoidance of doubt, details of the proposed active travel crossing shall be submitted to and approved in writing by the Council as Planning Authority through the first AMSC application and thereafter implemented and completed as approved prior to the occupation of any of the development. This active travel crossing cannot be an overbridge under the terms of this permission.

20R – To ensure that the proposed design complies with current standards and also to ensure that a safe active travel link is provided to allow for the safe crossing of the A77 (T) by pedestrians of cyclists without affecting the safety and free flow of traffic on the trunk road.

21C – Prior to occupation of any part of the proposed development hereby permitted, details of the modifications required to the A77 (T) Holmston Roundabout junction shall be submitted to and approved in writing by the Council as Planning Authority, following consultation with Transport Scotland. Thereafter, the agreed modifications shall be implemented as approved prior to occupation of any part of the proposed development hereby permitted.

21R – To ensure that the proposed design complies with the current standards and also to ensure that the safety and free flow of traffic on the trunk road is not diminished.

22C - Prior to the occupation of any part of the proposed development hereby permitted, the works /arrangements for:

- a) Improvement of the A77(T) trunk road infrastructure to dual carriageway standard between Whitletts roundabout and Holmston roundabout to provide additional link capacity shall be agreed, constructed, and completed to the satisfaction of the Planning Authority following consultation with Transport Scotland;

Or

- b) An alternative scheme of mitigation in compliance with the DMRB (Design Manual for Roads and Bridges), shall be agreed, constructed, and completed to the satisfaction of the Planning Authority in consultation with the Ayrshire Roads Alliance and Transport Scotland. Any alternative scheme shall require to be based on a scoped traffic impact assessment including sensitivity testing of all development trips associated with South Ayrshire Council Local Development Plan 2 allocated sites;

Or

- c) a Section 48 Agreement (Roads Scotland Act 1984) between the applicant and Transport Scotland for an agreed proportionate contribution to the cost of the Whitletts / Holmston A77 Dualling as per point "a" above, or an alternative scheme of mitigation as per point "b" above, must be concluded.

22R – To ensure that appropriate mitigation is put in place, to the satisfaction of the Trunk Authority, to accommodate the impact of the development on the trunk road network, recognising the possibility that there may be alternative mitigation solutions to the dualling of the Whitletts – Holmston link.

23C – Prior to the commencement of development, details of the lighting within the site shall be submitted for the written approval of the Planning Authority, following consultation with Transport Scotland and thereafter implemented as approved.

23R – To ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road shall not be diminished.

24C – Prior to commencement of the development, details of the landscaping treatment along the trunk road boundary shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development site without requiring access to the trunk road.

24R – To ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

25C – Prior to commencement of the development, details of the fencing/barrier proposals along the trunk road boundary shall be submitted to and approved in writing by the Planning Authority, following consultation with Transport Scotland and thereafter implemented as approved prior to commencement of development. The fencing/barrier proposals shall be located such that they can be erected and maintained from within the development site without requiring access to the trunk road.

25R – To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

26C – That there shall be no drainage connections to the trunk road drainage system.

26R – To ensure that the efficiency of the existing trunk road drainage network is not adversely affected.

Roads and Transportation

Travel Plan (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office):

27C - That before occupation of the development, a Travel Plan shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by single occupancy private car trips. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the travel plan shall be implemented as approved.

27R - To encourage sustainable means of travel.

School Travel Pack:

28C - That before occupation of any residential units a School Travel Pack shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The School Travel Pack shall promote sustainable travel to and from the catchment schools of the development, and shall include information on walking, cycling and public transport facilities and services between the development and schools. The School Travel Pack shall be distributed to all new residents within the development on occupation of homes.

28R - To encourage sustainable means of travel.

Residential Travel Pack:

29C - That before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the approval of the Planning Authority in consultation with ARA. The Residential Travel Pack shall promote travel to and from the site via sustainable modes of travel, and include information on walking, cycling and public transport facilities and services within the vicinity of the development. This information shall include journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development on occupation of homes.

29R - To encourage sustainable means of travel.

Public Transport Strategy:

30C - That at the first formal application for Approval of Matters Specified in Conditions, a public transport strategy setting out that either every residential development located within the development is located a walking distance of no greater than 400m, or sets out a package of enhancements to the public transport offer associated with the development to help mitigate any shortfall in achieving this standard. The Strategy shall require to be submitted for the consideration and detailed approval of the Planning Authority in discussion with SPT and thereafter implemented as approved.

30R - In order to maximise the use of public transport and sustainable travel patterns.

Infrastructure Improvement:

31C - Prior to occupation of any part of the proposed development an at grade pedestrian crossing facility of the A70 shall be designed, constructed and completed. The precise details and specifications of all infrastructure improvements shall be submitted for the approval of the Planning Authority as part of the first formal AMSC application and shall be considered in consultation with Ayrshire Roads Alliance and thereafter be implemented as approved.

31R - For the purposes of road safety and the functional operation of the local road network.

Junction Layout:

32C - That at the Approval of Matters Specified in Conditions stage plans detailing all junction layouts, both within the curtilage of the development and with the adjacent public road network to create means of site access/egress, shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The junction layouts shall require to accord with the standards as set out in the SCOTS National Roads Development Guide and shall be implemented as approved.

32R - In the interest of road safety and to ensure an acceptable standard of construction.

New Roads Infrastructure to Adoptable Standards (Residential):

33C - That all new roads infrastructure associated with the development shall require to be designed and constructed to adoptable standards, as specified by the SCOTS National Roads Development Guide, and take full cognisance of the principles of Designing Streets as National Policy. The precise details and specifications of all new roads infrastructure shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance at the Approval of Matters Specified in Conditions stage. All roads infrastructure shall be constructed, as approved by condition and in conjunction with any necessary Roads Construction Consents and/or Permits.

33R - In the interest of road safety and to ensure an acceptable standard of construction.

Discharge of Water:

34C - That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance, before any work commences on site.

34R - In the interest of road safety and to avoid the discharge of water onto the public road.

Parking Provision:

35C - That the levels of parking provision within the curtilage of the site shall be required to fully comply with the standards as defined within the SCOTS National Roads Development Guide. This shall include, where relevant, specific details on general parking provision levels, disabled parking facilities and visitor parking.

35R - In the interest of road safety and to ensure adequate off-street parking provision.

Parking Dimensions:

36C - That defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council.

36R - In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.

Integral/ Detached Garages:

37C - That integral or detached garages within the curtilage of a property intended to form part of the parking provision for the dwelling shall have internal garage dimensions of a minimum of 7m x 3m, per vehicle.

37R - In the interest of road safety and to ensure adequate off-street parking provision.

Cycle Parking Provision:

38C - That cycle parking facilities shall be provided within the site boundary in line with the standards as set out in Cycling by Design. Precise details of the siting and specifications of cycle parking facilities shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The approved cycle parking facilities shall require to be installed prior occupation of any class 1 retail, class 2 professional services, class 3 food and drink, or class 4 office element of the development.

38R - To ensure adequate provision of cycle parking on site and encourage sustainable means of travel.

Turning Areas:

39C - That at the Approval of Matters Specified in Conditions stage, plans shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The turning areas shall require to accord with paragraph 3.1.3 and figure 18, of the SCOTS National Roads Development Guide.

39R - To reasonably avert the reversing of vehicles onto the main road and in the interests of road safety.

Bin Collection Points:

40C - That designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance prior to any work commencing on site. Thereafter the bin collection points shall be provided on site.

40R - In the interests of road safety.

Footway/Footpath link to A77 Crossing:

41C - That a new footway/ footpath designed to be fully compliant with the standards as set out in Cycling by Design shall be provided linking the development site with the required grade-separated crossing facility of the A77(T). Details and specification of the proposed footway/ footpath link shall be submitted for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance prior to any work commencing on site. The footway/ footpath shall be constructed, as approved, prior to occupation of any element of the development.

41R - In the interest of road safety and to ensure that adequate provision is made for pedestrians.

Construction Traffic Management Plan:

42C - No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with Ayrshire Roads Alliance. The CTMP shall be required to include:

1. Full confirmation of the approved/agreed routes for use by construction traffic movements;
2. 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;
3. 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;
4. Full details of video condition surveys of all public roads under the control of the ARA forming part of the delivery route(s) for construction traffic. The CTMP shall require to include details of a schedule for video condition surveys including prior to the commencement of works on site, at the mid-point of the construction programme, and following the conclusion of construction traffic movements;
5. Details of measures/ 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;
6. Details of all public road signing and lining arrangements to be put in place during both the construction period, and for the operation of the site thereafter. This detail shall include any additional advisory/warning signage and/or temporary traffic control measures which may be required during the construction period;
7. Full details of all arrangements for emergency vehicle access;
8. 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;
9. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
10. All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;
11. 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;
12. 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, the development shall be carried out in full accordance with the approved CTMP, unless approved otherwise in writing with the Planning Authority, in consultation with Ayrshire Roads Alliance.

42R - In the interests of road safety.

Surface Water Management Plan:

43C - That at the Approval of Matters Specified in Conditions stage, the developer shall be required to submit a Surface Water Management Plan for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance. The plan shall require to demonstrate how surface water will be managed, detailing the retention/attenuation/SUDS sized to accommodate the 1:200 year rainfall event + climate change for the site. The Surface Water Management Plan will also detail the flood routes during the 1 in 200 year + climate change, to the retention such that no property on or off the site is put at risk of flooding. Thereafter, the development shall be undertaken in accordance with the details approved under the terms of this permission.

43R - In order to ensure the development is protected against flooding in an acceptable manner.

Flood Protection:

44C - That at the Approval of Matters Specified in Conditions stage, the following detail shall be provided for the approval of the Planning Authority in consultation with Ayrshire Roads Alliance prior to any work commencing on site:

1. If discharge is to a watercourse (open/piped/culverted) the discharge from this retention will be limited to 4.5ltrs/sec/ha (retention sized to suit). If the discharge is to a Scottish Water asset they will determine the discharge rate. This appears to be the case for Catchment 1. If so written proof of Scottish Water acceptance of the discharge rate is required;
2. Verification that the developer has permissions to install or use an existing outfall pipe in place to discharge the Catchment 2 detention basin to the Annfield Burn.
3. Demonstration required that the recommendations contained within the Kaya Consulting Flood Risk Assessment are implemented and specifically those relating to surface water ponding areas, finished floor levels in relation to overtopping of the A70 and ground levels are designed to shed away from buildings towards landscaped areas and drainage outlets are taken into account in the detailed design of the site.

44R - In order to ensure the development is protected against flooding in an acceptable manner.

Flood Risk Assessment:

45C - That at Approval of Matters Specified in Conditions stage a detailed flood risk assessment report shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with SEPA, before any work commences on site.

45R - In order to ensure the development is protected against flooding in an acceptable manner.

Drainage Impact Assessment:

46C - That at Approval of Matters Specified in Conditions stage an updated drainage impact assessment shall be submitted for the prior written approval of the Planning Authority, in consultation with SEPA and Scottish Water, to assess drainage capacity within the network. The implications of the drainage impact assessment on the strategic landscape plan for the site shall be fully addressed as part of this submission.

46R - In order to ensure the development is protected against flooding in an acceptable manner.

SUDS:

47C - That surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in 2015. At the Approval of Matters Specified in Conditions stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site.

47R - *To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.*

Bird Mitigation Plan

48C – That prior to commencement of development, a Bird Mitigation Plan / Risk Assessment shall be submitted to and approved in writing by the Planning Authority, following consultation with Glasgow Prestwick Airport. Thereafter, the approved Bird Mitigation Plan / Risk Assessment shall be implemented to the satisfaction of the Council as Planning Authority.

48R – *In the interest of aviation safety.*

Gas Pipeline

49C – That no works shall commence on site until such time that the developer/applicant has further discussed the detailed design of the development with SGN, confirming that it will not compromise The Deeds of Servitude or The Major Accident Hazard Pipelines' Integrity. This includes agreement of the proposed groundworks / topography and any required SUDS ponds, altering the design if required.

49R – *In the interest of public safety and to protect the infrastructure of SGN.*

Section 75 Legal Agreement Headline Terms

Indicative Education Contributions*	Indicative Cost	Arrangements
Primary contribution	£7,000 per home	Contribution on pro rata basis from construction of first house with payment on a quarterly basis/as number of houses are complete. Payment index linked. Affordable houses would not make a contribution.
Secondary contribution	£4,000 per home	Contribution on a pro rata basis from construction of first house with payment on a quarterly basis/as number of houses are complete. Payment index linked. Affordable houses would not make a contribution,
Total contribution per home	£11,000	
Total education contribution that would require to be secured through S75 legal agreement	£11,000 x 350 (homes) = £3,850,000 (less affordable housing)	

*This figure would likely increase following a full education impact assessment and feasibility study on a schedule of accommodation required to more than just meet the minimum number of pupil spaces in Ayr catchment area non-denominational secondary schools.

Advisory Notes

Road Opening Permit:

That a Road Opening Permit 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:

The Council as Roads Authority advises that 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 roads authority and the relevant utility companies.

Costs of Street Furniture:

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

Costs of TROs:

The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.

Signage to TSRGD 2016:

The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.

Roads Construction Consent:

Please note that in addition to planning consent, Roads Construction Consent (RCC) shall be required from ARA as Roads Authority for the formation of any new road to be considered for future adoption. The formation of any new road shall require to comply with the specifications of the SCOTS National Roads Development Guide and Designing Streets as National Policy.

RSA Stage 2:

The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 2 Road Safety Audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with ARA. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Council as Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

RSA Stage 3:

The Council as Roads Authority advises that a Stage 3 Road Safety audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with ARA by no later than 1 month after completion of the development, unless an alternative time period is approved. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

Background Papers:

- Regulatory Panel Report 22/00302/PPPM dated 25 June 2024.
- Scottish Government Chief Planner letter dated 26 June 2024.
- Scottish Government Chief Planner and Minister for Public Finance letter dated 12 November 2024
- Draft S75 legal agreement headline terms

Integrated Impact Assessment:

The consideration of this planning application sits within a policy framework of the Council's Local Development Plan 2 and National Planning Framework 4. These have been the subject of Equalities Impact Assessments which considered how the policies may impact on protected characteristics. Therefore, no separate Integrated Impact Assessment is required.

