

21 January 2022

**To:- Councillors Connolly, I. Campbell, Cavana, Clark, Fitzsimmons, Kilpatrick,
Mackay, McGinley and Toner**

All other Members for Information Only

Dear Councillor

REGULATORY PANEL

You are requested to participate in the above Panel to be held **on Thursday, 3 February 2022 at 10.00 a.m.** for the purpose of considering the undernoted business.

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. The meeting will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Head of Legal, HR and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of previous meetings of
 - (a) 3 December 2021 and
 - (b) 8 December 2021(copies herewith).
3. South Ayrshire Council (Various Roads, Monkton) (20mph and 30mph Speed Limit) (Amendments and Revocations) Order 2021- Submit report by the Director – Place (copy herewith).
4. Application under S36 of the Electricity Act 1989 (as amended) for the construction and operation of Craigmoddie windfarm comprising 14 wind turbines (generating capacity >50 mw) and proposed energy storage facility and associated infrastructure - Submit report by the Director – Place (copy herewith).

[Application Summary](#)

5./

5. Planning Application Report (Ref: 21/00224/APP) 45 Taybank Drive, Ayr - Submit report by the Director – Place (copy herewith).

[Application Summary](#)

6. Hearing relating to Application for Planning Permission – Submit report by the Director – Place (copy herewith).

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

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REGULATORY PANEL (SITE VISIT).

Minutes of meeting to undertake a site visit on 3 December 2021 at 2.30 p.m.

Present: Councillors Ian Cavana, Alec Clark, Ian Fitzsimmons and Mary Kilpatrick.

Apologies: Councillors Brian Connolly, Ian Campbell, Craig Mackay, Brian McGinley and Margaret Toner.

Attending: K, Briggs, Service Lead, Legal and Licensing; and D. Clark, Supervisory Planner.

1. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Continued Planning Application – 6 Springvale Road, Ayr KA7 2SH, 21/00849/APP.

Reference was made to the Minutes of 11 November 2021 when it had been agreed to continue consideration of a planning application at 6 Springvale Road, Ayr to allow a site visit to be conducted.

Having viewed the site, the Panel

Decided: to continue determination of the application to the next meeting of this Panel, scheduled to take place on 08 December 2021.

The meeting ended at 3.00 p.m.

REGULATORY PANEL

Minutes of Meeting in County Buildings, Ayr and held remotely
on 8 December 2021 at 10:00 a.m.

Present: Councillor Brian Connolly

Present Remotely: Councillors Ian Cavana, Alec Clark, Ian Fitzsimmons, Mary Kilpatrick, Craig MacKay, Brian McGinley and Margaret Toner.

Apology: Councillor Iain Campbell

Attending: K. Briggs, Service Lead – Legal and Licensing; A. McGuinness – Coordinator (Planning Strategy); A. Edgar – Supervisory Planner; J. McClure – Committee Services Lead Officer; and E. Moore, Clerical Assistant .

Attending Remotely: G. Cockburn, Service Lead – Education Support Services; D. Clark - Supervisory Planner, F. Sharp – Supervisory Planner; G. Senior, Ayrshire Roads Alliance; and F. Maher – Temporary Committee Services Officer.

Also Attending Remotely: Various applicants/agents and interested parties to address the Panel.

1. Welcome/Sederunt/Declarations of Interest

The Chair welcomed everyone present to the meeting and took the Sederunt.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Mackay declared an interest in item 3 (4) of this Minute as he had had a previous involvement in this application.

2. Minutes of Previous Meeting

The Minutes of 9 November and 11 November 2021 (issued) were submitted and approved.

3. Planning Applications

There were submitted reports (issued) of 8 December 2021 by the Director – Place on planning applications for determination.

The Panel considered the following applications:

- (1) 21/00919/APP – AYR – 35 Racecourse Road** - Alterations and extension to existing hospice, including a change of use of dwellinghouse to form office and change of use of garden ground to extended hospice, landscaping, formation of access and parking, relocation of ancillary accommodation and associated development.

21/00918/LBC - AYR – 35 Racecourse Road – Alterations and Extension to Listed Building and alterations to Listed Building.

Decided:- to approve application (Ref: 21/00919/APP) subject to the following conditions:

- (1) that the development hereby granted shall be implemented in accordance with the approved plans as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (2) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture shall be submitted for the prior written approval of the Planning Authority;
- (3) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m². The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme. The scheme as approved shall be implemented within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;
- (4) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with the current British Standards (5837:2012, or as updated) regarding Trees in relation to Construction, to the satisfaction of the Planning Authority;
- (5) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;
- (6) that, prior to the commencement of development, details shall be provided for the prior written approval of the Planning Authority of a compensatory tree replanting schedule, which shall provide a minimum ratio of 63% as compensation for the trees lost as a consequence of the development. Details of the compensatory planting shall include details of the genus, species, size/ height (at time of planting), number, density and location of the compensatory replanting. Thereafter the compensatory replanting shall be provided as per the agreed specification, within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner, and thereafter shall be retained to this approved standard;

- (7) that, prior to the commencement of development, an operating plan shall be submitted for the prior written approval of the Council as Planning Authority, in conjunction with the Ayrshire Roads Alliance. The operating plan shall include details of the operational, monitoring, management and implementation arrangements of the new access at Ronaldshaw Park, including ambulance access to the in-patient unit, vehicular access to the mortuary, staff parking, and measures to deter general public access, including, the provision of a controlled entry system, which shall be operational prior to the first use of the extended facility. Thereafter, the operational plan shall be implemented, monitored and managed as per the agreed operating plan, which shall ensure for the lifetime of the development;
- (8) that, prior to the commencement of development, details shall be submitted for the written approval of the Planning Authority, of an alternative colour scheme for the external walls of the 'Wee House'. Thereafter, the development shall be implemented as per the agreed specification;
- (9) that if the use/ operation of the existing hospice facilities at the site ceases the ancillary residential building shall be removed from the site, and the site restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning approval;
- (10) that the ancillary residential accommodation shall form part of the single planning unit associated with the Ayrshire Hospice, as defined on the approved drawings, unless granted planning permission for a sub-division of the plot;
- (11) that, prior to the commencement of development, details shall be submitted for the written approval of the Planning Authority, of the boundary treatment between the site, and neighbouring properties in the eastern portion of the site. Thereafter, the boundary treatment shall be implemented as per the agreed specification;
- (12) that, prior to the commencement of development, details shall be submitted for the written approval of the Planning Authority, of the materials used in the alterations to, and restoration of the former coach house and dovecot. Thereafter, the development shall be implemented as per the agreed specification;
- (13) that there shall be no visiting members of the public to the building at 15 Ronaldshaw Park;
- (14) that, prior to the commencement of development, details shall be submitted for the written approval of the Planning Authority, of the materials used in the formation of the new access at Ronaldshaw Park. Thereafter the access shall be formed as per the agreed specification;
- (15) that, prior to the commencement of development, a method statement shall be submitted for the written approval of the Planning Authority, of the alterations to the boundary walls, which shall include details of the formation and finishing

- of all affected boundary walls. Thereafter, the development shall be implemented as per the agreed specification;
- (16) that, the recommendations as contained in section 4 of the Ecological Constraints Report shall be adhered to, to the satisfaction of the Council as Planning Authority;
 - (17) that the parking arrangements shall be as per the submitted and approved parking plan;
 - (18) that the primary means of servicing the site shall be via Racecourse Road, with access via Ronaldshaw Park being controlled via an operating plan agreed with the Planning Authority and Ayrshire Roads Alliance;
 - (19) that before occupation of the development a Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). 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;
 - (20) that the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public roadway, prior to operation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
 - (21) 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 prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
 - (22) that the proposed access from Ronaldshaw Park shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 4 metres wide over the initial 10 metres as measured from the rear of the public roadway and have appropriate control measures in place to prevent unauthorised vehicles from using the access. Control measures shall be set back a minimum of 10 metres from the rear of the public footway/ roadway, and open inwards away from the public roadway. Precise details of the access arrangement and associated control measures shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site and thereafter shall be implemented as approved;
 - (23) that, prior to the commencement of development, details of any external acoustic mitigation measures shall be submitted for the written approval of the Planning Authority, in conjunction with the Council's Environmental Health Service. Thereafter, the development shall be implemented as per the agreed specification; and
 - (24) that the extended hospice facility hereby approved shall be utilised as per the approved drawings, and shall exclude any sub-letting of the premises for separate community use.

Reasons:

- (1) To ensure that the work is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interests of visual amenity.
- (3) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (4) In the interests of visual amenity and to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.
- (5) In order to ensure that no damage is caused to the existing trees during development operations.
- (6) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality, and to provide compensatory replanting.
- (7) In the interest of residential amenity.
- (8) In the interests of visual amenity.
- (9) The proposals are intended to provide ancillary facilities for the operation of the hospice only.
- (10) To clarify the terms of this permission.
- (11) In the interests of residential amenity.
- (12) In the interests of visual amenity, and the maintenance and enhancement of the listed buildings.
- (13) In the interests of residential amenity.
- (14) In the interests of visual amenity, and the character and appearance of the conservation area.
- (15) In the interests of visual amenity, and the character and appearance of the conservation area.
- (16) In the interests of nature conservation.
- (17) To confirm the extent and location of parking provision.
- (18) To confirm the primary service arrangements for the development.
- (19) To encourage sustainable means of travel.
- (20) In the interest of road safety and to ensure an acceptable standard of construction.
- (21) In the interest of road safety and to avoid the discharge of water onto the public road.
- (22) In the interest of road safety and to ensure an acceptable standard of construction.
- (23) In the interest of residential amenity.
- (24) To clarify the terms of this permission.

Advisory Notes:

- (1) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- (2) 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.
- (3) 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.

- (4) 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.

List of Determined Plans:

Drawing - Reference No (or Description): 19036- ASL- XX- 00- DR- A- 0001
Drawing - Reference No (or Description): 219036- ASL- XX- 00- DR- A- 0050
Drawing - Reference No (or Description): 219036- ASL- XX- 00- DR- A- 0101
Drawing - Reference No (or Description): 219036- ASL- XX- 00- DR- A- 0110
Drawing - Reference No (or Description): 219036- ASL- XX- 00- DR- A- 0150
Drawing - Reference No (or Description): 219036- ASL- XX- 00- DR- L- 0011
Drawing - Reference No (or Description): 219036- ASL- XX- 01- DR- A- 0002
Drawing - Reference No (or Description): 219036- ASL- XX- 01- DR- A- 0051
Drawing - Reference No (or Description): 219036- ASL- XX- 01- DR- A- 0102
Drawing - Reference No (or Description): 219036- ASL- XX- 01- DR- A- 0111
Drawing - Reference No (or Description): 219036- ASL- XX- 02- DR- A- 0004
Drawing - Reference No (or Description): 219036- ASL- XX- 02- DR- A- 0113
Drawing - Reference No (or Description): 219036- ASL- XX- B1- DR- A- 0052
Drawing - Reference No (or Description): 219036- ASL- XX- DR- A- 0003
Drawing - Reference No (or Description): 219036- ASL- XX- DR- A- 0103
Drawing - Reference No (or Description): 219036- ASL- XX- DR- A- 0112
Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0010
Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0120
Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0121
Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0122
Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0123
Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0130
Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0135
Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0140
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 0005
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 0053
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 0100
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 0104
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 1000
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 1001
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 1002
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 1003
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 1004
Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 1005
Drawing - Reference No (or Description): 219036_ASL_XX_ZZ_DR_A_0000 Location plan
Drawing - Reference No (or Description): 219036_ASL_XX_ZZ_DR_A_0000 Site plan existing

Reason for Decision

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

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

Decided:- to approve application (Ref: 21/00918/LBC) subject to the following conditions:

- (1) that the works hereby granted Listed Building Consent shall be implemented in full accordance with the approved plan(s) as listed below unless a variation required by a condition of the consent has been agreed in writing by the Planning Authority;
- (2) that, prior to the commencement of development, details shall be submitted for the written approval of the Planning Authority, of the materials used in the alterations to, and restoration of the former coach house and dovecot. Thereafter, the development shall be implemented as per the agreed specification; and
- (3) that, prior to the commencement of development, details shall be submitted for the written approval of the Planning Authority, of the materials used in the formation of the new access at Ronaldshaw Park. Thereafter the access shall be formed as per the agreed specification.