Person to Contact:

Mr Alastair McGibbon, Supervisory Planner – Development Management - Telephone 01292 616 177

REGULATORY PANEL: 25 JUNE 2024

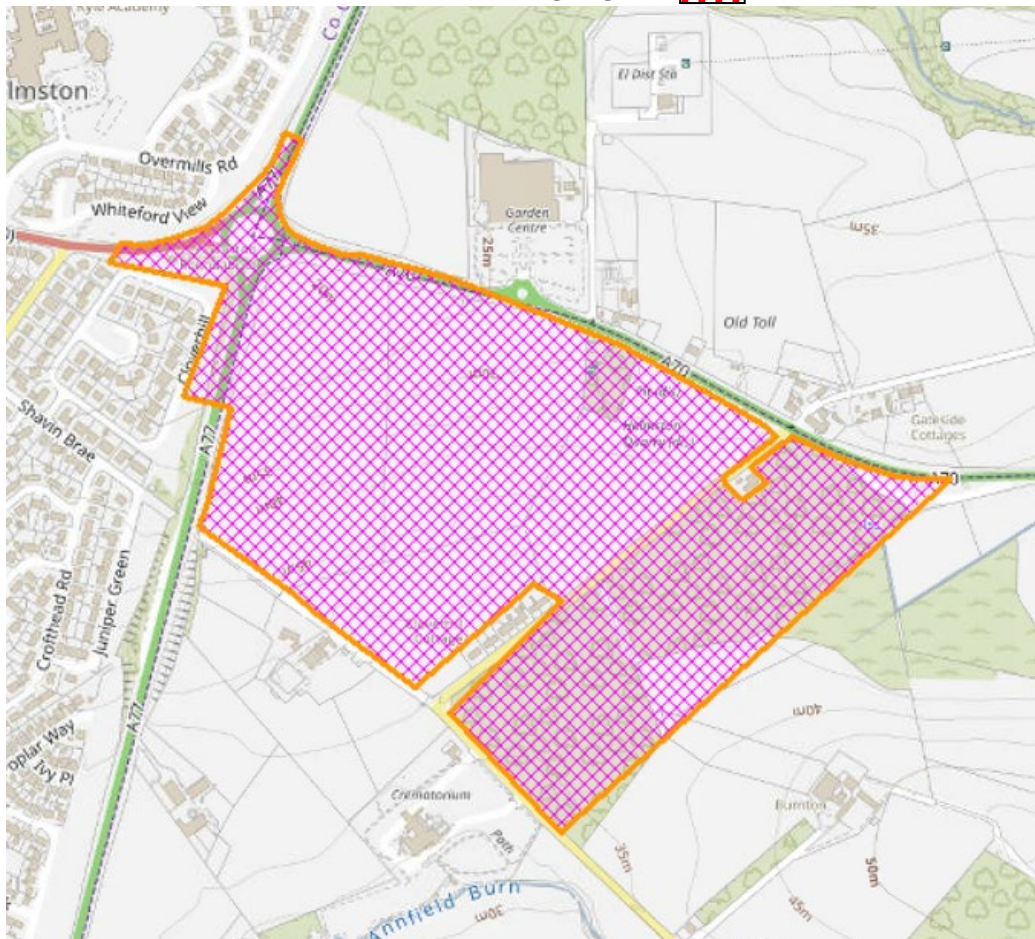
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

22/00302/PPPM

LAND TO THE EAST OF A77T FROM HOLMSTON ROUNDABOUT TO BANKFIELD ROUNDABOUT AYR SOUTH AYRSHIRE

Location Plan

APPLICATION SITE



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The drawings and other documents relating to this application, can be accessed on the Council's website via the link below:

[Application Summary](#)

Summary

This application seeks planning permission in principle for the erection of a residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office) access, landscaping, drainage and associated works at land to the east of the A77 trunk road between Holmston and Bankfield Roundabouts, Ayr. Access to the site is proposed to be taken from the A70 at the roundabout opposite Dobbies Garden Centre and a pedestrian and bicycle underpass below the A77 connecting the application site with Holmston, Ayr to the west is also proposed together with landscaping, drainage and associated works. The application proposes that up to 350 dwellings could be accommodated on the site (including 25% affordable units); however, as the application concerns planning permission in principle many of the specific details of the development are not included and would be subject to further planning application(s) should planning permission in principle be granted. Fifty-one representations have been received, of which fifty are objections which are concerned with issues relating to; planning policy, local services / local community / infrastructure, traffic / roads and transportation, flooding / drainage, landscape and visual impact, ecology and amenity. One representation has been received in support of the proposed development which outlines the benefits of energy efficient housing.

Regulatory Panel (Planning): 25 June 2024

Report by Housing, Operations and Development Directorate (Ref: 22/00302/PPPM)

Consultation responses have been received from fifteen consultees with no formal objections being received, although serious concerns are expressed by the Council's Education Service due to significant school pupil placement challenges that the proposal presents. The Ayrshire Roads Alliance also raise serious concerns because they are yet to conclude with Transport Scotland the Traffic Study work on Local Development Plan 2 (including the A77) and therefore cannot fully assess the proposal relative to traffic and transportation issues at this time.

While an active travel connection from the application site to the opposite side of the A77 to the west is proposed in the form of an underpass, Transport Scotland initially requested a condition be attached to any grant of consent requiring the construction of an overbridge across the A77 connecting the site with Holmston. Ayr. Such a condition could not be imposed as it would not meet the test for conditions as set out in the Scottish Government Circular 4 1998 as an overbridge is not the subject of this application and would be a significant development requiring planning permission. Also, an overbridge has not been subject to the mandatory pre-application public consultation process required for Major development applications. According to the Scottish Governments Circular 3 2022, proposals at application stage must be recognisably linked to the proposals as described at the pre-application stage. As the overbridge did not feature at the pre-application stage, it fails to meet this requirement.

Transport Scotland has subsequently confirmed that they would offer no objection to the proposed development if a grade-separated crossing of the A77 is provided, and it was confirmed that the underpass as proposed would represent such a connection. The application has been assessed relative to what has been submitted – namely, the provision of a pedestrian/cycle underpass link to Ayr as opposed to overbridge. The Service however has serious concerns with the provision of an underpass as they are not a modern design solution to creating good connections and they are not overlooked, welcoming or attractive spaces. Significant engineering works would require to be undertaken to achieve an underpass. It is indicated on the submitted drawings that it would measure approximately 20 metres long x 6 metres wide; this would involve substantial cost and no evidence has been submitted to demonstrate that this would be feasible or deliverable. There is significant concern that, based upon current information and within the proposals forming this planning application, that the site would not be capable of connection to Ayr and would be solely accessible by public transport or existing at grade passage across the A77. This would create an unsustainable new community not able to access local facilities without safe means of access or without reliance on the private car. Similarly, there are concerns with the viability and deliverability of the dualling of the A77 (as required by Transport Scotland) between Whitletts and Holmston roundabouts.

The proposed development has been assessed against the terms of relevant policies within the Development Plan (National Planning Framework 4 and South Ayrshire Local Development Plan 2) and it is considered that the proposal cannot be considered positively against the terms of the aforementioned documents for the following reasons - it is not allocated as a housing opportunity within the LDP, the development of the site could undermine the viability and probability of pre-existing allocated and consented sites in the LDP being developed, most of which are within existing settlements and/ or on brownfield sites. Due to the fact that it has not been demonstrated, then it cannot be concluded that the proposed development would bring a net economic benefit to Ayr.

Furthermore, it is considered that the proposals would have a significant adverse impact on the landscape character of the area. The proposed underpass (if deliverable) would represent an unattractive and unwelcoming aspect.

Lastly it is considered that the application is premature in the absence of the traffic study for the LDP (including the A77) having been concluded. Planning decisions require to be made in accordance with the Development Plan and this proposal is significantly contrary. It is therefore recommended that this application for planning permission be refused.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT

REGULATORY PANEL: 25 JUNE 2024

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00302/PPPM
SITE ADDRESS:	Land to the East of A77T from Holmston Roundabout to Bankfield Roundabout Ayr South Ayrshire
DESCRIPTION:	Planning Permission in Principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works
RECOMMENDATION:	Refusal

APPLICATION REPORT

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

Key Information:

- The application was received on 31 March 2022.
- The application was validated on 3 May 2022.
- The case officer visited the application site on numerous occasions, most recently on 21 May 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 13 May 2022.
- No Site Notice was required.
- A Public Notice, under Regulation 20 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 was placed in the Local Press on 17 May 2022.

1. Proposal

Site Description

The application site extends to approximately 34 hectares and the application proposes that approximately 350 residential units could be accommodated (including 25% affordable housing provision) and a maximum of 1,000 square metres of neighbourhood commercial uses across the whole development. The north-western portion of the site is pastureland, subdivided into three fields by post and wire fencing. The south-eastern portion is almost entirely covered by a young coniferous plantation, which serves as a Christmas tree farm, and is crossed by overhead power lines. The application site rises steadily from Holmston Roundabout on the north-western boundary to the central portion of the site with the land then steadily falling to the south-east towards Masonhill Crematorium.

The site is bound to the north by Dobbies Garden Centre and a cluster of residential dwellings, by agricultural land to the east, by Masonhill Crematorium and agricultural land to the south and by residential dwellings and areas of open space to the west. It is noted that the A70 to the north of the site and Holmston Roundabout and parts of the A77 trunk road to the west are both included within the red line application site boundary. An existing road (Sandyhill Terrace) bisects the site in its eastern portion, entering the site opposite a cluster of existing dwellings along the A70 before travelling south-west to the southern site boundary and then turns south-east along the site boundary towards Masonhill Crematorium.

Development Proposal

This application seeks planning permission in principle for the erection of a residential development and neighbourhood commercial development (Class 1 Retail, Class 2 Professional Services, Class 3 Food and Drink and Class 4 Office), access from the A70 at the roundabout opposite Dobbies Garden Centre and an underpass connecting the application site with Holmston, Ayr to the west, landscaping, drainage and associated works. The site extends to approximately 34 hectares and the application proposes that approximately 350 residential units could be accommodated (including 25% affordable housing provision) and a maximum of 1,000 square metres of neighbourhood commercial uses across the whole development.

It is important to be mindful that the application is for planning permission in principle and therefore many of the details set out within the Design Statement for the site are indicative. In order for any development to take place on the site, further planning application(s) would be required, outlining the specific location of housing, commercial units, roads, open space and associated infrastructure.

An indicative spatial masterplan is included within the submission along with a Supporting Statement and Design Statement, which promote up to approximately 350 residential units (including 25% on site affordable units), with a range of house types and sizes. The masterplan includes perimeter parkland and structural shelterbelt, the creation of a central parkland, vehicular access from the A70 via the existing roundabout, a new pedestrian underpass crossing the A77 to provide a route towards Ayr town centre, sustainable drainage (SuDS) features at the lowest points of the site (north west and south east)), an internal road network, active travel routes linking to local amenities and core path networks, retention of existing vegetation and field boundary trees and avenue tree planting to define main thoroughfares. The proposed development would extend the existing settlement edge of Ayr to the east and the Design Statement proposes new tree planting on this edge and to the north and west.

Planning Process

Due to the 'Major' status of this planning application it is necessary for the Council to come to a view on whether or not the application proposal is 'significantly contrary to the development plan' as this determines if it requires to be notified to Scottish Ministers. Paragraph 4.77 of Circular 3/2022 (Development Management Procedures) notes with specific regard to 'pre-determination hearings' that while the judgement as to whether a proposal is significantly contrary to the development plan lies with the Planning Authority, and ultimately the Courts, Scottish Ministers' general expectation is that if the proposal is contrary to the vision or wider spatial strategy of the Plan then it should be considered significantly contrary to said plan. These considerations are planning judgements undertaken by the Chief Planning Officer of the Council.

In this case, as the application site is not allocated for a housing and commercial development in the LDP, the proposal for housing and commercial development is significantly contrary to the vision and spatial strategy of the Plan. Should Members be minded to approve the application, contrary to recommendation by the Planning Service, then it would require to be notified to the Scottish Ministers who can then 'call in' the application for their own determination, or alternatively, instruct the Planning Authority to determine the application as they see fit.

The development proposal falls within schedule 2 of the EIA Regulations and a screening opinion has been issued which advises that an Environmental Impact Assessment is not required.

A Processing Agreement has been prepared and agreed in consultation with the applicant which agrees that the Planning Service will seek to present the application to the Council's Regulatory Panel (Planning) no later than 7 June 2024.

A Proposal of Application Notice (Ref.21/01050/PAN) described as “Proposal of application notice for planning permission in principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works” was approved on 3rd November 2021. It is considered that the description and nature of the application is such that it is clearly and recognisably linked to the proposal described in the Proposal of Application Notice.

Planning History

03/01036/OUT – Erection of residential development – Withdrawn April 2005.

2. Consultation Responses:

Council’s Sustainable Development (Biodiversity) Service – no objection.

Council’s Environmental Health Service - no objection.

Council’s Sustainable Development (Landscape and Parks) Service - no objection.

Council’s Housing Policy and Strategy Service – no objection. 25% on-site affordable housing would be expected.

Councils’ Education Service - This Service has serious concerns and would encounter significant pupil placement challenges if this development was to progress. Although SAC Education do not anticipate any problems with accommodating pupils requiring a denominational education at either Queen Margaret Academy or at St John’s Primary School, both catchment non-denominational schools are at capacity and, based on current rolls, will not be able to accommodate the anticipated number of non-denominational pupils arising from the proposed development. The product of 350 homes (circa 108 primary pupils and 67 secondary pupils) would most likely be accommodated and mitigated through school extensions, rather than a new build school provision. The Council’s Education service has not undertaken a feasibility study at this time on a further extension of either Forehill PS or Kyle Academy, due to the fact that the planning application site is not allocated for housing, the proposal is significantly contrary to the Development Plan and is being recommended for refusal. Notwithstanding, there are concerns about the space and capacity for an extension at Forehill PS and whether this would be achievable.

Council’s external Ecology advisor AECOM: would expect an Ecological Impact Assessment (EclA) to be undertaken. Assessment of the use of the site by roosting and foraging bats is required. It is a key consideration that surveys for European Protected Species, including bats, cannot be conditioned and therefore must be undertaken prior to the planning application being determined. Surveys carried out for the Preliminary Ecological Appraisal Report (PEAR) took place in January 2022 and NatureScot. consider ecological surveys to be out of date after 2 years – surveys reported in the PEAR should therefore be repeated as conditions on site may have changed.

As a result of these comments the agent submitted an updated Ecological Appraisal on 18th April 2024. This identifies that there are trees with potential to support roosting bats in the site and that these may be subject to lopping or felling. As this is an application for Planning Permission in Principle, it would seem to be reasonable to condition that further survey to confirm the presence of roosting bats be carried out if works to these trees are needed. However, any such further survey should be completed prior to determining the application for full planning permission, as it is not possible at this time to condition surveys for European Protected Species (which includes bats). AECOM also note that there continues to be limited assessment of potential effects on nature conservation sites. There are areas of ancient woodland under 1km from the application site and such areas are vulnerable to pressure from increased visitor numbers, especially dog walkers, that can arise from new housing developments. The potential for such impacts should be considered and appropriate mitigation outlined, if necessary. However, as this is an application for Planning Permission in Principle, it would be possible for this to be carried out as part of application for detailed planning permission.

Ayrshire Roads Alliance - Recommend deferral of the application. The ARA cannot fully appraise the development proposal from a traffic perspective. Whilst the impacts of traffic can be tested, any mitigation should be taking cognisance of the LDP2 mitigation measures to make sure it does not prejudice or conflict the delivery of mitigation deemed to be required to support the release of allocated sites. The ARA are yet to conclude the Traffic Study work on LDP2 (including the A77) with Transport Scotland and the application cannot therefore currently be fully assessed relative to traffic and transportation issues at this time. It is considered premature to assess the site whilst the aforementioned work remains outstanding and deferral is recommended until such time as the Council's LDP2 Traffic Study is concluded, the package of mitigation measures has been identified and agreed with Transport Scotland and associated indicative cost contributions allocated to individual LDP2 sites.

Transport Scotland (Trunk Roads) – No objection subject to conditions. The proposed conditions related to the number of units not exceeding 350, that an overbridge be completed across the A77 prior to the occupation of any part of the development, modification of Holmston Roundabout, improvements to the A77 trunk road including dual carriageway standard between Whitletts Roundabout and Holmston Roundabout to provide additional capacity and details of lighting, landscaping treatment, fencing/barrier proposals along the trunk road boundary and that there shall be no drainage connections to the trunk road drainage system.

It should be noted that the applicant was in separate discussion during the processing of the application with Transport Scotland; however, the Planning Service were not included in these discussions. It is understood that discussions were in relation to the provision of an overbridge that does not form part of the planning application proposals. The request by Transport Scotland to impose a condition to any grant of planning permission for an overbridge is not possible as it would not meet the test for conditions as set out in the Scottish Government Circular 4/1998 as an overbridge is not the subject of this application and in itself would be a significant development requiring planning permission. Also, an overbridge has not been subject to the mandatory pre-application public consultation process required for Major development applications. According to the Scottish Governments Circular 3/2022, proposals at application stage must be recognisably linked to the proposals as described at the pre-application stage. As the overbridge did not feature at the pre-application stage, it fails to meet this requirement.

The other condition proposed by Transport Scotland that would require to be reworded, should the application be approved, is the detail of the works required to be undertaken to Holmston Roundabout. Transport Scotland has referred to a drawing which was not submitted to the Planning Service in support of the application and therefore this could not be referenced in the condition.

Notwithstanding the consultation response from Transport Scotland, the Planning Service sought an updated response from them in relation to what has been applied for through this application, that is, an underpass as opposed to an overbridge. Transport Scotland subsequently confirmed that they would consider the development to be unacceptable without an appropriate active travel connection between the application site and Ayr at the opposite side of the A77. Transport Scotland has confirmed that they would consider an underpass to represent a grade separated crossing of the A77 trunk road. While they note concerns with the lack of information provided with respect to the underpass (which would require significant engineering works at a substantial cost), they have advised that a condition would be required to be imposed on the grant of any consent for the construction and design details to be provided as the subsequent application stage, noting that the current application is for Permission in Principle.

SGN Pipelines Maintenance – initially submitted an objection due to proximity to high pressure gas pipeline. However, this was altered to no objection following discussion between the applicant and SGN which the Council were not part of.

Historic Environment Scotland - no objection.

Health And Safety Executive – no objection.

Prestwick Airport – no objection at planning permission in principle stage.

Scottish Water – no objection.

Scottish Environment Protection Agency – no objection.

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

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.

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

Design Statement (March 2022): This report sets out a description of the proposed development, outlines planning policy context and describes the site and surrounding area. The report further reasons layout, scale, landscaping, appearance and access considerations. The report concludes by stating that an analysis of the site has been utilised to inform the design process and that the proposed development meets the key criteria of design and access principles – character and identity, safe and pleasant, inclusive, welcoming and resource efficient.

Updated Design Statement (April 2024): This updates the ecology considerations which were previously outlined in the originally submitted Design Statement, reflecting the findings of the updated Ecological Appraisal (April 2024). Biodiversity Net Gain section also added based on the Biodiversity Enhancement Plan (April 2024) – see below.

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

Landscape and Visual Impact Assessment (March 2022): It is stated that the assessment was undertaken in accordance with established guidance, including the 3rd edition of the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and the Institute of Environmental Management and Assessment, 2013). The report considered the potential implications of the proposed development in terms of direct and indirect effects on key landscape characteristics and resources, together with the effects upon a representative range of visual receptors near the site. The assessment states that significant landscape impacts are predicted within the site boundary due to the direct loss of agricultural land and are regarded as a significant change. It is stated that significant visual impacts are predicted to be limited to relatively close proximity to the proposed development, primarily along a short section of Core Path SA16 and upon an area of the Ayr Valley Local Landscape Area but that the proposed development has the potential to integrate well within the surrounding wider landscape and contribute beneficially to the local landscape structure through the provision of extensive tree planting and hedgerows which can – provide screening and/or filtering of the proposed development, enhance visual amenity and biodiversity value and create linkages to existing woodland to enhance wildlife corridors and reinforce the green network. It is further outlined that the proposed development has been carefully considered to minimise significant visual effects by measures such as setting development back from the highest point of the site, providing linear open spaces with tree planting to break up the urban form and locating new structure and avenue tree planting to the proposed development boundaries. It is stated that these measures, particularly during the summer months, would ensure that significant effects would be limited to approximately 250m of the proposed site boundary.

Flood Risk Assessment (March 2022): This document outlines policy considerations, constraints on the developable area, flood risk, describes the site and finally describes the flood risk assessment (FRA). The FRA considered the risk from fluvial flooding from the River Ayr and the Annfield Burn, surface water flooding (including drains and ditches), groundwater flooding and infrastructure. The assessment states that the site is located over 4.5m above the Annfield Burn and over 7m above the River Ayr and is therefore not predicted to be at significant risk of fluvial flooding from either watercourse. The assessment also outlines that there are three areas which total 12 hectares with the potential to contribute surface water to the site from outwith the site boundary. It is also stated that there are two areas within the site with the potential of surface water ponding – recommended mitigation includes ensuring that ground levels are designed to shed away from buildings and towards landscaped areas/drainage outlets and that finished floor levels of properties should be raised above the immediately surrounding ground levels and where they cannot be raised, that consideration should be given to the use of water-resistant materials. The assessment concludes by stating that the site is not considered to be at risk from groundwater flooding or flooding from other sources.

Drainage Strategy Report (March 2022): This document sets out an examination of existing drainage infrastructure records, provides comment on natural watercourses and outlined guidance on the proposed drainage network, SUDS technique and anticipated allowable surface water run-off. It is stated that foul drainage will comprise of a combination of a gravity drainage system and pumped rising main to connect into the existing Scottish Water drainage system. It is further stated that it is intended that surface water run-off will be discharged into the existing storm water drainage system in the north of the site and to Annfield Burn in the south of the site. Discharge is proposed via two separate detention basins and would be limited to 37/s and 20.1l/s respectively (Qbar 2 year) and the site attenuated to 1 in 200 year with 35% climate change. Finally, the report outlines that proposed SUDS techniques would be in accordance with CIRIA C753, with any proprietary drainage systems maintained as per manufacturer recommendations.

Preliminary Ecological Appraisal – Rev A (February 2022): This study aimed to identify all broad habitat types within the application site boundary and included a search for suitable habitat for protected species and provides recommendations for further survey, where considered appropriate. It is stated that no designated or notable sites are present within the application site. A Provisional Wildlife Site and several ancient woodlands are present within 1km of the site boundary; however, the appraisal reasons that there would not be any effect on these areas due to their distance from the site and lack of functional connectivity. The appraisal states that the habitats and plant species recorded within the site boundary are widespread and common throughout the local area and that no further habitat assessment recommended. In respect of protected and notable species, it is outlined that features which have the potential to be used by roosting bats were observed on the more mature trees in the centre, north and east of the site and it is recommended that these trees are retained as part of any future development of the site. A Bat Survey is recommended if these trees are to be removed. Suitable bat foraging and commuting habitat is present in the form of woodland edges, hedgerows and open grassland within the site. Suitable nesting for birds is also present and any work should be undertaken outwith the bird nesting season, which runs from March to August inclusive. Finally, the appraisal states that should works at the site not commence prior to 27th July 2023 that further surveys should be commissioned in order to ascertain that the situation regarding protected species as the site has not changed.

Updated Ecological Appraisal (April 2024): This updated survey aimed to reaffirm the previously identified broad habitats within the site, search for protected species field evidence and identify suitable habitat to support protected or notable faunal species. It was found that the habitats and plant species recorded are stated as being widespread and common throughout the local region and that no further habitat assessment is recommended. Several of the more mature trees in the centre, north and east of the site displayed features that may have the potential to support roosting bats and it is recommended that these trees are retained – if they are to be removed then further bat assessment may be required. Evidence of badger foraging noted within the disused quarry. A pre-construction badger survey is recommended to be undertaken prior to any works commencing on site. Suitable nesting for birds is also present and any work should be undertaken outwith the bird nesting season, which runs from March to August inclusive.

Utilities Overview (January 2018): This report outlines the site and the proposed development, outlines the existing utilities and capacity overview and details potential diversions and future servicing. It is stated that the existing utilities infrastructure would appear to generally be sufficient to support the proposed development, subject to further liaison with the various providers and that waste water treatment capacity for foul water will require reinforcement. It is also stated that the High-Pressure gas pipelines located in the west of the site pose a significant constraint to the proposed development due to their strategic significance and it may not be feasible to divert, they pose a significant health and safety concern and should be considered throughout the detailed design and construction stages. The report also outlines that a number of major utility diversions may be required as part of the proposed development, including but not limited to, a medium pressure gas main, underground and overhead 33kV Extra High Voltage cabling, an overhead BT cable and localised diversions/lowering of any new access points to the site. Finally, it is stated that points of connection to each of the networks are anticipated to be formed adjacent to the site boundary or within a relatively short distance to the site.

Geo-environmental Desk Study Report (January 2018): The purpose of the study is to assess potential contamination and geotechnical constraints at the site and to provide outline recommendations for additional investigative works required to address any areas of uncertainty. The report states that the risk associated with the site is considered to be Low/Moderate in respect of potential risks to the water environment and that the site would not constitute Contaminated Land, as defined in Part 11a of the Environmental Protection Act. The future risk of the site is also stated as being Low/Moderate. The thickness and geotechnical properties of the underlying made ground, natural soils and rock is stated as being unknown and that glacial till soils covering the majority of the site are likely to provide a good founding solution. However, it is outlined that there is the potential for soft or compressible soils in the north west and east of the site which may require deep foundations. It is also stated that there is potential for the natural or made ground soils to be chemically aggressive towards concrete and that there is potential for the presence of shallow groundwater beneath the site. The report recommends that intrusive investigation works are undertaken to characterise the ground conditions. The report concludes by stating that trail pitting, drilling of boreholes, chemical analysis of soils, geotechnical analysis of soils, ground gas and groundwater level monitoring of borehole installations and collection of groundwater samples will be required.

Socio-Economic Assessment (March 2022): It is stated that the objective of this document is to demonstrate that the proposed development meets the aims of Strategic Policy 2 of LDP2, with this policy stating that development proposals that are contrary to specific LDP policies may be supported if they are '(1) of over-riding community interest or (2) will contribute significantly to the implementation of the Ayrshire Growth Deal (AGD) or the regeneration of Ayr and will have no significant adverse environmental effects'. The report states that the proposed development is in accordance with Strategic Policy 2 of LDP2 in that housing growth is required in order to counterbalance the key challenges faced by South Ayrshire in terms of population decline and that if this is not addressed it could compromise the success of the AGD. The report further concludes that the proposed housing would deliver direct and indirect employment opportunities which would help support a range of industries and provide housing in the area meaning that workers would not require to move further afield - which would increase commuting and reduce the local labour supply, which is crucial for the delivery of the AGD. It is reported that the construction value is estimated at £48m, first occupation expenditure (circa £10,000), household expenditure (circa £9m per annum) and Council Tax contributions of approximately £450,000 per annum. The assessment further reasons that by increasing the residential population it will aid the regeneration of Ayr town centre as the proposed development would increase the local spend supporting those industries reliant on the local population. Finally, the assessment outlines that the site is not within a sensitive area, as defined by the EIA Regulations and is not subject to any specific landscape or historic designations. No significant adverse environmental effects were identified in the technical reports prepared to support the planning application.

Transport Assessment (March 2022): This assessment sets out the development proposals, outlines the policy context, sets out an accessibility review, outlines a framework for a travel plan which would be developed and implemented at an appropriate time to promote sustainable travel at the proposed development, outlines travel demand and describes results from a traffic impact assessment. The assessment outlines that the predicted trip generation for the proposed development was established through reference to the TRICS database and that it is predicted that the proposed development would generate up to an additional 2023 and 210 vehicle trips in the morning and evening peaks respectively. The modelling assessment within the report considered two scenarios: the proposed development under consideration is delivered in advance of the consented Corton development and associated infrastructure and the proposed development being delivered after the implementation of the Corton development and associated infrastructure. The consented Corton development identified infrastructure mitigation measures for Holmston Roundabout and these measures formed the basis of all mitigation measures considered at Holmston Roundabout within this report. Principal vehicular access to the proposed development would be provided via a new arm of the existing A70/Dobbie's roundabout, with the roundabout requiring to be enlarged to accommodate this new arm. It is stated that should Corton and associated infrastructure be implemented in advance of the proposed development, that traffic associated with the development under consideration could be accommodated without further intervention. Should the development under consideration be brought forward prior to the Corton development, it is outlined that the following mitigation measures would need to be implemented at Holmston Roundabout: A70 east – widening of the entry approach lane to 10.7m, A77 South – widening of the entry approach lane to 10, A70 West (Holmston Road) – widening of the entry approach lane to 10.8m and alterations to the circulatory markings.

Statement of Community Benefit (March 2024): This statement is provided in response to the National Planning Framework 4 (NPF4) Policy 16 and outlines the benefits associated with the proposed development. The report states that the proposed development would support investment in and around Ayr and would contribute to community benefit in the following ways: provision of new high-quality homes (including 25% affordable on site), delivery of road and transport improvements to accommodate the proposed development and enhance the existing infrastructure, deliver an active travel overbridge, provision of new neighbourhood amenities for new and existing surrounding residents, support aspirations of AGD by providing new homes to attract skilled workforce and enhance the green network and provide high quality open space for the enjoyment of new residents and the existing community.

Biodiversity Enhancement Plan (April 2024): This document sets out measures to inform the indicative masterplan in order to create and manage habitats within the site to significantly enhance their suitability to support wildlife and significantly increase the overall biodiversity value of the proposed development. It is stated that the masterplan is indicative at this stage only, with it identifying the following areas of retained and enhanced habitats: existing retained woodland: 8,626 square metres, proposed new structural woodland: 26,664 square metres, proposed grassland (75% of which wildflower meadow) 80,945 square metres, proposed SUDS area developed as wet species rich grassland habitats: 6,470 square metres and proposed scattered and individual trees in open spaces: 422 specimens. It is further stated that there is also a commitment to delivering biodiversity through creating native hedgerows, native shrub planting and garden spaces as the masterplan develops. The document states that the site is currently dominated by modified grassland that has been subject to extensive livestock grazing resulting in a habitat of negligible ecological value. The report concludes by stating that with the areas of retained and enhanced habitats, together with the creation of native hedgerows, native shrub planting and garden spaces, that the opportunity to provide a positive Biodiversity Net Gain of at least 10% is considered achievable.

4. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development. **None.**

5. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. **None.**

6. Representations:

A total of 51 representations have been received, 50 of which object to the proposed development. 1 letter of support has also been received. It should be noted that a number of individuals lodged more than 1 letter; however, such representations are only counted once (for clarity, all matters raised in the other representations are considered within the planning assessment). All representations can be viewed online at [Application Summary](#)

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

Planning Policy

- Site is Green Belt land and therefore protected from development.
- Conservation site.
- Proposed development doesn't meet criteria of acceptable development in Green Belt.
- Site is not allocated in LDP and not within settlement boundary, also cannot be considered in accordance with Strategic Policy 2 – of over-riding community interest or contribute significantly to Ayrshire Growth Deal or the regeneration of Ayr.
- No need for further shops, focus should be on empty town centre shops.
- Contrary to Galloway and South Ayrshire Biosphere Reserve policies – quality agricultural land should be protected.

Traffic / Roads and Transportation

- Road network is already congested in the area – the 3 roundabouts on A77, Whitletts, Holmston and Bankfield already busy and journey times are longer at peak times – proposed development will exacerbate existing problems on roads which can't cope with current levels of traffic.
- Submitted Traffic Survey (2018) is out of date and does not cover proposed housing at Ayr hospital, Bankfield Roundabout or Corton. Also, no mention of Crofthead Caravan Park upgrades/extension.
- Excessive traffic along Sandyhill Terrace towards crematorium and potential conflict with crematorium traffic.
- What are construction timeframes?
- Adverse impact on road/pedestrian safety - difficult to cross the A70 at present, no pavement at bus stop at bottom of crematorium road and proposed underpass is on other side of A70 from the Coylton to Ayr footpath.
- Emergency services vehicle access concerns.
- When bypass was constructed either side was reserved for future dual carriageway – underpass would require to be very long.
- A bridge across the A77 is preferable to an underpass.
- Existing underpass at River Ayr could be greatly improved.
- Free community buses from Coylton area should be provided to schools to reduce traffic.

Local Services/Local Community/Infrastructure

- Existing infrastructure cannot cope – nurseries, hospital, GP's
- Submission states that there is school provision availability, this is not the case with children in the area unable to go local primary school.
- Proposed development will have adverse impact on character and identity of the area due to its scale.
- Water pressure, sewerage, utilities and drainage infrastructure could not cope with proposed development.

Flooding/Drainage

- Proposed underpass is located in area which floods.
- Proposed development could create flooding issues nearby due to clay soil.

Ecology/Natural Environment

- Habitat/biodiversity destruction – bats, badgers, hedgehogs, herons, bees etc.
- Underpass would destroy Marie Curie Cancer Care Field of Hope daffodils.
- The woodlands require a Tree Preservation Order.
- No assessment of potential hazardous waste/ dangerous goods within quarry due to past dumping – SEPA toxicity assessment required.
- Removal of trees/hedge rows does not aid carbon capture.
- Months of construction traffic and heavy machinery spewing pollutants into air not good for global warming.
- Soil disturbance takes 30 years to recover.

Landscape and Visual Impact

- The proposed development would be overbearing and out of scale/character with the locale.
- Public visual amenity would be adversely affected, presently an area of Outstanding Natural Beauty.
- The LVIA does not highlight the impact that the proposed development could have to the crematorium and garden of remembrance.
- Indicative Spatial Masterplan shows a removal of hedgerows and trees from scenic route to crematorium.
- If approved, a buffer corridor of planting should be created to separate proposed housing and crematorium road.
- Angle of photograph from Crofthead Caravan Park entrance is absurd – housing would dominate skyline.

Amenity

- The proposed development would surround a residential property, altering countryside setting.
- The proposed development will overlook adjacent properties to the detriment of their privacy.
- The proposed development will result in a loss of daylight / create overshadowing to adjacent properties.
- Proposed underpass would create anti-social behaviour in area with high elderly population.
- Development would create noise, dust, vibration and pollution.
- Light pollution from development and underpass.
- Masonhill Crematorium/remembrance garden is supposed to be a place of peace and tranquillity, proposed development would shatter this.