Reasons:

- (1) To ensure that the work is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interests of visual amenity, and the maintenance and enhancement of the listed buildings.
- (3) In the interests of visual amenity, and the character and appearance of the conservation area.

List of Determined Plans:

Drawing - Reference No (or Description): 19036- ASL- XX- 00- DR- A- 0001
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Drawing - Reference No (or Description): 219036- ASL- XX- XX- DR- A- 0140
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Drawing - Reference No (or Description): 219036- ASL- XX- ZZ- DR- A- 1005
Drawing - Reference No (or Description): 219036_ASL_XX_ZZ_DR_A_0000 Location plan
Drawing - Reference No (or Description): 219036_ASL_XX_ZZ_DR_A_0000 Site plan existing

Reason for Decision

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

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

Variation in Order of Business.

In terms of Council Standing Order No. 13(3), the Panel agreed to vary the order of business as hereinafter minuted.

- (2) 20/00970/PPPM – Ailsa Hospital, Ayr** - Planning permission in principle for mixed use residential (circa 250 dwellings) and neighbourhood/commercial development (class 1 retail, class 2 professional services, class 3 (including sui generis) good and drink, class 8 care home, class 9 residential (sui generis flats), class 10 creche, access, car parking, servicing and associated works.

The Case Officer asked Members to note that in Section 4 of the Report, the reference to Appendix A should read Annex A and in Section 9, the reference to Annex 1 should read Annex A.

Decided: that the Director of Place be granted delegated powers to approve the application subject to the following conditions and subject to the conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 covering the matters listed in Annex A to the report:-

Conditions

Matters to be included in AMSC applications

- (1) That applications for Approval of Matters Specified in Conditions shall include full details of the proposed development, including the siting, design and external appearance of all buildings, means of access, roads, footpaths and cycleways, landscaping measures, SUDS and any other matters specified in conditions below.

Approved Plans

(2) This 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.

Indicative Layout and Scale of Development

(3) The indicative layout shown on drawing L003 rev H "Proposed Site Plan" is not hereby approved. The first Approval of Matters Specified in Conditions application shall include a revised layout which takes full cognisance of the overall strategic development framework for South East Ayr required by condition 4 of this permission. The scale of development approved in this planning permission is as follows:

i. Residential

The total number of dwellings to be developed throughout the site shall indicatively comprise circa 250 residential units.

ii. Commercial

Circa 6 units with a combined floorspace of 742 sq.m containing a mix of Class 1, 2, 3 and 10 uses as defined by the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997. The total amount of retail floorspace (Class 1) shall not exceed 742 sq.m

iii. Care Home

A class 8 care home with an indicative capacity for 65 beds

Strategic Development Framework (Masterplan and Infrastructure Delivery Plan) for Wider South East Ayr

(4) Prior to the submission of the first Approval of Matters Specified in Conditions application a strategic development framework which incorporates an indicative master plan for the whole of South East Ayr allocation (AYR4), a development phasing plan and a programme for the delivery of key infrastructure shall have been submitted to and approved by the Planning Authority. The strategic development framework shall have regard to the Supplementary Guidance: Housing Site Design Briefs for Land at South East Ayr (AYR4) and shall include, but shall not be limited to, the following:

- i. indicative layout of all roads, bridges, footways, cycleways and car and cycle parking, bus routes and stops, road layouts, and servicing areas;
- ii. indicative location and size of parks and other public open spaces;
- iii. the indicative identification of individual development parcels for a primary school, neighbourhood shops and community facilities to serve the local area, business facilities and/or land, land for a rail halt, market housing and affordable housing, showing the orientation of buildings and identifying focal buildings etc;
- iv. the standoff distance to be applied in any phase from the gas pipelines;
- v. an indicative movement strategy for pedestrians and cycles through the site that provides a network of formal and recreational footpaths and cycleways across the site, linking to core green infrastructure of burns, habitat corridors

- and the line of the Ayr-Stranraer rail line. The movement strategy shall also outline the network of public roads and demonstrate priority for high quality place-making with pedestrian/cycle, as the dominant mode of transport; and
- vi. indicative re-grading proposals of any land to accommodate the development. (Any proposals for re-grading shall reflect the natural topography of the area).
 - vii. the principles to be applied to the design of the layout and building design and high-quality place making
 - viii. indicative details of high-quality pedestrian/vehicle links between different phases of development and especially links between and into Corton/Alton/Cockhill both over and under the Ayr-Stranraer rail line;
 - ix. indicative details of high-quality pedestrian and cycle links across the A77 to provide a safe and attractive means of connecting SE Ayr to Ayr
 - x. Details of a scheme to ensure the provision of affordable housing for rent within each phase of the development
 - xi. Details of a scheme to provide business facilities and/or land
 - xii. A phasing plan indicating the sequence of development including the stages at which key road and community infrastructure will be delivered
 - xiii. A comprehensive inventory of the infrastructure consequences of the development and a scheme for ensuring delivery of key infrastructure within identified and agreed timescales and phases of development. Such details shall include a mechanism for an agreed proportionate contribution to the cost of providing key infrastructure for each phase of the South East Ayr development. For the avoidance of doubt, key infrastructure includes a primary school, neighbourhood shops, community facilities, a minimum of two pedestrian and cyclist overbridges across the A77, business land and/or buildings and the A77 road infrastructure upgrading works required by conditions 8, 9 and 10 of this permission.

Development Brief / Design Code for Application Site

- (5) The first Application for Approval of Matters Specified in Conditions shall include a Development Brief / Design Code for the entire Glenparks 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 and to the overall masterplan for South East Ayr required under condition 4 of this permission.

Programme of Development for Application Site

- (6) 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, any land engineering works, the provision of infrastructure, hard and soft landscaping, open space, equipped play areas, footpaths, cycleways, SUDS features and the scale and distribution of affordable housing within the current application site. The development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing with the Council as planning authority.

Provision of Primary School Facilities

- (7) There shall be no commencement of development on the site until there is a scheme approved by the Planning Authority for the delivery, within a specified time period, of a primary school within the South East Ayr masterplan area to serve the SE Ayr area

A77 Trunk Road Improvements

- (8) Prior to occupation of any part of the proposed development hereby permitted, an overbridge of the A77(T) shall be constructed at a location to be agreed adjacent to the Bankfield Roundabout and in accordance with a design to be agreed with the Planning Authority in conjunction with Transport Scotland. The overbridge will require to be suitable for use by pedestrians and cyclists.
- (9) Prior to occupation of any part of the proposed development hereby permitted, the A77(T) Bankfield Roundabout junction shall be modified generally in accordance with DBA Drawing 12239-DWG-04 titled Proposed Revisions to Bankfield Roundabout; as included within RPT-TC-004 Glenparks, Ayr Technical Note dated 19 May 2021, to the satisfaction of the Planning Authority after consultation with Transport Scotland, unless otherwise agreed.
- (10) Prior to the occupation of any part of the consented development the works/arrangements for:
 - a) improvement of the A77(T) infrastructure to dual carriageway standard between Whitletts roundabout and Holmston roundabout to provide additional link capacity shall be constructed and completed to the satisfaction of the Planning Authority after consultation with Transport Scotland (TS-Roads) and in compliance with the DMRB (Design Manual for Roads and Bridges);
 - or
 - b) a mechanism for an agreed proportionate contribution to the cost of the Whitletts /Holmston A77(T) dualling must be concluded.

Local Roads

- (11) The first Approval of Matters Specified in Conditions application shall include a study informed by data to be provided by NHS Ayrshire and Arran (as available), demonstrating that the development proposals can be accommodated without adverse impact on the response times of emergency vehicles travelling to and from the University Hospital Ayr campus. The study shall require to identify mitigation measures where necessary, and be submitted for the review and approval of the Council as Roads Authority prior to the commencement of any works on site.
- (12) The first Approval of Matters Specified in Conditions application shall include a detailed review of signal stages and timings at the A713/ U116 Hospital Access junction to ensure that the most efficient operation of the junction during periods of network peak demand.

- (13) That all new roads infrastructure associated with the development shall require to be designed and constructed to adoptable standards, as specified by the Council's National Roads Development Guide, and take full cognisance of the principles of Designing Streets as National Policy. All Approval of Matters Specified in Conditions applications for approval of roads infrastructure shall include full details of layout and specification of the roads and footways. Thereafter, all roads infrastructure shall be constructed, as approved under this condition and in conjunction with the necessary Roads Construction Consents.
- (14) That all new footpaths and footways shall be designed to the standards set out within the National Roads Development Guide, as adopted by the Council. All Approval of Matters Specified in Conditions applications for approval of footpaths and footways shall include full details of the layout and construction. The relevant Approval of Matters Specified in Conditions applications shall include the following footpath links:-
- i. direct & convenient linkages to the existing footway provision on the A713 and U116 (Hospital Access Road)
 - ii. an access at the north western corner of the site to link the internal footpath and cycleway network with the right of way which links the Ailsa Hospital to Ayr via High Glengall
 - iii. pedestrian links to the bus stops adjacent to the Carrick Glen Hospital (stop nos. 6190940 & 6190941)
 - iv. pedestrian and cyclist links to the boundary of the application site adjacent and the land to the south
- (15) That all new road junctions shall be designed to the standards set out within the National Roads Development Guide, and with Designing Streets as National Policy. All Approval of Matters Specified in Conditions applications seeking approval of road junctions shall include full details of layout and specification of the road junctions. Thereafter, all road junctions shall be constructed, as approved under this condition and in conjunction with the necessary Roads Construction Consents.
- (16) That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Where relevant, each Approval of Matters Specified in Conditions application shall contain precise details and specifications of how this is to be achieved.
- (17) That prior to occupation of the non-residential parts of the development a Travel Plan for each of the non-residential land use classes within the site shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). Each 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. Each Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan.

- (18) That before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development.
- (19) Prior to the occupation of the 100th house in the development the existing bus stop on the U116 (Hospital Access Road) (Stop Number 6190792) shall be upgraded to include real time passenger information.
- (20) That off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide, with parking layouts designed to comply with the guidance set out in the National Roads Development Guide, and within the Designing Streets publication as National Policy. All Approval of Matters Specified in Conditions applications which include off-road parking provision shall include full details of the number, layout, dimensions and specification for the off-road parking spaces to be provided.
- (21) That on-street parking spaces to accommodate visitor parking demands shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide, with parking layouts designed to comply with the guidance set out in the National Roads Development Guide, and within the Designing Streets publication as National Policy. All Approval of Matters Specified in Conditions applications which include on-street parking provision shall include full details of the number, layout, dimensions and specification for the on-street parking spaces to be provided.
- (22) 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. All Approval of Matters Specified in Conditions applications for dwellings which include integral or detached garages which are intended to form part of the parking provision for the dwelling shall include full details of the internal garage dimensions.
- (23) That cycle parking in line with the standards as set out within Cycling by Design shall be provided within the site boundary. Precise details of the siting and specifications of the cycle stand(s) shall be submitted at the Approval of Matters Specified in Conditions stage for each phase of the development.
- (24) All turning areas within the site shall require to accord with paragraph 3.1.3 of the Council's Adopted National Roads Development Guide. All Approval of Matters Specified in Conditions applications which include turning areas shall include full details of the layout, dimensions and specification of the turning areas to be provided.