Inaccuracies/contradictions/anomalies within submission

- Photographs of Ayr Cemetery included within submission in error.
- Indicative spatial masterplan drawing shows footpaths through the former quarry but Transport Statement states that there is a section of the site occupied by a quarry which is outwith the control of the applicant – this is therefore misleading.
- Within the submitted Utilities Report questioned why the drawings are stamped with 'this map image may not be used for planning use'.

Health and Safety

- High Pressure Gas Main Pipe to the north and east of Cloverhill – development of the proposed underpass in this area would create risk to residents and road users.
- Overhead powerlines are present – would the gap between the proposed dwellings and the powerlines meet British Standards?
- On page 59 of submitted Utilities Report it is stated that SGN object to the proposed development – detailed consultation required.

Proposed Development

- There is no need for the proposed housing.
- Local Authorities have duty to protect the living standards of local residents.
- Residents' considerations secondary to monetary gain.
- Inappropriate development so close to a crematorium.
- Extension of the town is not a positive improvement.
- Affordable housing should be 2/3 bed bungalows rather than 4/5 bed properties to accommodate downsizing of aging population.
- No provision of community/leisure facilities.
- What are construction timeframes? Disruption to residents and crematorium visitors.
- Food production and employment is required, not houses.

Consultation/Neighbour Notification

- Neighbour notification not received/not received until after such time had read about the proposal in press/online.
- Lack of consultation – not widely publicised enough or enough time for objections to be made.

Other Matters

- Loss of countryside view.
- Loss of property value.
- Application has been rejected before, should be again.
- What are the plans to keep the crematorium open should the development go ahead?
- The amount of new builds in Ayr is alarming – how many more will be allowed?
- Other developments which were approved questioned, future Space Centre fears, distrust of authorities.
- Progress with number of builds required to meet Scottish Government legislation – National Developments NPF4.
- UK Legislation ‘Bribery Act 2010’, South Ayrshire Anti-fraud and Anti-bribery Strategy 2021 – need assurances these will be implemented.

The single letter of support raises matters in respect of shortfall of energy efficient homes in South Ayrshire, that a wide variety of house types should be provided and that commercial ‘co-working’ spaces should also be considered.

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. Development Plan:

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 between the policy frameworks.

- National Planning Framework 4 (NPF4)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.

The 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/publications/national-planning-framework-4/pages/1-introduction.aspx):

- Policy 1 – Tackling the Climate and Nature Crises
- Policy 2 – Climate Mitigation and Adaption
- Policy 3 – Biodiversity
- Policy 4 – Natural Places
- Policy 5 – Soils
- Policy 6 – Forestry, Woodland and Trees
- Policy 7 – Historic Assets and Places
- Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 12 – Zero Waste

Regulatory Panel (Planning): 25 June 2024

Report by Housing, Operations and Development Directorate (Ref: 22/00302/PPPM)

- Policy 13 – Sustainable Transport
- Policy 14 – Design, Quality and Place
- Policy 15 – Local Living and 20 Minute Neighbourhoods
- Policy 16 – Quality Homes
- Policy 17 – Rural Homes
- Policy 18 – Infrastructure First
- Policy 22 – Flood Risk and Water Management
- Policy 25 – Community Wealth Building
- Policy 28 – Retail
- Policy 29 – Rural Development

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 and an assessment of the development proposal against the provisions of NPF4 follows.

- [South Ayrshire Local Development Plan 2 \(LDP2\)](#)

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 \(south-ayrshire.gov.uk\)](#):

- LDP Policy Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Development Opportunities
- LDP Policy: Delivering Infrastructure
- LDP Policy: General Retail
- LDP Policy: Maintaining and Protecting Land for Housing
- LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites
- LDP Policy: Rural Housing
- LDP Policy: Affordable Housing
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Green Networks
- LDP Policy: Flooding and Development
- LDP Policy: Agricultural Land
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Heat Networks
- LDP Policy: Historic Environment
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport
- LDP Policy: Strategic Road Development
- 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.

8. Assessment:

This report is structured to assess the relevant and comparable policies within NPF4 and LDP2 in tandem under subject matters and then to consider any policies that are only in one part of the Development Plan separately. There are a number of key policies within NPF4 that are of specific relevance to an assessment of this application, some reinforce and confirm the stance established in LDP2, whilst others seek to achieve the same aims but by way of a different approach. It is considered that there are no fundamentally different overarching policy aims which would undermine or prevail against the provisions of LDP2's Strategic Policies for the assessment of this application. Having regard to the Development Plan, the key considerations are identified as follows.

Principle of Residential Development

(**NPF4 Policies:** Policy 1: Tackling the Climate and Nature Crises, Policy 2: Climate Mitigation and Adaption, Policy 5: Soils, Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings, Policy 14: Design, Quality and Place, Policy 15: Local Living and 20-minute Neighbourhoods, Policy 16: Quality Homes, Policy 17: Rural Homes and Policy 29: Rural Development) (**LDP Policies:** Spatial Strategy, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Maintaining and Protecting Land for Housing, Residential Policy within Settlements, Release Sites and Windfall Sites, Rural Housing and Agricultural Land)

The application site is located to the east of the settlement of Ayr, beyond the settlement boundary as defined in the adopted Local Development Plan (2022) and is key to note that it is not an allocated housing site or allocated for any other form of development.

The global climate emergency and the nature crises form the foundations of the NPF4 Spatial Strategy as whole and Policies 1 and 2 should be considered in this regard.

The principal element of the proposal is for some 350 residential units, 25% of which would be 'affordable'. **LDP Policy: Maintaining and Protecting Land for Housing** seeks to ensure that there is an effective 5-year supply of housing land (allocated housing sites) at all times during the Plan period. At the point of adoption of the LDP in 2022 and also in the latest South Ayrshire Agreed Housing Land Supply 2023/24, there was an effective 5-year land supply against both the LDP2 Housing Supply Target, and the housing target set out in NPF4 (the 'Minimum All Tenure Housing Land Requirement').

Moreover, evidence of insufficient 5-year housing land supply as a basis for approving housing development on unallocated housing sites is no longer a significant determining consideration. A decision by the Inner House of the Court of Session Ref. [2024] CSIH 11 XA41/23 on 3 May 2024 upheld the Scottish Ministers decision to refuse planning permission for housing on unallocated land at Mossend, West Lothian and confirms that **NPF4 Policy 16: Quality Homes** (f) supersedes and removes any LDP requirement to maintain a 5-year effective housing land supply.

Policy 16f (iii) point 1 states, with respect to development proposals for new homes on land not allocated for housing in the LDP, they will only be supported in certain circumstances including (extract):

"delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained."

The Court of Session decision confirms that where a deliverable-housing-land pipeline is not yet in place, as is the case in South Ayrshire at present, then the exception permitting development on unallocated sites in the circumstances set out above is not engaged. Notwithstanding, the applicant has not provided such evidence that there is earlier-than-expected delivery of allocated sites in the LDP. Indeed, it is not considered that such circumstances are in evidence for South Ayrshire, given the 2022 and 2023 housing land audit data which demonstrates that there is no shortfall in housing land supply and that sites are not being built out more quickly than expected. It is therefore considered that the proposal does not meet the requirements of policy 16f. The development proposal could undermine the viability and probability of pre-existing allocated and consented sites in the LDP being developed, most of which are within existing settlements and/ or on brownfield sites.

As the proposal does not comply with Policy 16 part f (iii) this means that the proposal is contrary to policy 16 as a whole. However, the proposal also does not comply with parts 1 and 2 of this policy in that (i) the proposal is not supported by an agreed timescale for build out and (ii) the proposal is not consistent with the spatial strategy of the Development Plan or other relevant policies including local living and 20 minute neighbourhoods.' These policies are considered elsewhere in this report.

The scope for housing on unallocated sites in the countryside such as the application site is generally limited in nature to small-scale development proposals under the principles of **LDP Policy: Rural Housing**. The proposed development under consideration does not however fall within such a 'small scale' definition and therefore could not be considered favourably under this policy. In a similar vein, **NPF4 Policy 17: Rural Homes** outlines that development proposals for new homes in rural areas will be supported where it is suitably scaled, sited and is on a site allocated for housing within the LDP. It has already been noted that the site is not allocated within the LDP.

Notwithstanding the above, LDP2 Strategic policies provide reference points for the identification of matters which may be of particular relevance in the assessment of all planning applications and matters that require particular scrutiny.

LDP2 has two overarching Strategic Policies which require to be considered in the assessment of all planning applications. Strategic Policy 1 relates to Sustainable Development, with Strategic Policy 2 considering Development Management. Strategic Policy 1 seeks to ensure that proposals:

- **Respect the character of the landscape and setting of settlements.** The application site was considered at a previous Local Plan Inquiry as part of the LDP2 process, where the site was dismissed at a time when other greenfield sites were allocated by the Reporter. One of the principal reasons was the impact that a housing development would have on the landscape and the setting of Ayr. The site is prominent within close proximity of Ayr, but the proposal suggests that development will rise up and over a local hill/ridgeline highpoint and therefore likely to be a visible and intrusive element in the wider landscape when viewed from considerable distance. An Assessment on the impact on the landscape is outlined elsewhere within this report.
- **Make efficient use of land and resources.** Although NPF4 has removed the requirement to maintain an ongoing 5-year effective land supply, there is not a housing shortfall within South Ayrshire. It is therefore considered that the development of this site would undermine the viability and probability of pre-existing allocated and consented sites being developed, most of which are within existing settlements and/ or on brownfield sites. Moreover, the application site is presently in active agricultural use and forms part of larger agricultural land holding. The proposed site comprises approximately 2 hectares of prime quality agricultural land; **NPF4 Policy 5 'Soils'** states that the development of prime quality agricultural land will only be supported in certain circumstances – where it is for essential infrastructure and there is a specific locational need, is small scale development directly linked to a rural business, farm or croft or the development of production and processing facilities associated with the land produce where no other site is available or for the generation of energy from renewable sources. The proposed development does not fall within any category listed as being one of those circumstances. **LDP Policy: Agricultural Land** is also of significance in relation to the consideration of the proposed development site. This policy states that prime quality agricultural land will be protected from irreversible development, unless developers can demonstrate that it is essential to the spatial strategy; necessary to meet an established need; of small scale which is directly related to rural business and for generating renewable energy. Prime quality agricultural land is Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now James Hutton Institute). Although the application site comprises predominantly Class 3.2, a sizeable element (approximately 2ha as outlined above) is prime quality agricultural land. The application under consideration is therefore not considered to meet the above aforementioned criteria, as there is not a need for the proposed housing, it is not directly related to rural business and does not propose the generation of renewable energy. Given that there is no shortfall in housing land, and the site is in active agricultural use, its development for housing is not considered to represent an efficient use of land and resources.
- **Contribute to an efficient use of, or provision for public services, facilities and infrastructure.** As outlined above, given that there is no shortfall in housing land supply, any requirement for additional services, facilities or infrastructure as a consequence of the development is not considered to be efficient. In effect, there would need to be investment in providing additional or enhanced facilities / infrastructure etc to provide for a development which in itself is not necessarily required. This issue is considered further within the Impact on Traffic and Transportation section of this report.

- **Embrace the principles of ‘place making’ and the ‘6 qualities of Place’.** The proposed development is for an in-principle consideration and so lacks the detail against which to fully assess the principles of place making (a term superseded by ‘place principle’ in NPF4). Notwithstanding, a high-level assessment can be undertaken as follows. **NPF4 Policy 15: Local Living and 20-minute Neighbourhoods** seeks to promote and facilitate the application of the Place Principle. Given that the proposed development would make provision for a connection to Ayr via an underpass that incorporates wheeling, cycle and pedestrian access to the existing radiating routes from Ayr, it is acknowledged that there is potential to meet some of the principles of local living. However, the potential to create sustainable transport links and proximity to facilities does not outweigh the fundamental stance NPF4 takes against the development of a greenfield site. Whilst there is a proposal to connect the site to Holmston, Ayr via an underpass, there is significant doubt over the technical feasibility and financial deliverability of this proposal. This being a planning permission in principle no detailed information has been presented to establish that this connection is feasible/deliverable. Being able to provide sustainable pedestrian and cycle links to Ayr is a critical factor in assessing the overall suitability of this site for housing development. At this time there is doubt that this can be achieved, and the proposals are therefore contrary to NPF4 policy 15. **NPF4 Policy 14 ‘Design, Quality and Place’** seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the ‘Place Principle’, which demonstrates the six qualities of a successful place; healthy, pleasant, connected, distinctive, sustainable and adaptable. It sets a standard for development proposals centred around ‘quality’, with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy. It is considered that the proposed underpass would be contrary to the aims of this policy, being as it would require to be of considerable length due to the width of the A77, thus creating an unpleasant means of linkage to the settlement of Ayr that would not benefit from any overlooking/ natural surveillance. Users can perceive underpasses to be an environment that is unsafe and unwelcoming. Underpasses are not considered a modern or encouraged design solution to aid connectivity, for these reasons. This matter is reasoned further within the Impact on Traffic and Transportation section of this report.
- **Wherever possible are in an accessible location, with opportunities for the use of public transport and other sustainable transport modes, including cycling and walking.** As noted above, it is proposed that the site would be connected to Ayr via an underpass beneath the A77 measuring approximately 20m in length x 6m in width as indicated on the submitted drawings. The site is also located in an area with good sustainable public transport links and the indicative masterplan illustrates overground road/ footpath connections which will aid permeability of the site. It is noted that a high-pressure gas pipeline exists in close proximity to the proposed underpass and SGN request a condition is attached to any consent in this regard.
- **When considering development proposals, due weight will be given to the consideration of net economic benefit.** Given the generally negative balance of factors relative to the suitability of the application site for residential development, as outlined above, the submitted supporting statement seeks to part justify the proposal against the terms of the final bullet point of Strategic Policy 1. It is not disputed that the proposed residential development represents an economic benefit. However, the policy seeks to promote the consideration of **net** economic benefit. As aforementioned, there is no requirement for the development of the site as there is no shortfall of housing land. It is therefore reasonable to assume that the development of the application site would replace / substitute development elsewhere in South Ayrshire, rather than result in additional construction over and above that which is otherwise programmed or anticipated. It is considered that there is no evidence to suggest that the development would result in a net economic benefit, rather a replacement of benefits that would accrue from the development of housing on other pre-existing allocated/permitted residential development sites.

In respect of LDP2’s second overarching Strategy policy, **Strategic Policy 2: Development Management** also provides assessment criterion for development proposals. Of particular relevance to this application, this policy states that the Council will ensure that development proposals:

- **Promote and facilitate the ability of LDP2 to deliver and achieve its aims to ‘make the most of sustainable economic growth that is supported by sound social and environmental objectives’.** As outlined within Strategic Policy 1 above, the proposal represents development of a type which is not necessary, relative to the maintenance of an effective housing land supply and may therefore lead to a simple substitution of growth that would otherwise take place elsewhere in South Ayrshire rather than in any **net** increase.

- **Are in accordance with the site's land use, as defined on the proposals map.** The application site is outwith the settlement boundary of Ayr and is therefore not defined on the proposals map. **NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** also outlines that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- **Are appropriate to the local area in terms of road safety, parking provision and effects on the transport network.** Transport matters are considered elsewhere within this report under specific related policies of NPF4 and LDP2 in this regard.
- **Make appropriate provisions for all infrastructure implications of the development.** The requirement for the proposal to meet all infrastructure requirements is a standard requirement for any development. However, the LDP has allocated sites in locations where infrastructure and community facilities are either already available or are planned as part of/directly consequential to those allocations. The development of a site which may replace rather than supplement development elsewhere does not allow for appropriate provision for such infrastructure and facilities required, and instead results in an ad-hoc piecemeal response. This runs counter to the provisions of a plan led development system. Significantly, the applicant has not demonstrated how the impact of the development will be mitigated on education provision and together with the significant doubt regarding the provision of pedestrian and cycle connectivity to the site and dualling of the A77 between Whittleys and Holmston Roundabouts, means that the proposal fails to make adequate provision on this criteria.
- **Are located within a settlement boundary or otherwise justified by LDP subject specific policies or locational need.** The LDP makes provision for proposals to be justified when outwith a settlement boundary. Within such a context, the subsequent and final bullet point of LDP2 Strategic Policy 2 is referenced by the applicant in their supporting statement.
- **'If contrary to specific LDP policies are justified to our satisfaction, on the basis that they are; 1 of over-riding community interest, or 2 will contribute significantly to the implementation of the Ayrshire Growth Deal or the regeneration of Ayr; and will have no significant adverse environmental effects.**

In considering objections to LDP2, the Reporter noted that there had been representations made by housebuilders seeking allocations and an increased housing target relative to the prospects of the Ayrshire Growth Deal (AGD) job creation. The Council's response at that time was that the AGD is a long-term project and that maintaining the 5-year effective housing land provides a robust mechanism for the consideration of whether sufficient land is available for housing – or additional sites may be justifiable. The Reporter was satisfied with the Council's reasoning on its Housing Target figures and approach being advocated. The Reporter did not allocate any additional sites or advise the Council to identify additional sites as part of the Inquiry process. Therefore, whilst the final bullet point above provides scope for a reasoned and justifiable departure from the established position relative to housing numbers, it is readily evident that there is no requirement to do so at this point in time. In any case, NPF4 supersedes the requirement to have an effective 5-year housing land supply. Indeed, the release of additional housing land would potentially undermine the development of other sites in more sustainable locations, contrary to the intent to regenerate Ayr, and result in the development of a site with undeniably adverse landscape and visual impacts - as reasoned elsewhere within this report.

The proposed development is considered as being clearly contrary to provisions of the development plan (comprising NPF4 and LDP2). The proposal relates to the development of a greenfield site for residential development at a time when there is no justification for any additional greenfield site releases for the purposes of housing. Strategic Policy 1 and Strategic Policy 2 provide for the release of sites for development where this is justified in terms of net economic benefit, of over-riding community interest, contribute significantly to the implementation of the Ayrshire Growth Deal or the Regeneration of Ayr and will have no significant adverse environmental effects. Given the overall development plan position, providing certainty of development through allocated housing sites, any justification brought forward under this policy requires substantial demonstrable evidence of net economic benefit. No such convincing justification has been submitted with this application. Notwithstanding, progress of the South Ayrshire Growth Deal sites have stalled including the spaceport and Mangata satellite manufacturing have withdrawn from the site that obtained planning permission Ref. 22/01021/APPM therefore the applicants justification that the proposed housing would aid the delivery of the Ayrshire Growth Deal relative to South Ayrshire is unfounded, and possibly premature, at this time. Furthermore, there is no shortfall in housing land or the provision of new homes as defined either through the provision of NPF4 or LDP2, and there is no evidence to suggest that the development of the site would do anything other

than undermine the delivery of the pre-existing housing land supply, i.e. no net economic benefit of the proposed development has been demonstrated.

Principle of Commercial Development

(NPF4 Policies: Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 28: Retail) **(LDP Policies:** Spatial Strategy, Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management and LDP Policy: General Retail)

The proposal under consideration also includes the provision of a maximum of 1,000 square metres of neighbourhood commercial uses (incorporating Class 1 Retail, Class 2 Professional Services, Class 3 Food and Drink and Class 4 Office). **NPF4 Policy 28: Retail** and **LDP Policy: General Retail** both promote a town centre first policy in respect of retail facilities. In relation to retail facilities outwith a town centre, the LDP Policy on General Retail outlines that the Council will only consider locations outside of town centres if the development proposed is less than 1,000 square metres gross floorspaces and meets local neighbourhood needs. In this instance, the commercial centre is proposed to provide amenities to the new resident population to walk to. **NPF4 Policy: Local Living and 20 Minute Neighbourhoods** seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home. As part of the overall application, the commercial element may be justifiable under the provisions of the above policies, if and only if, the principal residential element was considered to be acceptable/ justifiable, and it has been reasoned that this is not the case.

Impact on Landscape Character and Cultural Heritage

(NPF4 Policies: Policy 7: Historic Assets and Place and Policy 14: Design, Quality and Place) **(LDP Policies:** Strategic Policy 1: Sustainable Development, LDP Policy: Landscape Quality and LDP Policy: Historic Environment)

NPF4 Policy 7: Historic Assets and Places and **LDP Policy: Historic Environment** both seek to protect and enhance historic environment assets and places, recognising the social, environmental and economic value of the historic environment to our economy and cultural identity. In detail, The **LDP Policy on Historic Environment** sets out that listed buildings and their settings should be protected and provides support for proposals which encourage the sensitive maintenance, restoration and reuse of such buildings. The proposed development would be visible at various distances and the character of the landscape would change from agricultural to urban. The **LDP Policy on Landscape Quality** seeks to maintain and improve the quality of South Ayrshire's landscape. Development proposals must conserve features that contribute to local distinctiveness including community settings (including the approaches to settlements), buildings within the landscape, patterns of woodland, fields, hedgerow and tree features, special qualities of rivers, estuaries and coasts, historic landscapes and skylines and hill features (including prominent views). The application site is sizeable at approximately 34 hectares and it is recognised that a development of the proposed magnitude would result in a significant landscape and visual impact, particularly given its prominent location relative to the confluence of A77 Trunk Road and A70 and the elevated nature of the topography to the middle of the site. A key issue relative to landscape impact is that the site was rejected by the Reporter during the assessment of sites relative to LDP2 due to it being considered that the site was very prominent within the landscape. In addition, **LDP Strategic Policy 1: Sustainable Development states** that development should respect the character of the landscape and respect, protect and where possible, enhance natural, built and cultural heritage resources. Whilst it is noted that no objection has been received from Historic Environment Scotland (there are no historic features within or close to the application site) or the West of Scotland Archaeology Service following consultation, the character of the landscape would be undeniably altered as a result of the proposed development and given that the application site is not allocated within the LDP, it is considered that the proposed development is therefore contrary to the provision of **LDP Policy: Landscape Quality** and **Strategic Policy 1** due to the adverse impact that the proposed development would have on the skyline/hill features.

Impact on Natural Environment

(**NPF4 Policies:** Policy 1: Tackling the Climate and Nature Crises, Policy 2: Climate Mitigation and Adaptation, Policy 3: Biodiversity, Policy 4: Natural Places, Policy 5: Soils and Policy 6: Forestry, Woodland and Trees) (**LDP Policies:** LDP Policy: Landscape Quality, LDP Policy Preserving Trees, LDP Policy Agricultural Land, LDP Policy Air, Noise and Light Pollution and LDP Policy: Natural Heritage)

With respect to NPF4, there is a clear policy emphasis at all levels towards tackling the climate crisis, with a strong drive towards 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 sustainably 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 Policies 3 and 4** protect seek to protect and to positively enhance biodiversity and natural assets, which in turn play a crucial role in carbon reduction. **NPF4 Policy 5: Soils and LDP Policy: Agricultural Land** both seek to protect prime agricultural land from irreversible development. **NPF4 Policy 6** and **LDP Policy: Preserving Trees** both seek to protect woodland and trees and require compensatory planting for any trees which are removed to accommodate development.

LDP Policy Air, Noise and Light Pollution states that we will not allow development which would expose significant numbers of people to unacceptable levels of air, noise or light pollution. Noise, vibration and dust arising during the construction phase have the potential impact on the amenity of the residential properties that adjoin the site. However, it is noted that the Council's Environmental Health Service offers no objection to the proposed development and it is also noted that all development involves a degree of temporary disruption during the construction period. **LDP Policy Natural Heritage** sets out protections for natural heritage sites, protected species and other features of nature conservation value – including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors, with development proposals which affect such sites or species only being permitted if certain criteria are met.

The applicant has submitted a Preliminary Ecological Appraisal (March 2022) and Geo-environmental Desk Study Report (January 2018) in support of the planning application. The Council's Ecology Consultants, AECOM, have viewed these documents and provided initial comment that they would expect an Ecological Impact Assessment (EclA) to be undertaken and that an assessment of the use of the site by roosting and foraging bats is likely required to inform the EclA. It is a key consideration that surveys for European Protected Species, including bats, cannot be conditioned and therefore must be undertaken prior to the planning application being approved. Surveys carried out for the Preliminary Ecological Appraisal Report (PEAR) took place in January 2022 and NatureScot consider ecological surveys to be out of date after 2 years – surveys reported in the PEAR should therefore be repeated as conditions on site may have changed.

As a result of these comments the agent submitted an updated Ecological Appraisal on 18th April 2024. This identified that there are trees with potential to support roosting bats in the site and that these may be subject to lopping or felling. However, as this is an application for Planning Permission in Principle, it would be reasonable to condition that further survey to confirm the presence of roosting bats be carried out if works to these trees are needed and should the application be approved. However, any such further survey should be completed prior to determining the application for full planning permission, as it is not possible at this time to condition surveys for European Protected Species (which includes bats). AECOM also noted that there continues to be limited assessment of potential effects on nature conservation sites. There are areas of ancient woodland under 1km from the application site and such areas are vulnerable to pressure from increased visitor numbers, especially dog walkers, that can arise from new housing developments. The potential for such impacts should be considered and appropriate mitigation outlined, if necessary. However, as this is an application for Planning Permission in Principle, it would be possible for this to be carried out as part of an application for detailed planning permission (should this application be approved).

A Biodiversity Enhancement Plan was also submitted by the agent in April 2024. This document sets out recommendations that the proposed development could implement, including: retained and enhanced habitats, creation of native hedgerows, native shrub planting and garden spaces. It is considered that the opportunity to provide a positive Biodiversity Net Gain of at least 10% is achievable but an appropriately worded condition should be attached in this regard if the application is approved.

Impact on Water Environment

(**NPF4 Policy 22:** Flood Risk and Water Management) (**LDP Policy:** Flooding and Development)

Both of these policies state that development should avoid areas which are likely to be affected by flooding and that proposals must include Sustainable Urban Drainage Systems (SUDS). In this regard, the application is accompanied by a Flood Risk Assessment and Drainage Strategy Report (both dated March 2022) and it is noted that SEPA and the Ayrshire Roads Alliance (as Flood Authority) offer no objections to the proposed development on flood grounds. The submitted indicative masterplan for the site also highlights SUDS on land to the north-west and south-east of the application site. As such, it is not considered that the development (in principle) would result in a risk of flooding and that it is therefore in accordance with these policies.

Impact on Traffic and Transportation

(**NPF4 Policies:** Policy 13: Sustainable Transport, Policy 14: Design, Quality and Place and Policy 18: Infrastructure First) (**LDP Policies:** Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, LDP Policy: Delivering Infrastructure, LDP Policy: Land Use and Transport and LDP Policy: Strategic Road Development)

NPF4 Policy 18: Infrastructure First seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking and requires the impacts of development proposals on infrastructure to be mitigated. Proposals would be supported where they provide for or contribute to infrastructure in line with that identified as necessary in LDPs and their delivery programmes. In a similar vein, **LDP Policy: Delivering Infrastructure** states that the Council will expect all new development proposals to include measures to ensure the provision of any off-site infrastructure which is necessary to accommodate the development and therefore make the development acceptable in planning terms, without placing an extra burden on the existing community.

LDP Policy: Strategic Road Development states that where development may involve or affect the strategic road network, we will support proposals that:

- do not adversely affect the efficiency and safety of the relevant sections of the network;
- ensure that strategic traffic flows will be channelled onto the strategic road network as defined in the spatial strategy;
- ensure that, where required, the necessary improvements to the A77 throughout South Ayrshire are carried out to support development in compliance with the LDP; and
- where applicable, improve the capacity and safety of other parts of the strategic network, including providing traffic relief for communities and protect the land necessary for improvements to the network.

It is key to once again outline the fact that the application site is not included within the Council's adopted LDP as an allocation. Following consultation, the Ayrshire Roads Alliance state that South Ayrshire Council (with support from the Ayrshire Roads Alliance and in discussion with Transport Scotland) are currently progressing a Traffic Study to identify the cumulative impacts of LDP2 housing release sites on the strategic road network, principally the A77 trunk road corridor. At present, work on identifying a suitable package of mitigation measures remains ongoing. The testing scenarios included within the applicant's submitted Transport Assessment are: Base plus Committed Developments (not including Corton), Base plus Committed Development (Not including Corton) with the proposed development, Base plus Committed Developments including Corton development and Base plus Committed Development including the proposed development and Corton development. As work on the cumulative impacts and associated package of mitigation measures associated with allocated LDP2 sites is ongoing, the ARA has confirmed that they are not currently able to fully assess whether the proposed development currently under consideration and its associated mitigation requirements can be accommodated without prejudicing the future release of LDP2 allocated sites. The ARA recommend deferral of the application until such time as the Council's LDP2 Traffic Study is concluded, the package of cumulative mitigation measures has been identified and agreed with Transport Scotland and associated indicative cost contributions allocated to individual LDP2 sites. However, the applicant has stated that they wish to proceed to determination. There are also concerns with the dualling of the A77 (as required by Transport Scotland) between Whitletts and Holmston roundabouts as it has not been demonstrated at this time that it is viable and deliverable. In light of this, it is considered that the development proposal is contrary to **NPF4 Policy 18: Infrastructure First** and **LDP Policies: Delivering Infrastructure and Strategic Road Development**.

It is noted that Transport Scotland offer no objections, subject to conditions, to the proposed development should the application be approved. The proposed conditions relate to the number of units not exceeding 350, that an overbridge be completed across the A77 prior to the occupation of any part of the development, modification of Holmston Roundabout, improvements to the A77 trunk road (dualling between Whitletts and Holmston Roundabouts), details of lighting and landscaping treatment.

It should be noted that the applicant was in separate discussion with Transport Scotland during the processing of the application, which did not include the Planning Service. Proposals for an overbridge were presented, with overbridge plans referenced in the Transport Scotland consultation response. An overbridge was not considered within the assessment of the planning application because an overbridge does not form part of the development proposals or pre-application consultation. It is therefore not possible to condition a requirement for the proposed overbridge, as requested initially by Transport Scotland, if planning permission was approved. An overbridge would be development requiring planning permission. The Planning Service subsequently sought comment from Transport Scotland in relation to what had been applied for, that is, an underpass as opposed to an overbridge. Transport Scotland confirmed that they would consider the development unacceptable without an appropriate active travel connection but that they would consider an underpass to represent an acceptable connection. Notwithstanding, Transport Scotland do note that they hold concerns over the viability of an underpass solution based on their discussions with the applicant (discussions of which the Planning Service were not involved). Should this permission in principle application be approved, it would require to be subject to a separate application made under Matters Specified in Condition that requires construction design details of the underpass to be provided at the subsequent detailed application stage.

Whilst it is noted that the Transport Scotland position is one of no objection subject to conditions, which is contrary to the position taken by the ARA (as Council Roads Authority) who recommend referral for the reasons outlined above, it is the view of the Planning Service that the development proposal is premature due to the position expressed by the ARA in respect of the outstanding A77 Traffic Study.

The Council's Education Service has serious concerns with the application and specifically that the proposal would encounter significant pupil placement challenges if development is progressed. Although SAC Education do not anticipate any problems with accommodating pupils requiring a denominational education at either Queen Margaret Academy or at St John's Primary School, both catchment non-denominational schools are at capacity and, based on current rolls, will not be able to accommodate the anticipated number of non-denominational pupils arising from the proposed development. The product of 350 homes (circa 108 primary pupils and 67 secondary pupils) would most likely be accommodated and mitigated through school extensions, rather than a new build school provision. However, there has been no resource committed by the Council to undertaking a feasibility study at this time on a further extension of either Forehill PS or Kyle Academy, due to the fact that the planning application is not an allocated site, is significantly contrary to the Development Plan and is being recommended for refusal.

While it is considered that the pupil placement challenges could potentially be mitigated through extensions being built to both Forehill PS and Kyle Academy, the cost would be substantial, and the applicant has not presented any mitigation proposals as part of this application e.g. financial contributions to fund extensions Forehill PS or Kyle Academy. There are also serious concerns about whether there is the space and capacity to extend Forehill PS, this has not been determined at this time. The applicant would be required to comply with NPF4 Policy 18: Infrastructure First and LDP Policies: Delivering Infrastructure and Strategic Road Development and address the pupil placement challenges should this application be approved contrary to the recommendation of the Planning Service. This would need to be done through a Section 75 Legal Agreement and this would require to be concluded prior to the issuing of any consent.