- (25) That at the Approval of Matters Specified in Conditions stage, the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority.
- (26) That designated bin collection points shall be located a maximum of 15 metres from the public carriageway. All Approval of Matters Specified in Conditions applications seeking approval for residential and non-residential buildings shall include details and specification of the siting and design of bin collection points.
- (27) The applicant/ developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority, in consultation with Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority prior to any movement of construction traffic associated with the site.

Ground Levels and Finished Floor Levels

- (28) That at the Approval of Matters Specified in Conditions stage the detailed plans for each phase shall include suitably scaled block layout plans showing;
 - a) Existing ground levels;
 - b) Proposed ground levels; and
 - c) Finished floor levels of each proposed dwellinghouse.

Flood Risk Management

- (29) The design of the layout of the development and finished site levels shall be undertaken in accordance with the Flood Risk Assessment prepared by Kaya Consulting Ltd dated December 2020.

Protection of Public Water Main

- (30) Any details pursuant to condition 1 shall show no development taking place within ten metres of the Scottish Water 200 mm diameter water distribution main and valve set up to the west of the site on the site boundary that will restrict access or put at risk the integrity of the Scottish Water assets. Such development includes buildings, private gardens, SUDS ponds or other obstructions.

SUDS

- (31) The first Approval of Matters Specified in Conditions application shall include full details of a suitable Sustainable Urban Drainage System designed and constructed in accordance with SUDS Manual CIRIA C735 and other relevant guidance to serve the entire site. The Sustainable Urban Drainage System should be designed to ensure that infrastructure and buildings are generally

free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1 in 200 years + Climate Change calculated in accordance with the SEPA Climate Change Allowance (2019) Guidance). If the chosen Sustainable Urban Drainage System solution requires discharge to an open water course then this discharge rate shall be agreed with the Flood Risk Management Authority. The development shall not be occupied until the SUDS scheme has been completed in accordance with submitted and approved plans for the relevant phase of the development, unless otherwise agreed in writing with the Planning Authority.

Contaminated Land

- (32) That the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites- Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.

Noise and Odour Nuisance

- (33) No development shall be commenced within the application site until a noise impact assessment has been carried out in accordance with the principles outlined in Technical Advice Note (TAN) Assessment of Noise. The Noise Impact Assessment shall identify all noise sensitive receptors located within the application site in the high and medium category (Table 2.1 TAN) and the level of significance determined. The maximum target noise levels within the noise sensitive receptor to be used in the determination shall be:

LAEQ 16hrs 35dB (0700-2300 hours) internal noise level

LAEQ 8hrs 30dB (2300-0700 hours) internal noise level

LAMAX 35dB (2300-0700 hours) internal noise level

LAEQ 16hrs 50dB (0700-2300 hours) outside amenity space

The Noise Impact Assessment shall identify the measures to be taken to ensure that the Internal noise levels are achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open.

- (34) Prior to the occupation of any of the buildings identified as noise sensitive receptors in the noise impact assessment approved under condition 33 of this permission, a verification report is required to be prepared by a competent person to the satisfaction of the planning authority and submitted to the planning authority in order to demonstrate compliance with the specific noise criteria which formed part of the planning conditions
- (35) No development shall be commenced for the construction of the care home until details of the ventilation within the kitchen areas has been submitted to and approved by the Council as Planning Authority. The ventilation must be adequate and suitable for the food handling/cooking carried out therein. The ventilation system must be provided with suitable means of filtration (eg grease and charcoal filters and extended ducting terminating at least one metre above eaves level of any building located within 20m of the building housing the commercial kitchen, or alternatively the operation of the premises is limited to enclosed unit cooking only.
- (36) Prior to the occupation of the care home, an acoustic consultant's report or manufacturers specifications demonstrating that all ventilation extraction systems comply with noise rating criteria 25 when measured within the nearest noise sensitive dwelling with windows open sufficiently for ventilation shall be submitted to and approved of the Council as Planning Authority.

Archaeology

- (37) 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.

Natural Heritage

- (38) 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.
- (39) Prior to the lopping topping or felling of any of the mature trees within the site or prior to any land engineering works or construction works taking place within 30m of any of the mature 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) with a proportion to be completed before the end of August. The results of the survey shall be reported to the Planning Authority prior to the planned works being carried out.

- (40) Any artificial/security lighting used during the construction phase of the development shall be fitted with shades to prevent light spillage outside of the working area. Temporary lights must not illuminate the tree lines or hedgerows.
- (41) In the event that development is not commenced prior to 15/03/2022 the protected species surveys undertaken for the submitted and approved Preliminary Ecological Appraisal dated September 2020 shall be repeated prior to the commencement of any development within the site.

Landscaping

- (42) 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. A “Residential Green” of minimum area 6494 sq.m and “Amenity Areas” totalling a minimum of 1998 sq.m 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 to create a structural framework for the site and provide screening and landscape corridor with the surrounding area and future Expansion Zone.
 - vi. Streets and footpaths planted with avenues of trees in order to create a distinct sense of place and landscape structure throughout the development.
 - vii. Tree and shrub planting around the proposed SUDS pond
- (43) Prior to the commencement of development, a phasing plan for the implementation of the landscaping scheme approved under condition 42 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.

- (44) That a performance bond or alternative financial mechanism, agreed by the Council, covering the cost of the landscaping of the development and play facility scheme as approved under condition 43 of this permission, shall be submitted to, approved in writing by the planning authority and executed before any works commence within the relevant phase. For the purposes of calculating the landscape bond quantum, details of the landscaping works to be implemented within areas that are to be maintained by a factor, including the total length of hedging; the species, number and size of all plants to be included within the areas of shrub and herbaceous planting; the species, size and number of trees and details of ground preparation methods, topsoil quality & depth, planting methods, hole sizes and other materials such as mulches and stakes shall be submitted to the planning authority.
- (45) That before any works start on site, the developer shall institute an accurate survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of all trees. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

Refuse Storage

- (46) Any details pursuant to condition 1 shall include details of the spaces to be provided for storing refuse bins to serve the proposed flatted properties. Such details shall meet with the space standards specified by South Ayrshire Council's Waste Management and Recycling service.

Reasons

- (1) To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006. In order to retain proper control over the development proposal
- (2) 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 20 of the Planning etc. (Scotland) Act 2006.
- (3) To clarify the extent of the planning permission
- (4) To ensure that the development of the application site is undertaken in a coordinate manner with the development of the wider South East Ayr area in order to ensure the creation of sustainable community in accordance with the Supplementary Guidance: Site Design Briefs.
- (5) In the interest of good design and promoting a sense of place

- (6) In order to ensure that the green and community infrastructure are provided timeously and that the development is progressively landscaped at the earliest opportunity during the construction phase.
- (7) In order to ensure that the educational impacts of the development are fully mitigated
- (8) To ensure that facilities are provided for the pedestrians and cyclists that are generated by the development and that they may access the existing amenities located to the west of the A77(T) in a safe manner without affecting the safety and free flow of traffic on the trunk road .
- (9) To minimise interference with the safety and free flow of the traffic on the trunk road.
- (10) To ensure that the development of this urban expansion area supports the longer term aim of providing the capacity improvements necessitated by the traffic impacts of the Land at South East Ayr, as designated in the Adopted South Ayrshire Local Development Plan.
- (11) To reasonably avert increased response times of emergency vehicles on the public road network as a result of the impact of development traffic
- (12) For the purposes of road safety and the functional operation of the local road network.
- (13) In the interest of road safety and to ensure an acceptable standard of construction.
- (14) To encourage sustainable means of travel.
- (15) In the interest of road safety and to ensure an acceptable standard of construction.
- (16) In the interest of road safety and to avoid the discharge of water onto the public road.
- (17) To encourage sustainable means of travel.
- (18) To encourage sustainable means of travel.
- (19) To encourage sustainable means of travel
- (20) In the interest of road safety and to ensure adequate off-street parking provision.
- (21) In the interest of road safety and to ensure adequate on-street parking provision
- (22) In the interest of road safety and to ensure adequate off-street parking provision
- (23) To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel.
- (24) To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety.
- (25) In the interest of road safety.
- (26) In the interest of road safety.
- (27) In the interest of road safety.
- (28) In the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties and to avoid excessive underbuilding.
- (29) In order to ensure no increased flood risk within and outwith the development.
- (30) In order to safeguard the Scottish Water water main
- (31) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
- (32) To ensure all contamination within the site is dealt with.
- (33) To prevent road traffic and rail traffic noise nuisance in the interest of residential amenity
- (34) To prevent road traffic and rail traffic noise nuisance in the interest of residential amenity
- (35) In order to prevent the occurrence of a smell nuisance.
- (36) In order to prevent noise nuisance

- (37) To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording
- (38) In the interest of nature conservation
- (39) In the interest of nature conservation
- (40) In the interest of nature conservation
- (41) In the interest of nature conservation
- (42) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality including adequate public open space provision
- (43) In the interest of visual amenity to ensure that the development is progressively landscaped
- (44) In the interest of visual amenity in order to ensure that the landscaping works are implemented in the event of the developer being unable to complete the development.
- (45) In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site.
- (46) In the interest of amenity in order to ensure adequate space is available for the storage of refuse bins.

Advisory Notes:

Environmental Health

- (1) The Council as Environmental Health Authority has advised that in order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228-1:2009; Code of Practice for noise and vibration control on construction and open sites – Part 1 : Noise, and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- (2) Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light". [http://ww20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).pdf](http://ww20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).pdf)

South Ayrshire Council Sustainable Development (Biodiversity)

- (1) That the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).
- (2) That the applicant is made aware that works should not lead to contravention of the Habitats Directive /Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).
- (3) Where possible the developer considers the inclusion of bird and bat boxes within the development.
- (4) If an EPS licence is required further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application. Application forms can be found on the SNH website along with guidance.
- (5) Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for

advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this.

- (6) Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.
- (7) All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
- (8) The ends of any pipeline should be capped when unattended, or at the end of each working day to prevent animal access.

Scottish Water

- (1) Network upgrades will be required to support the development. It is recommended that a PDE is submitted at your earliest convenience.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

- (2) According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.
- (3) For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find information on how to submit application to Scottish Water at our Customer Portal.

Glasgow Prestwick Airport

Cranes

Guidance should be considered relevant to users of all cranes exceeding a height of 10 metres above ground level (AGL) or that of the surrounding structures or trees (if higher), within 10 Nautical Miles (NM) / (18.5km) of the aerodrome.

For guidance to crane users on the crane notification process and obstacle lighting and marking please refer to CAA CAP Document 1096 which is available at: <http://www.caa.co.uk>.

Please be aware any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.

Renewal Energy (Solar Panels / Wind Turbine(s))

As this planning application is 'In Principal' at the present time GPA should be consulted again if renewable energy (such as wind turbine(s) / solar panels) are considered before full planning is sought to ensure that GPA is totally satisfied and to ensure adequately safeguarded.

If you wish to submit a further package including full details in advance of seeking full planning approval we would be happy to look over this and provide feedback ahead of the full application.

Ayrshire Roads Alliance

Road Opening Permit:

That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, 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 Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's 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 HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges shall be completed and submitted for the prior written approval of the Council as Roads Authority. 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.

RSA Stage 3:

The Council as Roads Authority advises that a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted for the prior written approval of the Council as Roads Authority 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.

Annex A: Glenparks Section 75

Glenparks site is part of the South East Ayr (SEA) strategic development site and requires a Section 75 agreement to ensure this part of the development contributes in a fair and proportionate manner towards facilities and services (on and off site) required to service the whole strategic SEA development, including land costs. Supplementary Guidance: Housing Site Design Briefs outlines the facilities required on site for the new residents and the required connections to the existing settlement of Ayr to ensure integration and easy of connection by all modes of transport.

- (1) The Section 75 will be based on this PPP consent (reference 20/00970/PPPM) only. Therefore if the proposed development changes to increase capacity of any of the elements then a full new S75 will be required. This is to ensure that the developer of this site pays fair contribution towards the communal facilities and services, including land purchase price based on their proposals.
- (2) Affordable housing
 - (i) 25% of the total number of housing units will be affordable housing units for social rent based on the Council's Housing Service requirements (Size of unit, number of bedrooms, layout to meet requirement of South Ayrshire Council as Housing Authority).
 - (ii) all housing units should be designed to Housing to Varying needs standards (or any subsequent updated policy guidance)
 - (iii) least 15% of Affordable Housing to be fully wheelchair accessible
- (3) Education
 - a) Primary & Early Years – Contribution per unit for new school including proportionate cost of land purchase price based on residential value of 4.7hectare site. (requires to reflect clauses agree in Corton Development S75)
 - b) Secondary – Proportionate contribution per unit for extension to an Ayr secondary school
- (4) Key Roads Infrastructure
 - a) proportionate financial contribution towards improvement of the A77(T) infrastructure to dual carriageway standard between Whitletts roundabout and Holmston roundabout to provide additional link capacity.
 - b) proportionate financial contribution towards modification of Bankfield Roundabout junction generally in accordance with DBA Drawing 12239-DWG-04 titled Proposed Revisions to Bankfield Roundabout; as included within RPT-TC-004 Glenparks, Ayr Technical Note dated 19 May 2021
 - c) proportionate financial contribution towards provision of an over-bridge suitable for pedestrians and cyclists of the A77 in the vicinity of the Bankfield Roundabout Junction.
 - d) proportionate financial contribution towards provision of an over-bridge suitable for pedestrians and cyclists of the A77 in the vicinity of Maybole Road
 - e) proportionate contribution towards provision of pedestrian and cyclists connections either side of the overbridges referred to at c) and d) to connect with the existing or proposed public footways and cycle path networks. For the avoidance of doubt such connections shall include a pedestrian and cyclist route from the edge of the Glenparks area of SEA to connect with the overbridge required at c) either routed through the Alton area of SEA or adjacent to the A713.

- f) proportionate financial contribution towards cost of providing suitable parking and shelter facilities for cycles/wheelers at community and recreation facilities within the SEA site
- g) proportionate financial contribution towards cost of providing regular and frequent public transport services to serve all parcels of land within SEA. For the avoidance of doubt, this will require a bus service phasing plan showing the extension to bus Service for this part of SEA, as houses are occupied based on the development Phasing plan. Noting that the developer will need to pay the bus service provider in respect of the service for five years after completion of this development unless the developer fails to secure a bus provider then an alternative sustainable transport contribution will be applicable.
- h) proportionate financial contributions towards cost of providing Real Time Passenger Information at bus stops within SEA
- i) proportionate financial contributions towards cost of providing Park and Ride and associated facilities for the wider SEA area, including land costs, electric vehicle charging points, pedestrian and cyclist crossing over or under railway line and secure storage for bicycles.
- j) proportionate contribution towards cost of the provision of community facilities for the wider SEA area and proportionate part of the cost of purchasing land for community facilities. (Community multi-purpose space, food growing spaces).
- k) proportionate contribution towards the provision of recreational facilities for the wider SEA area and proportionate cost of purchasing land for recreational facilities. (Playing fields and associated facilities.)
- l) proportionate share of cost of creation of public space, habitat corridors, riparian corridors, ponds, woodland areas within strategic site and across hospital area to ensure accessibility across wider area.
- m) proportionate share of cost of place making elements which will help make SEA a distinctive and high quality residential environment- public art/ entrance features/ signage/seating.
- n) proportionate share of the cost of long-term maintenance of communal facilities (community, recreational facilities, signage and green infrastructure), land and any associated hard or soft landscaping.
- o) proportionate share towards the cost of providing business space or land for business space.
- p) indexation will be applied from when the figure was issued by the Council until payment date using the All Tender Price Index.
- q) land valuation will be undertaken by either the District Valuer or an independent suitability qualified RICS surveyor. Costs of valuation work will be borne by the developer. The developer will be liable for all Council legal costs associated with S75 agreement.

- (1) **21/01007/FURM – Carrick Academy, 72-74 Kirkoswald Road, Maybole** - further application to vary condition 1 of planning permission 20/00669/APPM

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

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

- (2) The proposed development shall be carried out in accordance with the flood risk recommendations detailed in the Kaya Consulting Ltd Flood Risk Assessment dated May 2020 submitted with the applications. Specifically:
- i. The overland flow surface water flood risk identified as part of the watershed analysis shall be mitigated in accordance with the principles described in the Flood Risk Assessment, including interception, rerouting, storage and appropriate finished floor levels.
 - ii. The site sustainable urban drainage system design shall consider the future estimates of increased precipitation and shall follow an adaptive approach informed by the most recent DEPA climate change recommendations and shall be in alignment with The Climate Change (Scotland) Act 2009.
- (3) That a suitable Sustainable Urban Drainage System shall be designed and constructed in accordance with SUDS Manual CIRIA C735 and other relevant guidance. The Sustainable Urban Drainage System shall be designed to ensure that infrastructure and buildings are generally free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1 in 200 years + Climate Change calculated in accordance with the SEPA Climate Change Allowance (2019) Guidance). If the chosen Sustainable Urban Drainage System solution requires discharge to an open water course then this discharge rate shall be agreed with the Flood Risk Management Authority. Details of the Sustainable Urban Drainage System (SUDS) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The development shall not be occupied until the SUDS scheme has been completed in accordance with submitted and approved plans.
- (4) That within 6 months of occupation of the campus a Travel Plan shall be submitted for the prior written approval of the Council as Roads Authority. The Travel Plan shall target both pupil and staff travel to/ from the campus, and shall require to satisfy the following:
- i. Nominate a Travel Plan Coordinator to oversee delivery of the plan;
 - ii. Provide information on the existing modal split of trips to/ from the existing school, based on a questionnaire issued to all parents/ carers and staff members;
 - iii. Set modal shift targets which seek to achieve a reduction in car borne travel, and an increase in sustainable travel;
 - iv. Define a specific package of measures and initiatives identified to help achieve the modal shift targets, and to be implemented by the school. These measures shall require to encourage sustainable travel, and discouraging car borne travel;
 - v. A monitoring plan to include annual parent/ carer and staff surveys, and biannual parking surveys on Whitefaulds Avenue, Academy Quadrant and McAdam Way to correspond with peak periods of campus demand;
 - vi. Details of review and reporting associated with ongoing monitoring of the plan against targets; and
 - vii. A Travel Plan update report, including recent survey results, modal split results, and a review of the success of measures, to be submitted to the Planning Authority, consultation with the Council as Roads Authority annually for the initial 5 years following campus occupation.

- (5) That before occupation of the campus a School Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with the Council as Roads Authority. The School Travel Pack shall include information on walking, cycling and public transport facilities and services along principle routes within the catchment area. The Travel Pack shall be distributed to all pupils upon initial opening of the school, and to new pupils as part of the new intake annually thereafter.
- (6) That before occupation of the campus a Park and Stride Plan shall be developed and submitted for the prior written approval of the Council as Planning Authority, in consultation with the Council as Roads Authority. The plan shall investigate suitable areas for parents / carers to park within walking distance of the campus, but to discourage localised congestion on those streets contiguous to the campus.
- (7) That the proposed access and egress junctions shall be constructed in accordance with the specifications in the Council's National Roads Development Guide, after consultation with Transport Scotland as trunk roads authority and be a minimum of 5.5 metres wide over the initial 10 metres as measured from the rear of the public roadway. The access shall be constructed, as approved, prior to completion of the development, in accordance with the approved Phasing Strategy.
- (8) That the proposed egress junction shall provide access visibility sightline splays of 2.4 metres by 22.0 meters which shall be maintained in both directions at the junction with the public road, unless otherwise approved in writing by the planning authority. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays.
- (9) That prior to occupation of the development any gates shall be set back a minimum of 10 metres from the rear of the public footway/ roadway, and open inwards away from the public roadway.
- (10) 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 prior written approval of the Council as Planning Authority, in consultation with the Council as Roads Authority before any work commences on site.
- (11) The applicant shall make provision of upgraded Vehicle Activated signage to replace the existing signs currently in place on the A77 Kirkoswald Road. The precise details and specifications of all infrastructure improvements shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with the Council as Roads Authority, and shall require to be in place prior to occupation of the campus.
- (12) That all road lining and signing shall be reviewed and amended as considered appropriate, to reflect any changes associated with the new campus. The precise details shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with the Council as Roads Authority, and any amendments shall require to be in place prior to occupation of the campus.
- (13) 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.
- (14) That off-road parking spaces shall be provided within the curtilage of the site in line with the provision levels as set out within the BDP drawing May-BDP-02-ZZ-DR-L-PP002 Rev03 (Overall Site Plan). This includes provision for accessible

bays (at least 10 across the site), staff/ visitor spaces, pick-up/ drop-off spaces, and school bus bay provision.

- (15) That cycle parking accommodating a minimum of 226 cycles shall be provided within the site boundary, with additional space reserved for the future expansion of cycle parking within the curtilage of the site, as required. Precise details of the siting and specifications of the cycle stand(s) shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with the Council as Roads Authority before any work commences on site.
- (16) That prior to the occupation of the campus, a School Bus Access/ Egress Management Plan shall be submitted for the prior written approval of the Council as Planning Authority, in consultation with the Council as Roads Authority. The plan shall set out procedure to ensure the safety of pupils in the vicinity of bus movements within the site, and highlight specific measures to be employed, such as a banksman, as required.
- (17) The applicant/ developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Planning Authority, in consultation with the Council as Roads Authority. The plan shall describe the methodology for the movement of construction traffic to and from the site, details of wheel washing, clarification on hours of site operation, and any other details relevant to the movement of vehicles associated with construction, including use of any direct access onto the A77 trunk road.
- (18) That prior to the commencement of the development, details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland, as Trunk Roads Authority.
- (19) Prior to the commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.
- (20) Prior to the commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.
- (21) There shall be no drainage connections from the development site to the trunk road drainage system.
- (22) Prior to the commencement of works on-site, a noise assessment shall be undertaken and submitted to the Planning Authority to determine the likelihood of noise impact detrimental to the residential amenity of nearby dwellings from the proposed fixed plant and the all-weather sports pitches on noise sensitive receptors. The assessment shall be carried out by a suitably qualified acoustic consultant or other competent person, and 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:
 - I. LAEQ16hrs 35dB (0700-2300) internal noise level
 - II. LAEQ 8hrs 30dB (2300-0700) internal noise level
 - III. LAMAX 45dB (2300-0700) internal noise level
 - IV. LAEQ 16hrs 50dB (0700-2300) outside amenity space

In addition, the significance of effect to be no greater than neutral as per Technical Advice Note Assessment of Noise (TAN) Table 3.5 page 20. 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 sufficiently for ventilation (normally 10% of the opening area). The report shall include details of any mitigation measures necessary to achieve the target noise levels detailed above. The approved mitigation measures shall be fully implemented upon completion of the development and maintained thereafter in perpetuity.