NPF4 Policy 13: Sustainable Transport and **LDP Policies: Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management and Land Use and Transport** all seek to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. The proposal for an underpass connecting the application site with Holmston, Ayr is considered to provide for sub-standard sustainable connection and there are significant doubts over its deliverability. With respect to other overground road/ footpath connections identified within the indicative masterplan, the Service is satisfied that these are acceptable in principle and provide opportunities for connectivity and permeability of the site.

Moreover, **NPF4 Policy 14: Design, Quality and Place** seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle', which demonstrates the six qualities of a successful place; healthy, pleasant, connected, distinctive, sustainable and adaptable. As outlined elsewhere, within this report, the proposed development is not considered to represent a sustainable use of the land due to the fact that the site is not allocated within the LDP. Notwithstanding, it is acknowledged that the application site is well connected to the settlement of Ayr in respect of public transport provision, with several local bus services travelling into the town via the A70. It is also noted that the indicative masterplan promotes active travel routes linking public open spaces with the wider footpath network. A continuous footpath/cycle route circles the proposed development and connects west to Holmston, Ayr via a proposed A77 underpass. Whilst it is acknowledged that this proposed underpass provides some means of sustainable active travel pedestrian/cycle link to the settlement of Ayr, an underpass is not considered to represent a pleasant or welcoming link given the nature of it and that there would be no natural overlooking or surveillance. It is considered that this would result in the perception of the underpass being an unsafe environment. Women's safety (as specifically referenced within NPF4 Policy 14) is of relevance as it is not considered that an underpass complies with this policy for the reasons noted. Underpasses are not considered to be a modern design response/ solution to creating well connected, safe, pleasant, distinctive and welcoming spaces. It is considered that the proposed underpass is therefore contrary to **NPF4 Policy 14**. The underpass is also considered to be contrary to **NPF4 Policy 18 Infrastructure first and LDP Policy Delivering Infrastructure** as there are concerns as to whether the development can be mitigated in terms of ensuring a sustainable link between the site and Holmston, Ayr due to doubts surrounding viability and deliverability of the proposed underpass.

In view of the above, the proposed underpass is considered to be contrary to NPF4 Policies 14: Design, Quality and Place, 18: Infrastructure First, LDP Policies: Delivering Infrastructure, Strategic Policy 1: Sustainable Development and Strategic Policy 2 due to representing a form of development which does not meet the terms of the six qualities of successful places, in particular respect of healthy and pleasant. Moreover, there are concerns as to whether the development can be mitigated in terms of ensuring a sustainable link between the site and Holmston, Ayr due to doubts surrounding viability and deliverability of the proposed underpass.

Material Considerations

Planning History

03/01036/OUT – Erection of residential development – Withdrawn April 2005.

Other Policy Considerations (including Government Guidance)

Designing Places: This Policy document sets out the role of the planning system in delivering the Scottish Government's aspirations for design and making places. 6 key qualities are identified which make a successful place – distinctive, welcoming, safe and pleasant, adaptable, easy to get to and resource efficient. It is considered that the proposed pedestrian/wheeling underpass which links the proposed development to the settlement of Ayr runs counter to these aims being as it would create an area where there is no natural surveillance and so individuals would not be readily seen and underpasses are spaces which are not regarded as being welcoming or attractive and where individuals may not feel particularly safe.

Planning Advice Note 77: Designing Safer Places: This guidance should be read in conjunction with 'Designing Places' guidance and highlights the role that planning can play in helping to create attractive, well-managed environments which help to discourage antisocial and criminal behaviour. 6 key qualities are reiterated which make a successful place – distinctive, welcoming, safe and pleasant, adaptable, easy to get to and resource efficient. It is outlined that developers should take a pro-active approach to minimise the opportunity for crime in their developments. The document further states that pedestrian routes should have an open aspect, be well lit and give a good level of surveillance. For the aforementioned reasons, it is considered that the proposed underpass is contrary to the aims outlined within the document.

Creating Places: Creating Places is the Scottish Ministers' policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design. It considers 'place' to comprise: the environment in which we live, the people that inhabit these spaces and the quality of life that comes from the interaction of people and their surroundings and states that architecture, public space and landscape are central to this. While the creation of a successful place results from the interaction of a wide range of factors, in this case, the proposed underpass is considered to be a key sustainable link to the settlement of Ayr and has the potential to create an unattractive space.

Secured by Design: This is a UK police initiative designed to help create safer, more secure environments. To be awarded Secured by Design status, developments must meet a set of core principles – environmental quality and sense of ownership, natural surveillance, access and footpaths, lighting and open space provision and management. For the aforementioned reasons, it is considered that the proposed underpass would not be in accordance with these principles.

Representations Received

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

Planning Policy

- The application site is not located within the Green Belt, rather, it is a greenfield site.
- The application site is not located within a conservation area and does not form part of any specific ecological designation or categorisation.
- An assessment of the application against the merits of Strategic Policy 2 and relevant retail policies has been set out elsewhere within this report.
- The application site is not located within the Galloway and Southern Ayrshire Biosphere. Although a relatively small proportion of the application site forms prime agricultural land (approximately 2 hectares), it is not considered that its loss is merited in this instance due to the application site being an unallocated site and there being no shortfall in housing land supply.

Traffic / Roads and Transportation

- The Ayrshire Roads Alliance (ARA) were consulted on the application (as Council Roads Authority), and it is noted that they have offered a deferred stance. As outlined elsewhere within this report, the ARA cannot fully appraise the development proposal from a traffic perspective. Whilst the impacts of traffic can be tested, any mitigation should be taking cognisance of the LDP2 mitigation measures to make sure it does not prejudice or conflict the delivery of mitigation deemed to be required to support the release of allocated sites. The ARA are yet to conclude the Traffic Study work on LDP2 with Transport Scotland and the application cannot therefore currently be fully assessed relative to traffic and transportation issues. The ARA consider it premature to assess the site whilst the aforementioned work remains outstanding.
- In respect of construction timeframes, these would only be known at a later stage should planning permission be granted.
- The proposed underpass is approximately 20m in length (as measured from the submitted Indicative Spatial Masterplan). An underpass is not considered to represent a 'safe and pleasant' means of connecting the proposed development to the settlement of Ayr, as referenced elsewhere within this report.
- In respect of a bridge being preferable to an underpass, the Planning Service concur with this view. However, a bridge does not form part of this application development proposal.
- In relation to the existing underpass at the River Ayr requiring improvement, this is not within the application site boundary and does not form part of this development proposal.
- Finally, in respect of free community buses from Coylton being provided to schools to reduce traffic, this would be a matter for the applicant to consider.

Local Services/Local Community/Infrastructure

- In respect of infrastructure capacity, it is noted that Scottish Water and SEPA offer no objection to the proposed development.
- The Council's Schools and Service Support Services (Education) has expressed serious concerns and state that the proposal presents significant pupil placement challenges. It is outlined that both catchment non-denominational schools are at capacity and, based on current rolls, would not be able to accommodate the anticipated number of non-denominational pupils arising from the proposed development. Please refer to the assessment under Policy 18 above and the assessment section of this report.
- As outlined elsewhere within this report, the character of the landscape would alter significantly as a result of the development proposal.

Flooding/Drainage

- A Flood Risk Assessment and Drainage Strategy Report have been submitted in support of this application and it is noted that neither SEPA or the ARA (as Flood Authority) object to the proposed development on flooding grounds.

Ecology/Natural Environment

- The application site is not subject to, nor does it form part of any specific ecological designation or categorisation. The Council's Ecology Consultant (AECOM) have been formally consulted and engaged as part of the assessment of this planning application. As outlined elsewhere within this report, AECOM advised that they would expect an Ecological Impact Assessment (EclA) to be undertaken and that assessment of the use of the site by roosting and foraging bats is likely required to inform the EclA. **It is a key consideration that surveys for European Protected Species, including bats, cannot be conditioned and therefore must be undertaken prior to any detailed planning application being approved.** Surveys carried out for the Preliminary Ecological Appraisal Report (PEAR) took place in January 2022 and NatureScot. consider ecological surveys to be out of date after 2 years – surveys reported in the PEAR should therefore be repeated as conditions on site may have changed. As a result of these comments the agent submitted an updated Ecological Appraisal on 18th April 2024 and AECOM provided further comment. AECOM note that there continues to be limited assessment of potential effects on nature conservation sites. There are areas of ancient woodland under 1km from the application site and such areas are vulnerable to pressure from increased visitor numbers, especially dog walkers, that can arise from new housing developments. The potential for such impacts should be considered and appropriate mitigation outlined, if necessary. However, as this is an application for Planning Permission in Principle, it would be possible for this to be carried out as part of application for detailed planning permission.
- In respect of the proposed underpass destroying the Marie Curie Cancer Care Field of Hope daffodils, this would be a private matter for the applicant to consider.
- No application for a Tree Preservation Order at the site has been made.
- In respect of the disused quarry and potential waste, SEPA has offered no objection to the proposed development following consultation.
- The applicant has submitted a Biodiversity Enhancement Plan (April 2024) in support of the application which outlines that the site is currently dominated by modified grassland that has been subject to intensive livestock grazing resulting in a habitat of negligible ecological value. The Council's Ecology Consultant (AECOM) provided comment on this document and note that the plan sets out recommendations for a wide range of measures that the proposed project could implement and consider that these are all proportionate to the scale of the proposed development, although also note that Scots Pine should be replaced by an alternative species as it is not native to South Ayrshire. Moreover, although recommendations are made for provision of a range of wildlife refugia, no commitment is given to numbers of such features to be provided. This should be stated in the final version of the Biodiversity Enhancement Plan at detailed planning stage to be clear the level of enhancement being provided. In light of the above, it would appear that the proposed development does provide an opportunity to provide a positive Biodiversity Net Gain.
- Any disruption during the construction phase would be of a temporary nature only and cannot be considered within the assessment of the planning application.
- Soil disturbance recovery time is noted.

Landscape and Visual Impact

- The application site was considered at a previous Local Plan Inquiry, where the site was dismissed at a time when other greenfield sites were allocated by the Reporter. One of the principal reasons was the impact on landscape and the setting of Ayr. The site is prominent within close proximity, but the proposal suggests that development will rise up and over a local hill/ridgeline highpoint and therefore likely to be a visible and intrusive element in the wider landscape when viewed from considerable distance.
- The application site is not subject to, nor does it form part of any specific designation or categorisation.
- It is considered that a full assessment on the impact that the proposed development would have on the landscape can be undertaken within the application submission.
- The application submission outlines that existing vegetation and field boundary trees are to be retained to preserve site character and ecological assets. The Indicative Spatial Masterplan is a strategic plan as opposed to a detailed landscape plan.
- The Indicative Spatial Masterplan highlights proposed structure planting between the crematorium and the proposed site. However, should the application be approved, landscape considerations would be assessed through any subsequent matters specified in conditions application.
- It is considered that the proposed housing would be viewable from the entrance to Crofthead Caravan Park.

Amenity

- The proposed development would surround a residential property and their countryside setting would undoubtedly be impacted upon.
- As the development proposal is in principle, there are no details in respect of the layout and design of the proposed dwellings. However, if the application is approved, these details would be assessed within any future application(s) for matters specified in conditions.
- It is considered that an underpass would not meet the terms of the 'Place Principle' within NPF4, being as it could not be regarded as forming a 'safe and pleasant' means of link to the settlement of Ayr.
- Any noise, dust, vibration or pollution associated with the proposed development would be of a temporary nature and would not merit refusal of the planning application.
- In respect of light pollution, it is noted that the Council's Environmental Health Service offer no objection to the development proposal. Again, should the application be approved, this would be a matter considered at a later date.
- The proposed development would alter the semi-rural setting of Ayr Crematorium and would introduce an urban environment in relatively close proximity. However, it is noted that structure planting is proposed between the proposed development and the Crematorium which would provide a degree of protection.

Inaccuracies/contradictions/anomalies within submission

- The submitted LVIA includes a visual representation as viewed from Ayr Cemetery and this is not an error – it represents a relative high viewing point from the settlement of Ayr.
- In respect of footpaths shown through the quarry and the Transport Statement outlining that this area is outwith the control of the applicant, the application is in principle and what is indicated on the submitted Indicative Spatial Masterplan may not come forward in any future application(s) for matters specified in conditions (should the application under consideration be approved).
- In respect of drawings within the submitted Utilities Report being stamped with 'this map image may not be used for planning use', this is private matter between the parties involved.

Health and Safety

- In respect of the High-Pressure Gas Main Pipe, SGN Networks were consulted on the application and whilst initially issuing a holding objection, subsequently offered no objection to the application following discussions with the applicant (which the Council as Planning Authority had no part).
- The gap between any future housing and the overhead powerlines in situ would be a matter for the applicant to address with Scottish Power – this is outwith the remit of Planning function.
- SGN offer no objection to the application under consideration.

Proposed Development

- Planning applications are assessed on their planning merit and the need for the proposed development is not required to be demonstrated.
- The living standards of local residents are protected through the planning application process.
- The concerns of residents are assessed within the planning application process and monetary gain plays no part in the planning assessment.
- The proposed development is located to the immediate north of the crematorium and should the application be granted, the proximity of any residential dwellings to the crematorium in any future application(s) of matters specified in conditions would require to be carefully considered. It is noted that extensive structure planting is indicated on the submitted Indicative Spatial Masterplan between the proposed development and crematorium.
- In respect of the extension of the town not being a positive improvement, every planning application requires to be assessed on its planning merit.
- In relation to the make of up affordable units, should the application be approved, this is a matter which would be assessed within any future application(s) for matters specified in conditions.
- It is considered that community and leisure facilities would be utilised within the settlement of Ayr. Notwithstanding, each planning application requires to be assessed on its individual planning merit and it is for the applicant to determine what to include within the application submission.
- Construction timeframes do not form part of the planning assessment.
- The application includes a proposal for residential development as opposed to food production and it requires to be assessed on its planning merit.

Consultation/Neighbour Notification

- The planning application was validated on 3rd May 2022, with neighbour notification being issued on 13th May 2022. The application was also advertised in the local press on 17th May 2022. It appears that the planning application was 'picked up' by social media between the time of validation and neighbour notification being issued. Notwithstanding, the purpose of neighbour notification is to make individuals aware of a planning application.
- The development proposal was subject to the Pre-Application Consultation and the submitted Pre-Application Consultation Report confirms that a live interactive event was held between 3pm and 7pm on 27th October 2021 (consultation was undertaken electronically due to introduction of The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020, The Town and Country Planning (Emergency and Extended Period) (Coronavirus) (Scotland) Regulations 2021 and The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022. The Planning Service accepts representations up until the time of assessment conclusion. However, it is recognised that the neighbour notification letter does state that any representation should be submitted within 21 days.

Other Matters

- **Loss of countryside view.**
- **Loss of property value.**
- **Application has been rejected before, should be again.**
- **What are the plans to keep the crematorium open should the development go ahead?**
- **The amount of new builds in Ayr is alarming – how many more will be allowed?**

These matters are not material planning considerations in the assessment of this planning application.

- **Other developments which were approved questioned, future Space Centre fears, distrust of authorities.**

Each individual planning application is assessed on its planning merit.

- **Progress with number of builds required to meet Scottish Government legislation – National Developments NPF4.**

It is unclear what is being referred to here; however, there is currently no shortfall in housing land supply within South Ayrshire and national targets are being achieved.

- **UK Legislation 'Bribery Act 2010', South Ayrshire Anti-fraud and Anti-bribery Strategy 2021 – need assurances these will be implemented.**

Every planning application is assessed in an open and transparent manner. All 'Major' planning applications require to be considered by South Ayrshire Regulatory Panel (Planning) and these meetings are open to the public to attend should they wish.

The representation in support of the proposed development outlines that there is a shortfall of energy efficient homes in South Ayrshire, that a wide variety of house types should be provided and that commercial 'co-working' spaces should also be considered.

Impact of the proposed development on the locality

The Ayrshire Roads Alliance have advised that they cannot fully appraise the development proposal at this time. Whilst the impacts of traffic can be tested, any mitigation should take cognisance of the LDP2 mitigation measures to make sure it does not prejudice or conflict the delivery of mitigation deemed to be required to support the release of allocated sites. The ARA are yet to conclude the Traffic Study work on LDP2 (including the A77) with Transport Scotland and have therefore advised that the application cannot be fully assessed relative to traffic and transportation issues at this time. They recommend deferral of the application until such time as the LDP2 Traffic Study is concluded, the package of mitigation measures has been identified and agreed with Transport Scotland and associated indicative cost contributions allocated to individual LDP2 sites. The Planning Service has given significant weight to this consultation response and consider the proposal to be contrary to NPF4 Policy 18: Infrastructure First and LDP Policies: Delivering Infrastructure and Strategic Road Development in this regard.