- (23) That the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites- Code of Practice' (BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.
- (24) The measures to address land contamination specified in the "Carrick Academy, Kirkoswald Road, Maybole (Pre-Demolition) Report on Site Investigations" prepared by Mason Evans Partnership Ltd, dated November 2019 shall be implemented in full unless otherwise agreed in writing with the Planning Authority.
- (25) Notwithstanding the landscaping details shown on approved MAY-BDP-02-ZZ-DR-L-PP006 Rev.02 prior to the commencement of work on the construction of the approved development, a revised landscaping scheme shall be submitted to and approved by the Planning Authority which shall include, in addition to the submitted landscaping scheme, tree or hedgerow planting around the perimeter of the second (northernmost) all-weather sports pitch. The revised landscaping scheme shall include the size and specification of all planting material to be included in the landscaping, together with total plant numbers and densities per m², the ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified and a maintenance schedule for all areas of soft landscaping shall be submitted to and approved by the Planning Authority. Thereafter the approved landscaping scheme shall be implemented prior to the completion of the development and shall be maintained in accordance with the approved maintenance schedule for a period of five years from the date of completion of the landscaping works.
- (26) No development shall take place within the Phase 1 area of the development site, as outlined on the approved drawing May-BDP-SK(90)LP109, until the developer has secured the implementation of a programme of archaeological works for the Phase 1 area 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.

- (27) No development shall take place within the Phase 2 area of the development site, as outlined on the approved drawing May-BDP-SK(90)LP109, until the developer has secured the implementation of a programme of archaeological works for the phase 2 area 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.
- (28) Prior to the commencement of construction work on the all-weather sports pitches, details of the fencing to be erected around the pitches shall be submitted to and approved by the Planning Authority.
- (29) That before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
- (30) No work shall commence on the construction of the proposed wind turbine until such time as the developer has demonstrated to the satisfaction of the Planning Authority that the wind turbine is capable of operating without resulting in a noise impact detrimental to the residential amenity of nearby dwellings. A noise assessment shall be undertaken and submitted to the Planning Authority and shall be assessed in accordance with procedures set out in ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms' and 'A Good Practice Guide to the Application of ETSU-R-97 The Assessment and Rating of Wind Turbine Noise' published by the Institute of Acoustics.

The following noise limits will be applicable to the wind turbine:

That the wind turbine noise emission level, at a receiver height of 4 m above ground level, up to wind speeds of 10 m/s at 10 m height:-

- I. During daytime (0700 to 2300) shall not exceed 35 dB LA90,10min when measured at the properties listed in the Table.
- II. During night time (2300 to 0700) shall not exceed 30 dB LA90,10min or the measured LA90,10min (background) noise level plus 3 dB, whichever is the greater when measured at the at the properties listed in the Table.

Property	Approx OS Grid Coordinates
73 McAdam Way	229095, 609800
Alva, Kirkoswald Road	229159, 609600
Know View, Kirkoswald Road	228932, 609446

Details of any mitigation measures required so ensure that the above noise limits are met shall be submitted with the assessment and the wind turbine shall, thereafter, be operated in strict accordance with any approved mitigation.

- (31) Prior to first operation of the wind turbine the applicant shall submit and receive written approval from the Council as Planning Authority for a protocol for investigating any noise complaints relating to the operation of the wind turbine.
- (32) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.
- (33) That a timetable for implementation of the two proposed outdoor pitches shall be submitted for the prior written approval of the Council as planning authority before any work commences on site. For the avoidance of doubt both outdoor pitches shall be available for use within one year of occupation of the proposed school.
- (34) That before any work commences on site full details and specifications of surface water drainage for the entire red line application site including an overland flow strategy and how these drainage measures are to be maintained in perpetuity shall be submitted for the prior written approval of the planning authority in consultation with Ayrshire Roads Alliance Flooding Officer. For the avoidance of doubt these surface water drainage arrangements shall include both proposed outdoor pitches.
- (35) That there shall be no pedestrian access points between the application site and Whitefaulds Avenue and the existing pedestrian route between Whitefaulds Avenue and Kirkoswald Road shall be upgraded in width and construction in accordance with a specification to be agreed with the Council as planning authority (in consultation with the Ayrshire Roads Alliance) and subsequently be implemented in accordance with that specification before occupation of the proposed school.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed
- (2) To ensure the site is drained in an acceptable and sustainable manner
- (3) To ensure the site is drained in an acceptable and sustainable manner
- (4) To encourage sustainable means of travel, and to mitigate school related on-street parking.
- (5) To encourage sustainable means of travel, and to mitigate school related on-street parking.
- (6) To encourage sustainable means of travel, and to prevent localised congestion.
- (7) In the interest of road safety and to ensure an acceptable standard of construction.
- (8) In the interest of road safety and to ensure an acceptable standard of construction.
- (9) In the interest of road safety
- (10) In the interest of road safety and to avoid the discharge of water onto the public road.
- (11) For the purposes of road safety and the functional operation of the local road network
- (12) For the purposes of road safety and the functional operation of the local road network
- (13) In the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.
- (14) In the interest of road safety and to ensure adequate off-street parking provision.
- (15) To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel.
- (16) In the interest of road safety
- (17) In the interest of road safety and the safety of pupils and staff.
- (18) In the interest of road safety

- (19) In the interest of road safety
- (20) In the interest of road safety
- (21) In the interest of road safety
- (22) To avoid noise disturbance in the interests of residential amenity
- (23) To ensure all contamination within the site is dealt with
- (24) To ensure all contamination within the site is dealt with
- (25) In the interest of visual amenity in order to ensure that the species choice and planting methods are suitable for the site conditions and that the landscaped areas are adequately maintained to ensure establishment of the landscaping.
- (26) In order to ensure the proper recovery and recording of any unknown archaeological resources within the site
- (27) In order to ensure the proper recovery and recording of any unknown archaeological resources within the site
- (28) In the interest of visual amenity, no such details having been supplied
- (29) In order to protect trees within the site
- (30) In the interest of residential amenity, in order to ensure that noise sensitive receptors are not adversely affected by noise generated by the proposed wind turbine
- (31) In the interest of residential amenity
- (32) In the interest of visual amenity
- (33) In order to ensure no net loss of outdoor sports facilities
- (34) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained. In order to ensure the development is protected against flooding in an acceptable manner.
- (35) To maximise use of the formal vehicle drop-off point from Kirkoswald Road and to discourage the use of nearby residential streets as drop-off points.

Advisory Notes:

- (1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.
- (2) A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.
- (3) The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).

- (4) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- (5) The developer is required in carrying out the development hereby approved to submit to the Authority a formal written Notification of Completion of Phases of Development as soon as practicable after of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- (6) Ayrshire Roads Alliance
 - a. That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority for any work within the public road limits, prior to works commencing on site. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs and General Directions 2016' are permitted within public road limits.
 - f. Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy.
- (7) Sustainable Development (Biodiversity)
 - a. The works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).

- b. The works should not lead to contravention of the Habitats Directive / Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). The area of construction should be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004. If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
 - c. Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.
 - d. Where possible the developer considers the inclusion of bird and bat boxes within the development.
 - e. If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist provides input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging. If an EPS licence is required further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application. Application forms can be found on the SNH website along with guidance.
 - f. Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this. Should any European EPS, including bats, be found either prior to or during the period of development then the need for EPS licensing should be reviewed.
 - g. 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.
 - h. Where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder. That where possible any landscape planting considers the use of native nectar rich species and fruiting species. These might include Blackthorn (*Prunus spinose*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*).
- * Applicable to sites > 13km distance from Prestwick Airport.
- i. All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry. The ends of any pipeline should be capped when unattended, or at the end of each working day to prevent animal access.

(8) Environmental Health

- a. Construction Noise and Dust: In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
- b. Lighting: Advice on light pollution is contained within the Institution of Lighting Professionals "Guidance Note for the Reduction of Obtrusive Light". [http://www20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution\(New2013\).pdf](http://www20.south-ayrshire.gov.uk/devandenv/nbs/envhealth/PlanningEH/ILPGuidanceNotesfortheReductionofLightPollution(New2013).pdf)

(9) SEPA

- a. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- b. Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- c. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
 - is more than 4 hectares,
 - is in excess of 5km, or
 - includes an area of more than 1 hectare or length of more than 500m on ground with a slope excess of 25 degrees

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.

- d. Any INNS present on site must be dealt with appropriately. SEPA Waste Policy provides guidance on the disposal of invasive non-native species and contaminated soils. Further information on invasive non-native species is available on our website.
- e. Construction/demolition works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution.

Reference should be made to the relevant Guidance for Pollution Prevention (GPPs) and to the CIRIA publication C741 "Environmental Good Practice on Site Guide" and the associated pocket book C762.

List of Determined Plans:

- Drawing - Reference No (or Description): PP001 Location Plan
- Drawing - Reference No (or Description): PP001 Rev 1 Pavilion Roof Plan
- Drawing - Reference No (or Description): PP001 Rev 2 Pavilion - Elevations
- Drawing - Reference No (or Description): PP001 Rev 2 Pavilion Layout
- Drawing - Reference No (or Description): PP001 Rev 2 Pavilion Sections
- Drawing - Reference No (or Description): PP001 Rev 3 Pavilion and Police Office Elevations
- Drawing - Reference No (or Description): Pavilion and Police Office Roof Plan
- Drawing - Reference No (or Description): PP001 Rev 3 Pavilion and Police Office Sections
- Drawing - Reference No (or Description): PP001 Rev 3 Site Plan at Completion of Phase 1
- Drawing - Reference No (or Description): PP001 Rev 4 Pavilion and Police Office Layout
- Drawing - Reference No (or Description): PP001 Rev 4 Site Plan at Completion of Phase 1 revised
- Drawing - Reference No (or Description): PP002 Overall Site Plan
- Drawing - Reference No (or Description): PP002 Rev 5 Overall Site Plan – revised and the following drawings approved under 20/00669/APPM
- Drawing - Reference No (or Description): MAY-BDP-ZZ-XX-DR-A-PP002_00 Existing Block Plan
- Drawing - Reference No (or Description): MAY-BDP-ZZ-XX-DR-A-PP003_02 Block Plan at Phase 1
- Drawing - Reference No (or Description): MAY-BDP-ZZ-XX-DR-A-PP004_02 Overall Block Plan
- Drawing - Reference No (or Description): MAY-BDP-ZZ-XX-DR-A-PP005_01 Interim Block Plan
- Drawing - Reference No (or Description): MAY-BDP-01-EL-DR-A-PP001_03 Proposed Elevations Sheet 1
- Drawing - Reference No (or Description): MAY-BDP-01-EL-DR-A-PP002_03 Proposed Elevations Sheet 2
- Drawing - Reference No (or Description): MAY-BDP-01-LG-DR-A-PP100_03 Proposed LGF Plans
- Drawing - Reference No (or Description): MAY-BDP-01-UG-DR-A-PP101_03 UGF Plans
- Drawing - Reference No (or Description): MAY-BDP-01-01-DR-A-PP102_02 Level 01 Floor Plans
- Drawing - Reference No (or Description): MAY-BDP-01-02-DR-A-PP103_02 Level 02 Floor Plans
- Drawing - Reference No (or Description): MAY-BDP-01-SX-DR-A-PP001_03 Proposed Sections
- Drawing - Reference No (or Description): MAY-BDP-01-SX-DR-A-PP002_03 Sections Sheet 2
- Drawing - Reference No (or Description): MAY-BDP-01-RL-DR-A-PP104_03 Roof Plan
- Drawing - Reference No (or Description): MAY-BDP-ZZ-XX-VS-A-P001_01 3D External View 1
- Drawing - Reference No (or Description): MAY-BDP-ZZ-XX-VS-A-P002_01 3D External View 2
- Drawing - Reference No (or Description): MAY-BDP-ZZ-XX-VS-A-P003_01 3D External View 3
- Drawing - Reference No (or Description): MAY-BDP-ZZ-XX-VS-A-P004_01 3D External View 4
- Drawing - Reference No (or Description): Existing Extension - GF

Drawing - Reference No (or Description): Existing Extension - 01
 Drawing - Reference No (or Description): Existing Main Building - GF
 Drawing - Reference No (or Description): Existing Main Building - 01
 Drawing - Reference No (or Description): Existing PE Block
 Drawing - Reference No (or Description): MAY-BDP-02-ZZ-DR-L-PP003_02 Proposed Site Sections
 Drawing - Reference No (or Description): MAY-BDP-02-ZZ-DR-L-PP004_02 AWP Comparison
 Drawing - Reference No (or Description): MAY-BDP-02-ZZ-DR-L-PP005_02 Landscape Plan Phase 1
 Drawing - Reference No (or Description): MAY-BDP-02-ZZ-DR-L-PP006_02 Overall Landscape Plan
 Drawing - Reference No (or Description): MAY-BDP-02-ZZ-DR-L-PP007_01 Wind Turbine Shadow Flicker
 Other - Reference No (or Description): Design _ Access Statement
 Other - Reference No (or Description): Transport Assessment
 Other - Reference No (or Description): Vehicle Tracking Details
 Other - Reference No (or Description): Site Investigation Report
 Other - Reference No (or Description): Drainage Strategy Report
 Other - Reference No (or Description): Flood Risk Assessment
 Other - Reference No (or Description): MCC_AWP 8no. 15m 200 lux Flood Lighting Info
 Other - Reference No (or Description): DWG 01_MCC_AWP 8no. 15m 200 lux Spill Ltg Spill Lighting Results
 Other - Reference No (or Description): Mid Range Columns P9 Data Sheet
 Other - Reference No (or Description): E-2PRM-001_00 Tech Draw for 15m
 Other - Reference No (or Description): Opto Flood Data Sheet for Luminaire
 Other - Reference No (or Description): Wind Turbine Planning Supporting Pack
 Drawing - Reference No (or Description): 53878-1-Topo Sheet 1
 Drawing - Reference No (or Description): 53878-2-REV A Topo Sheet 2
 Drawing - Reference No (or Description): 53878-3 Rev A Topo Sheet 3
 Drawing - Reference No (or Description): 53878-4-REV A- Topo Sheet 4
 Drawing - Reference No (or Description): 53878 - 5 -REV A - Topo Sheet 5
 Drawing - Reference No (or Description): 53878 - 6 - REV A - Topo Sheet 6
 Drawing - Reference No (or Description): Phasing Strategy
 Other - Reference No (or Description): Noise Assessment Report
 Other - Reference No (or Description): Site Wide Lighting Strategy
 Drawing - Reference No (or Description): MAY-BHK-ZZ-ZZ-DR-C-04200 Phase 1 Sheet 1 P03
 Drawing - Reference No (or Description): MAY-BHK-ZZ-ZZ-DR-C0420 Phase 1 Sht 2 P04
 Drawing - Reference No (or Description): MAY-BHK-ZZ-ZZ-DR-C04202 Phase 1 sht 3 P04
 Drawing - Reference No (or Description): MAY-BHK-ZZ-ZZ-DR-C04203 Phase 1 sht 4 P04
 Drawing - Reference No (or Description): MAY-BHK-ZZ-ZZ-DR-C04204 Phase 2 sht 1 P02
 Drawing - Reference No (or Description): MAY-BHK-ZZ-ZZ-DR-C04205 Phase 2 sht 2 P04
 Drawing - Reference No (or Description): MAY-BHK-ZZ-ZZ-DR-C04206 Phase 2 sht 2 P04
 Drawing - Reference No (or Description): MAY-BHK-ZZ-ZZ-DR-C04207 Overland Flow P02

Reason for Decision:

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

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

- (2) **21/01024/APP – TROON – Struthers Primary School, Staffin Road** - Part change of use of open space and formation of early years education centre complete with associated works.

Having declared an interest in this application, Councillor MacKay made a representation to the Regulatory Panel as a local member and then left the meeting.

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

- (1) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (2) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (3) 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 March 2007;
- (4) that before occupation of the nursery facility an updated Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall include information on existing pedestrian facilities on the principal walking routes to and from the school within the catchment, and highlight appropriate areas for "park and stride" trips to reduce the parking impacts in the vicinity of the school entrance. 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 private car, and set targets for modal shift. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan;
- (5) that before occupation of the nursery facility a School Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The School Travel Pack shall include information on walking, cycling and public transport facilities and services along principle routes within the catchment area. Additionally, the pack shall provide advice on "park and stride" opportunities in the vicinity of the school to mitigate vehicle impacts at the school gate. The Travel Pack shall be distributed to all pupils upon initial opening of the school, and to new pupils as part of the new intake annually thereafter;
- (6) that, prior to the operation of the early years accommodation, the vehicular and pedestrian access ex adverso the application site, to/ from the adjacent land to the north-east of the application site shall be formed, and available for use by the public, to the satisfaction of the Ayrshire Roads Alliance;
- (7) that prior to the operation of the early years accommodation, the proposed access shall be constructed in accordance with the specifications in the Council's Roads Development Guide, and be a minimum of 5.5 metres wide over its initial 10

metres, as measured from the rear of the public footway before occupation of the facility;

- (8) that the access road from its junction with the public road shall be surfaced in accordance with the specifications in the Council's Roads Development Guide prior to occupation of the early years accommodation. A detailed specification shall be submitted for the prior written approval of the Planning Authority before commencing on-site;
- (9) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means;
- (10) that off street parking provision shall be provided within the site in accordance with the submitted and approved layout plan and parking bays shall be a minimum 4.8 metres x 2.5 metres with minimum aisle widths of 6 metres;
- (11) that prior to occupation of the development any gates shall open inwards away from the public roadway;
- (12) that cycle parking accommodating a minimum of 4 cycles shall be provided within the site boundary. Precise details of the siting and specifications of the cycle stand(s) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site. Thereafter, the development shall be implemented as per the agreed specification, to the satisfaction of the Planning Authority;
- (13) that a minimum of 10 vehicular spaces as shown on the approved drawings shall be utilised as a pick-up/ drop-off facility for the nursery accommodation. The parking spaces shall remain available for use as a pick-up/ drop-off facility during the operational hours of the nursery, and shall be retained for this purpose for the lifetime of the development. The precise details and specifications of the facility shall be submitted for the prior written approval of the Council, as Planning Authority and implemented as approved prior to the occupation of the early years accommodation;
- (14) that plans, supplemented by swept path analysis of the largest vehicle type reasonably expected to be serving the development, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), and shall require to accord with paragraph 3.1.3 of the Council's National Roads Development Guide. The turning areas shall be constructed, as approved, prior to completion of the development;
- (15) that, prior to the commencement of works on-site, details shall be submitted for the prior written approval of the Planning Authority of the outdoor games area, including the hard-surfacing and means of enclosure, and the location and type of outdoor gym equipment. Thereafter, the development shall be implemented as per the agreed specification, to the satisfaction of the Council, as Planning Authority;
- (16) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within 6 months / first planting season following the completion or occupation of the development, whichever is the sooner. The

open space/landscaped area shall be retained as open space and to this approved standard;

- (17) 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;
- (18) that, prior to the commencement of works on-site, details shall be submitted for the prior written approval of the planning authority of the boundary treatment around the perimeter of the nursery facility. Thereafter, the development shall be implemented as per the agreed specification; and
- (19) that, prior to the commencement of works on-site, details shall be submitted of the proposed ground levels for the development and, in particular, the proposed nursery facility, for the written agreement of the Planning Authority.
- (20) That prior to completion of the development, a shared use path be provided from the site to Tay Road, the path should be designed and constructed to be fully compliant with Cycling by Design Standards. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site.

Reasons

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) In the interests of visual amenity.
- (3) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
- (4) To encourage sustainable means of travel.
- (5) To encourage sustainable means of travel.
- (6) To facilitate adequate access, parking and servicing of the development.
- (7) In the interest of road safety and to ensure an acceptable standard of construction.
- (8) In the interest of road safety and to ensure an acceptable standard of construction.
- (9) In the interest of road safety and avoid the discharge of water on to the public road.
- (10) In the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off-site car parking, and in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning.
- (11) In the interest of road safety.
- (12) To ensure adequate provision of cycle parking on site, and encourage sustainable means of travel.
- (13) For the purposes of road safety and the functional operation of the local road network.
- (14) To reasonably avert the reversing of vehicles onto the main road, and in the interests of road safety.

- (15) To clarify the terms of this permission and in the interest of visual and residential amenity.
- (16) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (17) To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.
- (18) In the interest of visual amenity.
- (19) In the interest of visual amenity.

- (20) In the interest of road safety and to support sustainable travel.

Advisory Notes:

- (1) The applicant/ developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority, and Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site and shall require the agreement of the Council as Roads Authority and Police Scotland prior to any movement of construction traffic associated with the site.

List of Determined Plans

Drawing - Reference No (or Description): 100
Drawing - Reference No (or Description): 300
Drawing - Reference No (or Description): 401
Drawing - Reference No (or Description): 403
Drawing - Reference No (or Description): 405

Reasons

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

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

At this point

- **Councillors Connolly, Mackay, McGinley and Toner did not participate any further in the meeting, as they had not been present at the Regulatory Panel (Site Visit) on 3 December 2021; and**
- **the Service Lead – Legal and Licensing invited nominations for a new Chair as Councillor Connolly had not been in attendance at the Site Visit. The Members agreed to appoint Councillor Fitzsimmons as Chair for this item.**

4. Planning Application continued form a previous meeting of this Panel.

With reference to previous consideration of a planning application for 6 Springvale Road, Ayr (Ref: 21/00849/APP) at the Regulatory Panel on 11 November 2021 and a subsequent site visit on 3 December 2021, the Panel

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

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (2) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (3) That notwithstanding the plans hereby approved, the up and over/roller garage door is hereby not approved. Precise details of suitably designed vertically lined timber doors shall be submitted to, and agreed in writing by the Planning Authority, prior to commencement of works on site.
- (4) That notwithstanding the plans hereby approved, no permission is hereby granted for the grey green cedar wall cladding to external elevations of the garage. Instead, the external wall shall be finished in wet-dash render painted white to the satisfaction of the Planning Authority.
- (5) That notwithstanding the plans hereby approved, the slate used for the roof of the garage shall match the slate on the roof of the dwellinghouse in respect of size, thickness, texture, colour and coursing.
- (6) That notwithstanding the plans hereby approved, the proposed replacement sash and case windows to be installed within the front elevation of the dwellinghouse shall be white in colour.
- (7) That the windows of the dormer window to be formed within the eastern roof plane of the one and half storey rear extension shall comprise of opaque glazing which and shall be retained for the lifetime of the development to the satisfaction of the Planning Authority.
- (8) The garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.
- (9) That a minimum of 3 off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) and agreed upon prior to commencement of the development and thereafter retained permanently unless otherwise agreed in writing by the Planning Authority.

Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) To safeguard the character and appearance of the conservation area.
- (3) To define the terms of the permission granted and safeguard the character and appearance of the conservation area.
- (4) To define the terms of the permission granted and safeguard the character and appearance of the conservation area.
- (5) To safeguard the character and appearance of the conservation area.
- (6) To define the terms of the permission granted and safeguard the character and appearance of the conservation area.
- (7) In the interest of residential amenity and to define the terms of the planning permission.
- (8) In the interests of residential amenity.
- (9) In the interest of road safety and to ensure adequate off-street parking provision.

Advisory Notes:

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.

List of Determined Plans:

Drawing - Reference No (or Description): 001
Drawing - Reference No (or Description): 002
Drawing - Reference No (or Description): 003
Drawing - Reference No (or Description): 004
Drawing - Reference No (or Description): 005
Drawing - Reference No (or Description): 006
Drawing - Reference No (or Description): 007
Drawing - Reference No (or Description): 008
Drawing - Reference No (or Description): 009
Drawing - Reference No (or Description): 010
Drawing - Reference No (or Description): 011

Reasons for Decision:

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

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

The meeting concluded at 1.05 p.m.

South Ayrshire Council

**Report by the Director of Place to the Regulatory Panel of
3rd February 2022**

**Subject: South Ayrshire Council (Various Roads, Monkton)
(20mph & 30mph Speed Limit)
(Amendments & Revocations) Order 2021**

1. Purpose

- 1.1 The purpose of this report is to seek formal approval to make a Speed Limit Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984, namely; "South Ayrshire Council (Various Roads, Monkton) (20mph & 30mph Speed Limit) (Amendments & Revocations) Order 2021"

2. Recommendation

- 2.1 **That the Panel approves to make the Speed Limit Order imposing the 20mph and 30mph speed limits described in 4.1 and 4.2 and shown on the plan in Appendix 1;**

3. Background

- 3.1 The 20mph and 30mph proposals for Monkton follow Leadership Panel approval in November 2017 to progress the engagement process with local communities to prepare and advertise Traffic Regulation Orders (TRO's) for 20mph speed restrictions across a number of South Ayrshire villages as part of a Scottish Government commitment to improve the safety, health and the environment for the people of Scotland.

The Government considers 20mph restrictions can assist in achieving the objectives and targets set down in "Scotland's Road Safety Framework to 2020 – Go Safe on Scotland's Roads It's Everyone's Responsibility". Reducing speed on roads can also create spaces in towns and villages which are more equally shared between road users, thereby creating a safer environment, and encourage people to make alternative travel choices in terms of walking and cycling.

4. Proposals

- 4.1 The TRO would introduce new 20mph speed limits on the entire lengths of Manse Gardens and Whiteside Gardens, part of Baird Road and extend the existing 20mph limits to further sections of Main Street, Kilmarnock Road, Station Road and the B739 Tarbolton Road.
- 4.2 The TRO would also introduce new 30mph speed limits on parts of the Main Street, Station Road, Kilmarnock Road and the B739 Tarbolton Road.
- 4.3 A plan detailing the proposals is shown in Appendix 1

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements and staff resources to implement this TRO can be accommodated using existing resources.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 This project is being funded wholly from the existing revenue budget.

7. Human Resources Implications

- 7.1 Staff resources to implement this TRO can be accommodated using existing resources

8. Risk

8.1 Risk Implications of Adopting the Recommendations

- 8.1.1 No risk.

8.2 Risk Implications of Rejecting the Recommendations

- 8.2.1 The risk associated with rejecting the recommendation is that there will be no power to enforce any speed limit without a valid TRO being in place.

9. Equalities

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

10. Sustainable Development Implications

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

11. Options Appraisal

- 11.1 An options appraisal was not included as part of the Traffic Regulation Order.

12. Link to Council's Plan

- 12.1 The matters referred to in this report contribute to the Council strategic objective of 'Enhanced Environment through Social, Cultural and Economic Activities' and within that to the outcome 'Work with partners to improve roads and other infrastructure, to encourage house building and business investment that sustains local communities'.

13. Results of Consultation

- 13.1 This proposal has been advertised in accordance with the statutory regulations resulting in representations from the Monkton Community Council and 3 members of the public which are summarised in Appendix 2. Police Scotland made comments in relation to the 20mph proposals and these are summarised below:-
- 13.2 **Main Street** - This is a road where enforceable speeds can be dictated in the current 30mph limit. Whilst proposals include an electronic vehicle activated sign, some road paint enhancements and road width adjustments at the junction with Coronation Street, Police Scotland consider that these features may not be sufficient to actively encourage a significant speed reduction from drivers. Police Scotland suggest an additional physical feature such as road width adjustments (similar to the planned adjustments Coronation Street) at the junction with Fairfield Park and some bold SLOW or 20 Roundel markings painted on the road would also assist in promoting driver compliance.
- 13.3 **Kilmarnock Road** – Another location where enforceable speeds have been dictated in the current 30mph limit. Whilst proposals include an electronic vehicle activated sign, some road paint enhancements and road width adjustment at the junction with Whiteside Drive, Police Scotland consider that these features - along with the current road width deflection features - may be enough to foster some speed reduction from drivers. However they request that (if possible) the planned road paint enhancements delineate the surface so as to give the carriageway a narrower appearance to drivers. This would hopefully adjust driver perception of the road in the desired way and assist in achieving our joint road safety objective.
- 13.4 The portfolio holder Ian Cochrane, has been consulted and he is content with the proposals

Background Papers **None**

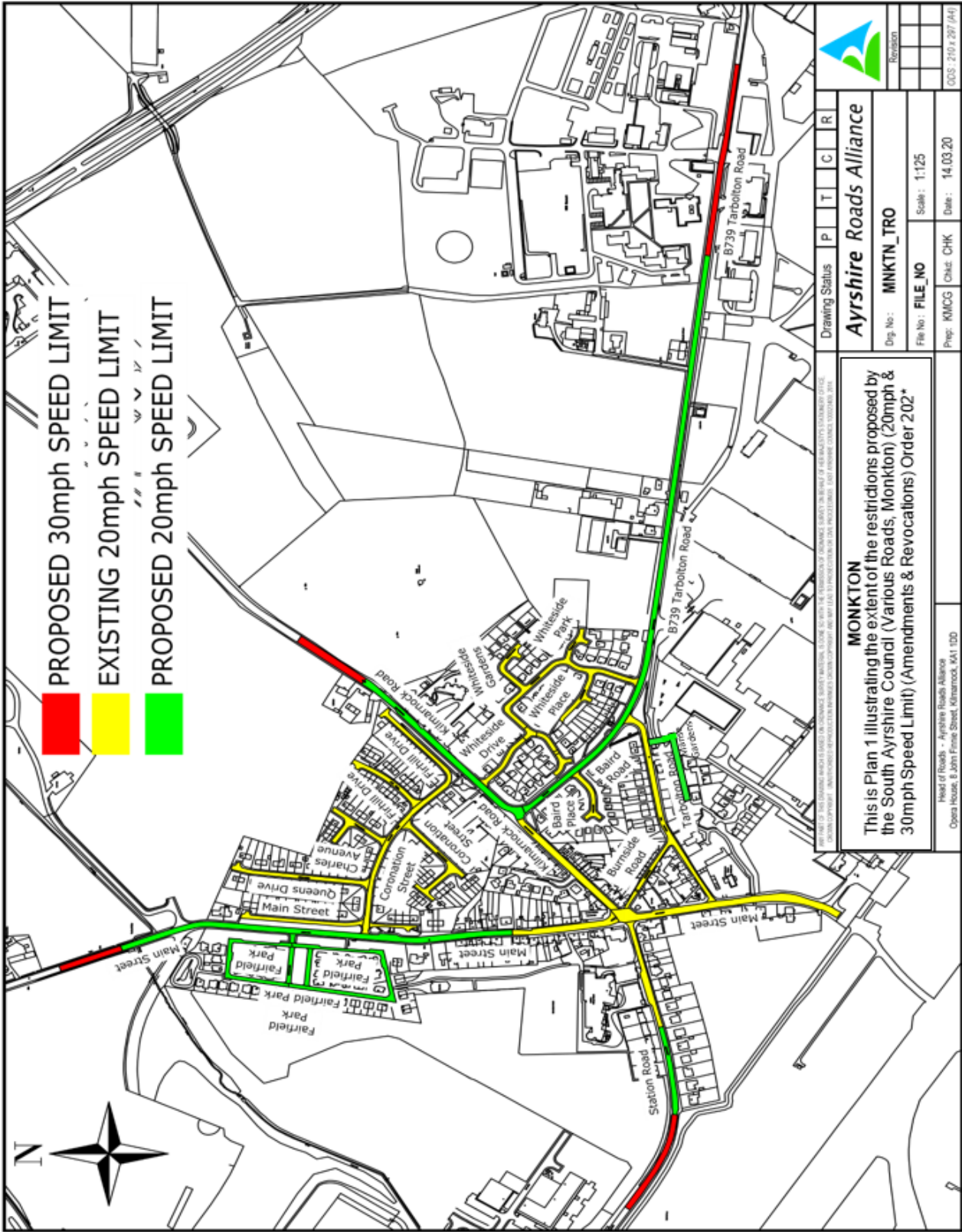
APPENDICES

Appendix 1 Plans showing the proposed restrictions
Appendix 2 Summary of correspondence received
Appendix 3 Equalities Scoping Assessment

Person to Contact Kevin Braidwood, Head of Roads - Ayrshire Roads Alliance
 Opera House
 8 John Finnie Street
 Kilmarnock
 KA1 1HDD
 01563 503164 Kevin.Braidwood@ayrshireroadsalliance.org

Date: **13th December 2021**

Appendix 1



Appendix 2- Summary of correspondence

Key Points

1. Monkton Community Council submitted two emails and whilst supporting the introduction of Traffic Calming are concerned at changes summarised in 1.1 to 1.4 below since the initial scheme was approved in 2017;
 - 1.1 The Persimmon development of over 1000 homes just off of Baird Road;
 - 1.2 The proposed new link road from the bottom of Station Road into Main Street;
 - 1.3 Given the increase in Spirit Aero and other airport traffic that an HGV ban should apply to Main Street;
 - 1.4 Concerns were also raised that only signage is proposed to calm traffic in Main Street and Kilmarnock Road rather than any hard engineering features.
 - 1.5 Officer discussions have been ongoing with the Community Council and a number of the above issues have been resolved.
2. Members of the public submitted three representations summarised at 2.1 to 2.3 below:-
 - 2.1 A request for an HGV restriction through Main Street citing vibration to properties and damage to the road surface;
 - 2.2 That the scheme will not reduce speeds on the bend across from the Monkton & Prestwick Cemetery without physical engineering measures and that the proposals be looked at again; and
 - 2.3 That Traffic Calming measures be sufficient to still allow 25 metre long HGV's to access Spirit Aero and other businesses,
 - 2.4 Members of the public have been advised that the parameters of the legislation prevent any proposals from be made more stringent, once advertised, without re-starting the entire process.