Transport Scotland recommends various conditions to mitigate the impact of the proposed development which would include the provision of an underpass below the A77 to connect the site with Holmston, Ayr, dualling of the A77 between Holmston and Whitlets roundabouts and improvements to the Holmston roundabout. These works would require significant engineering and would be at substantial cost that would require to be borne in full by the developer. There has been no indication from the developer at this time if the provision of such infrastructure would even be viable and deliverable.

As noted elsewhere within this report, there are significant concerns with an underpass given that they are not a modern design solution to creating connections, they are not overlooked, and are unwelcoming and unattractive. An underpass would be contrary to NPF4 Policy 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management and national planning guidance: Designing Places, Designing Safer Places and Creating Places.

The Council's Education Service has serious concerns and has advised that the proposed housing development would present significant pupil placement challenges if progressed. Although SAC Education do not anticipate any problems with accommodating pupils requiring a denominational education at either Queen Margaret Academy or at St John's Primary School, both catchment non-denominational schools – Forehill PS and Kyle Academy are at capacity and, based on current rolls, will not be able to accommodate the anticipated number of non-denominational pupils arising from the proposed development. The product of 350 homes (circa 108 primary pupils and 67 secondary pupils) would most likely be accommodated and mitigated through school extensions, rather than a new build school provision. The applicant has not submitted a feasibility study. The Council's Education service has not undertaken a feasibility study at this time on a further extension of either Forehill PS or Kyle Academy, due to the fact that the planning application site is not allocated for housing, the proposal is significantly contrary to the Development Plan and is being recommended for refusal. Notwithstanding, there are concerns about the space and capacity for an extension at Forehill PS and whether this would be achievable. The fact remains that the applicant has not submitted any proposals with this application to mitigate against the pupil placement challenges e.g., proposals to fund extensions at Forehill PS or Kyle Academy.

It is a legal requirement that development is capable of mitigating its impact. Although this is a planning permission in principle application and details are not yet known, there is insufficient information to be able to conclude at this time that this development is capable of mitigating its traffic, sustainable pedestrian and educational impacts. Furthermore, all mitigation requires to satisfy criteria of being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Without knowing the detail of the mitigation proposals, it is not possible to conclude that any mitigation that is identified at subsequent detailed planning stages could satisfy these criteria.

If the application was approved contrary to the recommendation of the Planning Service, then NPF4 Policy 18: Infrastructure First and LDP Policies: Delivering Infrastructure and Strategic Road Development would require to be complied with and the pupil placement challenges mitigated in full. The Council would be required to enter into an agreement with the developer under Section 75 of the Town and Country Planning (Scotland) Act 1997 which would involve the developer bearing the full cost of extensions to both schools, which would be substantial. It is unclear at this time if this would even be viable. It is also unclear at this time whether there is space and capacity for a further extension of Forehill PS, as noted in the preceding paragraphs.

The application site has been previously rejected by the Scottish Government Reporter for allocation within the Local Development Plan 2 due to it being considered that the site was very prominent within the landscape and that development would have an adverse impact on the character of the locale. There have been no changes to the physical characteristics of the site that would change this view, it remains the case that a housing development on the application site would have significant landscape impacts and would therefore be contrary to NPF4 Policy 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development and LDP Policy: Landscape Quality.

The application should be considered in the context of a plan led system, as advocated in the development plan and the policies contained therein - National Planning Framework 4 and LDP2. It is considered that the principle of development of this land for residential purposes on an unallocated site has not been justified and cannot be supported by the framework of planning policy as set out within the Development Plan. The application is therefore recommended for refusal - there are no material considerations which would outweigh the issues set out in the report and lead to a different recommendation.

9. Conclusion:

This application relates to planning permission in principle for the erection of a residential development and neighbourhood commercial development (Class 1 Retail, Class 2 Professional Services, Class 3 Food and Drink and Class 4 Office), access, landscaping, drainage and associated works. The site extends to approximately 34 hectares and the application proposes that approximately 350 residential units could be accommodated (including 25% affordable housing provision) and a maximum of 1,000 square metres of neighbourhood commercial uses across the whole development. The site would primarily be accessed from an existing roundabout on the A70, with access also possible from the existing road towards Masonhill Crematorium. An underpass below the A77 is also proposed to connect the site with Holmston, Ayr to the west.

The application has been assessed against the Statutory Development Plan (which includes NPF4 and LDP2) and various material planning considerations which include consultation responses, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development is contrary to the provisions of NPF4 and LDP2 due to the application site not being an allocated site, adverse landscape impact and because it has not been demonstrated that the proposed development would bring a net economic benefit to Ayr. There are also unresolved questions in respect of the capacity of the local road network to accommodate the additional vehicle trips which would be generated. The proposed pedestrian/cycle underpass would provide a substandard sustainable travel link to Ayr however it is considered that it does not represent an attractive or welcoming feature in respect of creating a safe and pleasant sense of place. There is also doubt about whether an underpass and dualling of the A77 (as requested by Transport Scotland) between Whitletts and Holmston Roundabouts is viable and deliverable. Furthermore, the Council's Education Service also raises serious concerns as the proposal presents school capacity issues. The points raised in the letters of objection have been fully considered and it is agreed that some of the issues raised merit a recommendation of refusal for the application. In light of the aforementioned issues, it is considered that the proposal would run counter to the plan led system. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be refused for the reasons outlined below.

10. Recommendation:

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

Reasons:

Principle of Development

1. The proposed development is contrary to NPF4 Policies: 5: Soils, 9: Brownfield, Vacant and Derelict Land and Empty Buildings and 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development, Strategic Policy 2: Development Management, Maintaining and Protecting Land for Housing, Rural Housing and Agricultural Land Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan, there is no shortfall in effective housing land supply and allocated sites are not being built out more quickly than expected and it has not been demonstrated that there is a need for residential development in the area concerned. Moreover, there is no evidence to suggest that the development would result in a net economic benefit or contribute significantly to the implementation of the Ayrshire Growth Deal, the regeneration of Ayr or result in overriding community interest. Furthermore, the development of the application site for housing could undermine the viability and probability of pre-existing allocated and consented sites in the LDP being developed, most of which are within existing settlements and/ or on brownfield sites. There are no over-riding reasons to depart from the policies as detailed in NPF4 and the South Ayrshire Local Development Plan.

Impact on Landscape

2. The proposed development is contrary to NPF4 Policy 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development and LDP Policy: Landscape Quality in that the proposed development would not respect the character of the landscape as set out by the Reporter during the assessment of sites relative to LDP2. The development would introduce development at a prominent site and location and at a scale and density that would adversely impact the landscape character and skyline.

Successful Places

3. The proposed development is contrary to NPF4 Policy 14: Design, Quality and Place and LDP Policies: Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management and national planning guidance: Designing Places, Designing Safer Places and Creating Places in that the proposed underpass does not accord with the six qualities of successful places, in particular, it does not represent a welcoming, pleasant or overlooked connection between the application site and Ayr.

Impact on Road Network

4. The proposed development is contrary to NPF4 Policy 18: Infrastructure First and LDP Policies: Delivering Infrastructure and Strategic Road Development in that the Council's LDP2 A77 Traffic Study is not concluded, with the package of cumulative mitigation measures not having been identified and agreed with Transport Scotland or associated indicative cost contributions allocated to individual LDP2 sites. The impact of the proposed development on the road network therefore cannot be fully determined at this time.

Proposals fail to demonstrate mitigation of the impact of the development

5. The proposed development is contrary to NPF4 Policy 18: Infrastructure First and LDP Policy Delivering Infrastructure in that there is considerable doubt as to whether the proposals are capable of mitigating the impact of the development. It is not known whether the engineering requirements to provide an underpass are viable and deliverable, the requirement to mitigate traffic impact on the A77 is unknown as the traffic study associated with LDP2 has not been concluded and mitigation for education is also not clear. Furthermore, it is not clear whether the dualling of the A77 from Whitletts to Holmston Roundabouts is viable and deliverable. It is not possible to conclude that mitigation of the aforementioned elements is capable of being delivered.

List of Determined Plans:

Drawing - Reference No (or Description): 1819/01 REV E

Drawing - Reference No (or Description): 1819/02

Drawing - Reference No (or Description): Storm water Drainage Strategy Plan

Supporting Information - Reference No (or Description): PAC Report

Supporting Information - Reference No (or Description): Design Statement (March 2022)

Supporting Information - Reference No (or Description): Updated Design Statement (April 2024)

Supporting Information - Reference No (or Description): Landscape and Visual Impact Assessment (March 2022)

Supporting Information - Reference No (or Description): Preliminary Ecological Appraisal (February 2022)

Supporting Information - Reference No (or Description): Updated Ecological Appraisal (April 2024)

Supporting Information - Reference No (or Description): Flood Risk Assessment (March 2022)

Supporting Information - Reference No (or Description): Drainage Strategy Report (March 2022)

Supporting Information - Reference No (or Description): Geo-environmental Desk Study Report (January 2018)

Supporting Information - Reference No (or Description): Utilities Overview (January 2018)

Supporting Information - Reference No (or Description): Transport Assessment (March 2022)

Supporting Information - Reference No (or Description): Socio-Economic Report (March 2022)

Supporting Information - Reference No (or Description): Planning Statement

Supporting Information - Reference No (or Description): Statement of Community Benefit (March 2024)

Supporting Information - Reference No (or Description): Biodiversity Enhancement Plan (April 2024)

Background Papers:

- Application form, plans and supporting documents.
- National Planning Framework 4 (NPF4).
- South Ayrshire Local Development Plan 2 (LDP2).
- Designing Places
- PAN 77: Designing Safer Places
- Creating Places
- Secured by Design
- Representations received.
- Consultation responses received.
- Scottish Ministers' decision on the planning appeal (ref: PPA-400-2147) at Mossend, West Lothian, July 2023
- 21/01050/PAN - Proposal of application notice for planning permission in principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works
- 22/00236/EIASCRC - EIA Screening Opinion request for proposed planning permission in principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works
- Inner Court of Session appeal decision Ref. [2024] CSIH 11 XA41/23 dated 3 May 2024

Regulatory Panel (Planning): 25 June 2024

Report by Housing, Operations and Development Directorate (Ref: 22/00302/PPPM)

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 Craig Iles, Service Lead – Planning and Building Standards - Telephone 01292 616 417

E: chief.planner@gov.scot

26 June 2024

Dear Colleagues

Planning for Housing

Scotland has declared a national housing emergency. In setting out the Scottish Government's key priorities, the First Minister confirmed his intention to engage constructively to expand housing supply to meet the needs of the population and tackle homelessness. An all-tenure approach to the provision of new homes, which diversifies supply and provides a mix of tenures, will help to achieve these priorities.

Planning is just one of many factors that impact on the delivery of housing, but it must play its part. Delivery of homes depends on building the confidence of investors – and planning plays a crucial role in this.

Following the [Miller Homes vs. Scottish Ministers, XA41/23](#) court judgement and the more recent declaration of the housing emergency, this letter looks to provide further clarification on application of National Planning Framework 4 (NPF), including Policy 16 'Quality Homes'.

Implementation of NPF Policy

The Scottish Ministers have continued to reinforce that policies in NPF4 should be **read and applied as a whole** and that conflicts between policies are normal and to be expected. The planning system requires decision makers to weigh up all relevant policies, for example, quality homes, brownfield development and town centre living, as well as relevant material considerations in applying balanced planning judgement (section 25 of the Town and Country Planning (Scotland) Act, 1997, as amended). The introduction of NPF4 has not changed this.

The approach to planning for housing in NPF4 is different to that in previous, now superseded, Scottish Planning Policy (SPP). The SPP concepts including an effective five-year housing land supply, shortfalls in supply and the tilted balance, no longer apply. The above court judgement confirmed 'the changes to the development plan move housing policy away from disputes over numbers to an approach which seeks to provide homes in suitable locations' and that 'looking at the policies as a whole there is an emphasis on quality, diversity and sustainability'.

The sections on 'policy intent' within NPF4 are provided to help decision makers deliver on policy aspirations. The **intent** of Policy 16 is:

“to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.”

NPF4 expects local development plans to take an **ambitious** approach, with Local Housing Land Requirements that exceed the MATHLR (Minimum All-Tenure Housing Land Requirement). This expectation is reinforced in published guidance supporting preparation of local development plans. The guidance indicates that the same evidence can be used to inform the MATHLR but that where more recent information is available it should be used. It is expected all information used to inform plan preparation is robust.

An ambitious approach, providing land to accommodate a wide choice of homes across a range of scales of sites and locations, will support the above policy intent. It is vitally important that local development plans are brought forward timeously. On land allocated for housing in local development plans, there is support for development in principle from policy **16 part a)**.

NPF4 provides at policy **16 part b)** for proposals to explain how they will contribute positively to meeting local housing requirements, to local infrastructure services and facilities, and to residential amenity, using new Statements of Community Benefit.

Policy **16 part c)** supports proposals that improve affordability and choice, and address identified gaps in provision. A list of examples of the types of proposals this policy could support is provided. In relation to 'identified gaps in provision', decision makers may wish to consider the extent to which a proposed development of new homes will contribute to addressing recognised priorities of an area. This can be evidenced by a range of information available on local housing matters, such as Local Housing Strategies, local authority housing emergency action plans or planned actions to support emerging economic opportunities.

Policy **16 part e)** supports proposals for new homes where they make provision for affordable homes to meet an identified need and it strengthened contributions to affordable housing from market sites to 'at least 25%, with flexibility to local circumstances. Policy **16 part f)** includes a limited exception that can allow proposals of less than 50 affordable homes on unallocated sites, where they accord with criteria relating to build-out and the plan's spatial strategy and other relevant policies.

A significant element of the previously mentioned legal case related to policy **16 part f)** and a deliverable housing land pipeline. At the same time as publishing this letter, Scottish Ministers have also written to planning authorities to require that action programmes associated with local development plans be reviewed, up-dated and re-published as delivery programmes, and for this to be done by 31 March 2025. Under transitional arrangements, this will ensure they include the sequencing of, and timescale for, the delivery of housing sites allocated in local development plans.

As outlined above, policy 16 contains different parts with some aspects relating to location and others to types of homes. They should be weighed up as relevant to the proposal: there is no hierarchy and no one part of policy should always outweigh others. A balanced planning judgement should be reached in each case.

Positive and Constructive Collaboration

We are seeking to develop a more positive dialogue on planning for housing, recognising the benefits quality homes and places can bring. We need to find constructive solutions to challenges, and to work collectively on the issues with strong commitment and buy-in across sectors.

The Scottish Government remains committed to working collaboratively with all those with an interest in planning and housing. We are currently giving careful consideration to the Competition and Markets Authority report on the housebuilding sector, and in particular the options put forward on planning.

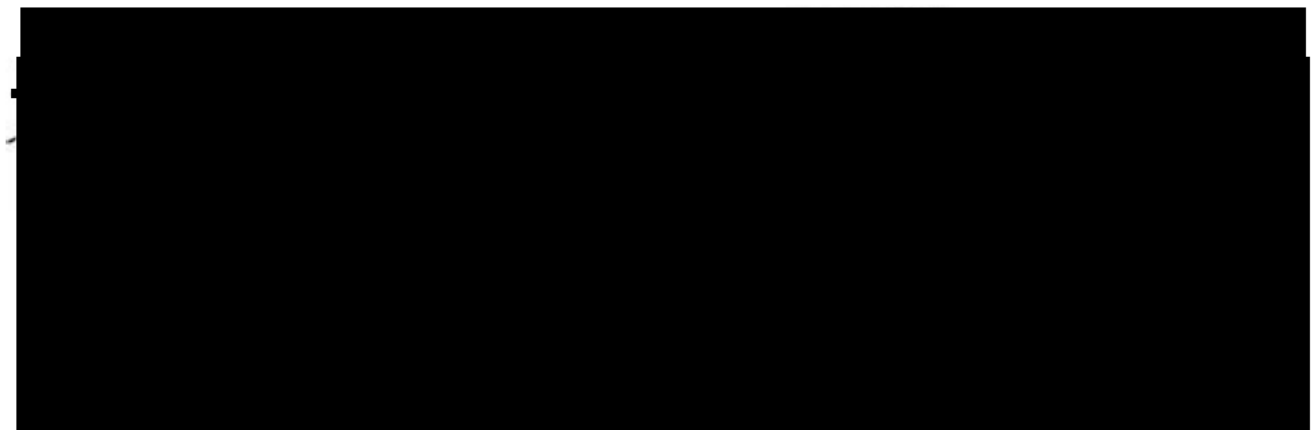
Late last year, the Planning and Housing Ministers jointly convened a roundtable to consider the issues affecting new homes and possible actions to address them. This group will be reconvened after the Parliamentary summer recess, and in the meantime we are progressing some initial actions. These include:

- Convening a discussion on research produced on behalf of Homes for Scotland on housing need;
- Discussing with SME housebuilders how their experiences of the planning system can be better supported;
- Working across sectors on the implementation of Statements of Community Benefit for housing proposals;
- Finalising guidance on Housing Land Audits and seeking to secure support from across sectors to enable their roll out; and
- Promoting place and delivery focused Masterplan Consent Areas in areas seeking to be early adopters of this new tool.

The housing emergency is a challenge that must be tackled on many fronts. We intend to work positively and constructively to ensure the planning system contributes all it can to support delivery of the quality homes Scotland needs, where and when they are needed.

We trust the above advice supports this.

Yours faithfully



Planning and the Housing Emergency - Delivery Plan

November 2024

The challenge

The Scottish Government is focused on addressing the national housing emergency. Our planning system has a key role to play in facilitating the delivery of more homes across Scotland.

We have taken a progressive and positive approach to planning reform in Scotland to support the delivery of the right homes in the right places, helping to tackle the housing emergency. Our national planning policies are clear about what good development looks like, including contributions to sustainable development and wider place-making objectives. With the right support and investment, planning can and should actively enable good quality development.

Evidence shows that the housing emergency has emerged as a result of a number of factors. In Scotland, planning permission has been granted for many more homes than are currently being built. The Competition and Markets Authority, in a [report](#) published earlier this year, identified that since 2014, the average number of homes given planning permission in Scotland was 29,000 annually, and that this significantly exceeded housing land supply targets, and indeed the number of house starts (average 19,892 per year) and completions (average 19,160 per year), over the period as a whole. This evidence on supply raises questions about how sites that already have planning permission, which in total are estimated to represent more than 164,000 unbuilt homes across Scotland¹, can come forward to delivery.

To further understand the specific challenge for planning, we have reviewed in more detail the land supply in the Glasgow and Edinburgh city regions², based on data gathered by local authorities in their latest housing land audits and compiled by the Improvement Service, as well as commercially available construction data on activity on sites. This suggests, as a broad estimate, that across these regions land for around 114,000 homes has been granted planning permission and not yet completed. Of these, 38,000 units had started work on site. In addition to this, there was also allocated land for a further 64,000 homes that had yet to receive planning permission.

Notwithstanding the above, we of course recognise that there is scope for improvement in the planning system in Scotland, something that the CMA report also identified noting that the process was not predictable for housebuilders, and can be costly, lengthy and complex. It set out a number of recommendations for improving planning. Whilst planning delays can arise for a number of different reasons, statistics on decision-making timescales show that there is scope to make the system more effective, particularly at a time when new homes are urgently required. We have been clear that more capacity within planning authorities, as well as greater efficiency, could have the most significant, positive impact on the ability of the planning system to play a more active role in co-ordinating services and facilitating delivery. There is also scope for streamlining practice to make best use of available resources.

¹ This is based on data from 24 local authorities, covering around 85% of the national population. This represents the remaining capacity of land with planning permission in the latest available Housing Land Audit information.

² The areas include the former Clydeplan and SESplan areas: Glasgow, West Dunbartonshire, East Dunbartonshire, North Lanarkshire, South Lanarkshire, East Renfrewshire, Renfrewshire and Inverclyde; and Edinburgh, West Lothian, Midlothian, East Lothian, Fife and the Scottish Borders respectively.

Our response

Planning can help to enable development by providing a high quality and responsive planning service, backed by professional expertise. To unlock the potential of planning as a lever for investment in our economy, the system needs to operate as efficiently as possible, and planning authorities must be properly equipped to deliver a good quality service. By acting now to tackle delays and to better understand and respond to delivery challenges, planning can provide solutions to common issues, which may be perceived as 'blockers' including decision-making timescales, complexity, and challenges to delivering development on site.

Everyone involved in planning has a role to play in supporting a national push to deliver more homes, including affordable homes where they are required. Some actions will require the Scottish Government and planning authorities to prioritise action on housing, whilst others will depend on changes within the development sector. Agencies and other consultees can also work together to ensure that they do not inhibit rapid progress in this area.

We expect to see a focus on addressing this emergency in decision-making on both plans and applications.

The Scottish Government will do all it can to ensure the actions set out here are progressed at pace over the coming 6 months, focusing on the following key objectives:

- **Policy:** a strong and consistent planning and policy framework for investment.
- **Delivery:** actively enabling and facilitating development.
- **Efficiency:** an end-to-end approach to improving the efficiency of the system.
- **Capacity:** investing in capacity with access to excellent professional skills and expertise.

Policy: A strong and consistent planning and policy framework for investment.

We have reformed Scotland's planning system to strengthen a plan-led approach to development, providing greater consistency and certainty for all stakeholders. National Planning Framework 4 (NPF4) sets out a strong vision for the future and includes a single set of national planning policies which is now being applied to all planning decisions. The strategy is designed to support the delivery of more quality homes. National planning policy is clear that planning applications will be supported in principle, where they are on sites allocated in local development plans.

NPF4 signals a move away from past practice which allowed for additional land, which is not supported by plans, often in more easily developed, greenfield locations, to be released if insufficient land for housing was available. This policy (known as 'the presumption in favour of sustainable development') was the subject of much debate, conflict, time and delay in planning. In practice, and contrary to what the policy originally intended, low levels of housing completions – built to local market conditions – were often used to justify building on additional land which had not been planned for.

Our policies are now designed to incentivise developers to build out their sites more quickly. Other policies also strongly support the provision of affordable homes that meet diverse needs. This will ensure that homes are built in planned locations which will better meet people's needs and avoid building in unsustainable costs for the longer-term.

However, we recognise that the introduction of NPF4 has been a significant change for the Scottish planning system, and whilst most policies are now widely understood, there is still work to be done to support planning authorities and applicants work effectively with the new approach.

Over the next 6 months we will:

1. Continue to work with planning authorities to ensure that **national planning policies** are applied consistently across Scotland. This will provide more clarity and certainty and help to reduce delays in decision-making times. Further guidance on key topics, including climate, flooding and biodiversity, will also be issued.
2. **Identify mechanisms to stimulate the build-out of housing sites** with planning permission, in line with a plan-led approach. Our policies are designed to achieve this, but we are aware that market circumstances are limiting progress and that build-out has been significantly lower than permissions for a number of years. We will therefore look to identify mechanisms to support our policy and stimulate build-out at a faster pace to ensure more homes are delivered faster. We are open to working with the UK Government on this as a shared objective.
3. Work with stakeholders to promote good practice in demonstrating **community benefits from new housing developments**. It is important that development proposals are informed by local information and views – this can help to achieve better outcomes, to manage impacts and to secure buy-in, thereby helping applications to move through the system more smoothly. We will also publish new guidance on effective engagement with communities, to help involve people early, including by linking with local place plans.

Delivery: Actively enabling and facilitating development.

Scotland's planning system is open for business. We want to take a 'Team Scotland' approach to development, and in particular the delivery of more homes, building on existing relationships and practices. Our clear ambition is to use the planning system to make Scotland the most attractive part of the UK for investment. As part of this we will take forward any opportunities we have to provide more support to planning authorities to help unblock applications which are in the system, regardless of the reasons for any delays. We also recognise that delivery challenges do not stop once a project has been granted planning permission. Many different interests need to come together to support the implementation of projects on the ground.

Over the next 6 months we will:

4. Establish an action-focused **Housing Planning Hub** to provide brokerage support for major housing developments which have stalled in the system. As a starting point for this we have asked partners to assemble information on stalled sites and will draw on similar work already undertaken to inform the work of the Housing Investment Taskforce as well as wider data on the land supply. Stalled sites are primarily those which already have planning permission but have not yet been built out. We will also identify where, there is scope to help those which have yet to receive permission to proceed through the process. This support could include, for example, bringing planning authorities together with applicants and key agencies to identify any barriers which require additional information or action to overcome. We will also contact investors to identify where additional proactive advice or support for negotiating the planning system is required. The approach will be designed to support, rather than replace, the expertise of planning officers in local authorities. We will only do this work where there is agreement, by all parties, that it can add value.
5. Work with **SME housebuilders** to better understand the challenges they face with the planning system and identify actions to support them. We recognise that the planning system can appear complex and so we could, for example, develop tailored guidance to specifically support SMEs to navigate the process.
6. Help early adopters to put in place **Masterplan Consent Areas**. These grant planning permission up-front, de-risking the planning process for investors. They have significant potential to make the planning process simpler, including by aligning planning permission with other consents. We are keen to explore this with both planning authorities and potential developers.
7. Help planning authorities to bring forward new style development plans including a pipeline of **deliverable housing land** and delivery programmes. Supporting this, we will publish new guidance on housing land audits, to help build a clearer picture of the availability of housing land across Scotland. We will also work with planning authorities and partners to more fully understand the sufficiency of land already allocated in existing local development plans.
8. Continue to work with our advisory group and other stakeholders to progress **compulsory purchase reform** ahead of a consultation in 2025. This has the potential to further empower local authorities and other partners to proactively facilitate the delivery of homes, for example by redeveloping vacant and derelict land and refurbishing empty properties.

Efficiency: An 'end-to-end' approach to improving the efficiency of the system.

Structural changes have already been made to the planning system which aim to improve performance. Much of this work has been led by the National Planning Improvement Champion, funded by the Scottish Government, over the past 14 months. However, we know that practice and timescales can vary, and that planning has increasingly taken on board additional and often complex information. Rather than further changes to the system which would add uncertainty and further delay, we are focused on supporting improvements to performance and practice.

Over the next 6 months we will:

9. Continue to support the **National Planning Improvement Champion** to roll out a new framework for performance improvement across all planning authorities building on the work that has been done already.
10. Work with planning authorities and applicants to increase the use of **processing agreements and pre-application advice**. These provide clarity over timescales and increase confidence in the process.
11. Provide advice on further streamlining and consistency in **validation of planning applications**. This will be informed by the work of a short-life working group on proportionality in the planning system which is also looking for opportunities to ensure that information requirements to inform planning assessments are appropriately scoped.
12. Work with Heads of Planning Scotland to develop advice on **standardised planning conditions**.
13. Work with Heads of Planning Scotland to encourage the use of a **standard template for Section 75 planning agreements**.
14. Work with Heads of Planning Scotland to identify and share best practice in **aligning various consents** required in addition to planning permission. We are aware that whilst planning has an important role to play, other services are also instrumental in unblocking the delivery of development proposals.
15. Stop work on the introduction of an **infrastructure levy**. Whilst infrastructure has a critical role to play in supporting placemaking, early engagement to inform the development of regulations suggests that the levy could add significant complexity to the system whilst offering limited benefits in terms of infrastructure funding and delivery, which could further undermine investor confidence at this time.
16. Highlight examples of **good practice** in development management – on the part of both authorities and applicants – and take steps to communicate these to provide guidance for practitioners.
17. Consider and engage widely on the potential scope for further **permitted development rights** which could support housing delivery in specific circumstances. Examples might include allowing the change of use of premises above shops to residential use as a means of stimulating an increase in town centre living.

We have identified key issues that need addressed at each stage of the planning process, together with solutions to address them, as illustrated below.

Issues:

Low take-up of processing agreements.

Varying capacity for planning authorities to support pre-application advice.

Issues:

Lack of clarity on information requirements.

Applicant timescales for providing information.

Varying application of guidance on validation requirements.

Issues:

Varying levels and types of information required.

Concerns about overstating requirements e.g. for Planning Permission in Principle.

Delays due to time and capacity of statutory consultees.

Issues:

Inconsistency / unpredictability of decisions and timescales.

Timescales vary and depend on capacity.

Schemes of delegation vary – committee cycles can slow decisions.

Issues:

Varying approaches to conditions.

SME concerns about scale / number of conditions.

Discharge of conditions / S75 obligations (including for affordable housing).

Issues:

Rate of completions determined by developer rather than planning authorities.

Information in land audits varies.

Pre-application

Application & validation

Assessment

Determination

Discharge of conditions, S75 Agreements

Starts & completions

Solutions:

Increase capacity and resources.

Encourage use of pre application services and processing agreements.

Introduce charges to cover service costs.

Solutions:

Develop and promote application of guidance to achieve more consistency / predictability and reduce delays.

Solutions:

Increase capacity and resources.

Share best practice on proportionality.

Provide access to expertise and work with key agencies.

HOPS leading work on alignment of consents.

Officer training and skills.

Solutions:

Increase capacity and resources.

Elected member training.

Solutions:

HOPS leading work on standardised conditions.

HOPS leading work on S75 template.

Solutions:

HFS supplying evidence on reasons for sites stalling.

Identify mechanisms to stimulate completions.

Consistent approach to housing land audits.

Capacity: Investing in capacity with access to excellent professional skills and expertise.

Finally, improvement in planning will only be possible if there is increased capacity and resources in the system. We consulted earlier this year on measures which might help to reverse the decline in planning services and are already taking forward a number of actions in this area. We intend to continue this work, including commitments set out in the Programme for Government, and will accelerate progress where possible.

Over the next 6 months we will:

18. Treble the number of **bursaries** offered to post-graduate planning students, and we are taking action to raise awareness of planning as a career. This is a direct route to add significant resource to the planning process.
19. **Increase fees** for planning applications, with an expectation that income generated will be re-invested in planning services. This is an investment in planning services which will pay a substantial dividend in the coming years if fee income is used to help to secure additional investment and development as a result of service improvements.
20. Work with the National Planning Improvement Champion, who is leading the **Hydrogen Planning Hub**, to identify where wider improvement work can help to also address some of the process and practice challenges with housing that applicants, such as SMEs, are experiencing.
21. Develop arrangements for **local elected member training**. Planning Aid Scotland is progressing work to develop a fuller package of support for local authorities on training, which will better support councillors to navigate the planning process and ensure greater consistency and uptake of training opportunities.
22. Launch a Scottish Government **graduate programme** that supports work-based learning and helps to address the pipeline of future planners. We will work with the education and skills sector to develop an offer that combines part-time employment with funded post-graduate qualification in planning which leads to chartered status.
23. Roll out a **co-ordinated skills and recruitment drive**. We are working with a wide range of partners to assemble a more coherent national skills campaign for professional planners, tackling areas which will have the most impact on moving planning towards a more positive tool for enabling development. We will also include support and input from associated built environment professions, recognising the diversity of skills required.

Taken together we believe that this package of measures will make a measurable difference to the performance of our planning system, supporting housing development across Scotland in response to the housing emergency.

	Action	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
	Policy								
1	Continue to support the application of national planning policies								
2	Identify mechanisms to accelerate build out of housing sites								
3	Support good practice in community benefits from housing								
	Delivery								
4	Establish a Housing Planning Hub								
5	Work with SMEs to support them								
6	Promote and support roll out of Masterplan Consent Areas								
7	Support pipeline of deliverable housing land								
8	Compulsory purchase reform								
	Efficiency								
9	Support the National Planning Improvement Champion								
10	Good practice: processing agreements / pre-application advice								
11	Validation / proportionality of information								
12	Standardised conditions								
13	Promote use of Section 75 template								
14	Share good practice in aligning consents / services								
15	Confirm that work on the infrastructure levy will stop								
16	Highlight good practice in development management								
17	Publish discussion paper on permitted development rights								
	Capacity								
18	Offer additional bursaries								
19	Increase planning fees								
20	Link with the Hydrogen Planning Hub improvements								
21	Elected member training preparation								
22	Launch graduate apprenticeships / appoint / in place								
23	Skills and recruitment drive								



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