EQUALITY IMPACT ASSESSMENT

**South Ayrshire Council
(Various Roads, Monkton)
(20mph & 30mph Speed Limit)
(Amendments & Revocations) Order 2021**

13th December 2021

1. Policy details

Policy Title South Ayrshire Council (Various Roads, Monkton) (20mph & 30mph Speed Limit) (Amendments & Revocations) Order 2021	Lead Officer Kevin Braidwood
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	No	Yes
People from different racial groups, ethnic or national origin.	No	Yes
Women and/or men (boys and girls)	No	Yes
People with disabilities	No	Yes
People from particular age groups for example Older people, children and young people	No	Yes
Lesbian, gay, bisexual and heterosexual people	No	Yes
People who are proposing to undergo, are undergoing or have undergone a process to change sex	No	Yes
Pregnant women and new mothers	No	Yes
People who are married or in a civil partnership	No	Yes
People who share a particular religion or belief	No	Yes
Thematic Groups: Health, Human Rights, Rurality and Deprivation.	No	Yes

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

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

4. Summary Assessment

Is a full Equality Impact Assessment required? (A full EIA must be carried out on all high and medium impact policies)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Rationale for decision: This report is to introduce new speed limits to improve road safety.			
Signed :Kevin Braidwood.....Head of Service			
Date: 13 th December 2021	Copy to equalities@south-ayrshire.gov.uk		



REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 3 February 2022

SUBJECT: CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989

APPLICATION UNDER S36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) FOR THE CONSTRUCTION AND OPERATION OF CRAIGMODDIE WINDFARM COMPRISING 14 WIND TURBINES (GENERATING CAPACITY >50 MW) AND PROPOSED ENERGY STORAGE FACILITY AND ASSOCIATED INFRASTRUCTURE

REF 21/00069/DEEM

1. Purpose

- 1.1 South Ayrshire Council has been consulted by the Scottish Government, under section 36 of the Electricity Act 1989, on an application by "EnergieKontor" for the erection of a windfarm and associated ancillary development at Craiginmoddie 4km South West of Barr, South Ayrshire.
- 1.2 The Council is not the determining authority for this proposal. This report sets out the proposed response to the Scottish Government's consultation which was issued on the 21st January 2021.
- 1.3 The Planning Service currently has delegated authority to respond to these consultations, but typically chooses not to do so without first referring the matter to Regulatory Panel due to the large scale of the proposals and the community interest.
- 1.4 The applicant has agreed to a time extension to 5 February 2022 for the Council to make its response. It is imperative that the Council responds within the agreed time period or its statutory rights would be affected.
- 1.5 Under the Electricity Act 1989, Schedule 8, part 2, paragraph 2 (a), where the relevant Planning Authority notifies the Scottish Ministers that they object to the application and their objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held.

- 1.6 Under the Electricity Act 1989 schedule 8, part 2, paragraph (3) if the Planning Authority notifies the Scottish Ministers outwith the time limit that has been agreed (i.e. 5 February 2022 in this case), then the Scottish Ministers may disregard the notification to object.
- 1.7 On the basis that a Planning Authority were not to respond by the agreed date then there is no mandatory requirement for a public inquiry to be held.

2. Recommendation

It is recommended that the Regulatory Panel

- **submits this report to the Scottish Government as an objection to the proposed wind farm**
- **approves delegated authority to the Director of Place to conclude planning conditions with the Energy Consents Unit should the Scottish Government be minded to grant consent.**

3. Background & Procedural Matters

- 3.1 On 12 January 2021, Energiekontor UK Limited submitted to the Scottish Government a Section 36 application together with an application that planning permission be deemed to be granted in respect of the construction and operation of a windfarm comprising of 14 turbines with an anticipated height at tip of 200m located 4 km South of Dailly. Under Section 36 of the Electricity Act 1989, the construction of a generating station with a capacity which exceeds 50 MW requires the consent of Scottish Ministers.
- 3.2 The Scottish Government formally consulted the Council on the proposed development in January 2021, with an original deadline for response on the application of 21 May 2021. The Planning Service made an initial request for the time period to respond to be extended to 8 October 2021. This was followed by a further request for an extension to 5 February 2022.
- 3.3 The application is supported with an Environmental Impact Assessment. Additional Environmental Information was submitted on 5 November 2021 relating to landscape and visual impact, noise and private water supplies. The additional information required to be advertised and consulted upon and the closing date for receipt of public representations was 13 December 2021.
- 3.4 Under the Electricity Works (Environment Impact Assessment) (Scotland) Regulations 2017, Scottish Ministers are required to consider whether any proposal for a generating station is likely to have a significant effect on the environment. These Regulations stipulate that Scottish Ministers must consult the planning authority, Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Environment Scotland. The Regulatory Panel are asked to note that in the event that a planning authority objects to a Section 36 application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).
- 3.5 In reaching their decision, Scottish Ministers have to take into account the environmental information submitted with the application and supporting Environmental Impact Assessment, the representations made by statutory consultative bodies and others in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Scottish Planning Policy on Renewable Energy, other relevant Policy, Planning Advice Notes, the relevant planning authority's Development Plans and any relevant supplementary guidance.

3.6 The connection of the wind farm with the local electricity distribution network would require consent under Section 37 of the Electricity Act 1989. This would be subject to a separate application.

4. Development Proposal

4.1 Proposal

4.1.1 Approval under Section 36 of Electricity Act 1989 and deemed planning permission are sought for the development of windfarm. Permission is sought for a period of 35 years of the operational phase of the wind farm after which the development will be dismantled and the land reinstated. The proposal comprises of the following principal components:

- 14 wind turbines up to a height of 200m to the tip;
- Turbine foundations (typically 20 in diameter) ;
- Crane hardstandings measuring approximately 60m X 30m;
- Associated Turbine transformers;
- Construction of new access track from Dailly;
- Construction of new permanent site tracks and upgrading of sections of existing forest tracks connecting each turbine;
- Off-site road improvements to facilitate delivery of abnormal loads;
- Underground electrical cabling linking turbines to substation (typically 0.5m deep) routed alongside access tracks;
- New water crossings
- Substation (single storey building within associated 60m X 40m compound);
- Search areas for two borrow pits;
- Temporary construction compound area secured by fencing (measuring 100m X 50m containing hardstanding area and temporary, portacabin type, welfare facilities); and
- 7MW Battery storage facility to be located within part of the construction compound following completion of construction (batteries housed within shipping containers)

4.1.2 A 100-meter micro-siting allowance is sought for the wind turbines and wind farm infrastructure.

4.1.3 The installed capacity of the wind farm is 92MW. The applicant predicts that the wind farm will generate power for 35% of the year which would generate sufficient electricity to supply the equivalent of 78,302 homes per annum.

4.1.4 All construction traffic will approach the site from Girvan via the B734. HGVs will then access the site from the U25 (Delamford) road via the B741 north of Dailly (route 1) or from the U27 (Deil's Elbow) road via the B741 south of Crosshill (route 2). Abnormal loads (nacelles, blades, towers, etc) will access the site from a new access track formed from the B7035 at Eldinton Terrace. The track will comprise a section of new track from the B7035, part of the existing Craig farm access track (to be widened) and a further section of new track that will link the Craig Farm track to the U25 (Delamford) road.

- 4.1.5 As part of the initial enabling works commercial forestry felling will be required in order to create clear areas within the existing coniferous plantation around each turbine ('keyholing') and for the construction of access tracks, substation, construction compound and borrow pits. The total area of felling proposed for these purposes is 53.1 ha and compensatory planting of an equivalent area will be undertaken (location not yet confirmed). An additional 142 ha of conifers is proposed to be felled and restocked to avoid significant areas of wind blow. The application notes that these areas are either currently being felled or are planned to be felled in the short term. These areas of felling will be incorporated into the forest owner's normal forest management operations.
- 4.1.6 The construction phase is expected to require 12 months to complete and the decommissioning phase is expected to require 6 months to complete. It is proposed that the hours of construction work be Monday to Friday 07:00 to 18:00 and 07:00 to 13:00 on Saturday and no working on Sunday. However, turbine erection works and delivery of turbine blades, nacelles and towers may place outside these hours depending upon weather conditions and other factors.

4.2. **Application Site**

- 4.2.1 The site consists predominantly of areas of plantation forestry and open moorland. The site forms part of a ridge of lower lying foothills that lie between the Stinchar Valley to the east and the Girvan Valley to the west, extending from Colmonel in the south to Straiton in the north. The nearest settlements are (approximately) Barr (4km south / west), Dailly (4km north), Crosshill (6.5km north), Straiton (7.5km north / east) and Maybole (9km north). The nearest town is Girvan, located 10.5km to the west.
- 4.2.2 The landscape character is categorised as "Foothills with Forest and Wind Farms" (category 17C) in the Landscape Wind Capacity Study 2018 update. This upland landscape is broader in extent to the east where it forms a more expansive undulating plateau. However, to the west, where the application site is located, it forms a narrower band of hills between the Water of Girvan and Stinchar Valleys. More pronounced hills on the outer fringes of this landscape form highly visible 'landmark hills' seen from the middle part of the Girvan Valley and the Stinchar Valley and the Upper Girvan Water.
- 4.2.3 There are a number of individual isolated dwellings located within the vicinity of the proposed wind farm, the closest of which are Dobbington, Knockrochar and Delamford to the west and Doughty to the east. The existing operational Hadyard Hill wind farm lies immediately to the south of the application site.

4.3. **Surrounding Wind Farms and Proposals**

- 4.3.1 The locations of the surrounding, operational and proposed wind farms are illustrated in Annex 1 to this report. The application site is located immediately adjacent to the operational Hadyard Hill wind farm which comprises 52 turbines with blade tip heights between 100m and 110m. The nearest turbines within the proposed wind farm are less than 1 km from the nearest turbines within the Hadyard Hill development. The operational Assel Valley wind farm (10 turbines, 110m to blade tip) and Tralorg (8 turbines, 100m to blade tip) are located to the south and west, respectively, of the Hadyard Hill wind farm, within the same ridge of foothills. A Scoping Opinion has been issued by the Energy Consents Unit for the Carrick wind farm proposal located immediately to the north and east of the current application site, within the forestry plantation at Garleffan and Eldrick Hill. It should be noted that the Council are currently considering a Section 36 consultation for a wind farm development on part of the previous Linfairn site (known as Knockronal), located to the north of the current application site.

- 4.3.2 There has been a previous Section 36 application for an extension to Hadyard Hill comprising 22 turbines with a blade tip height of 126.5m which included the current application site and land to the north. The Council objected to the proposal primarily on landscape grounds however the application was withdrawn prior to the commencement of a Public Local Inquiry.
- 4.3.3 Further to the south, there have been unsuccessful applications at Millenderdale (5 turbines, 110m to blade tip, refused on appeal), Breaker Hill (9 turbines, 86.5m to blade tip, refused on appeal) and Straid (14 turbines, 99.5m to blade tip, refused on appeal). Further to the north of the current application site, planning permission was refused for a wind farm comprising 11 turbines with a blade tip height of 126.5m at Knocksae and a Section 36 application was withdrawn (at appeal stage) at Linfairn following an objection from the Council.

5. Consultations

- 5.1 Consultations on this application are undertaken by the Scottish Government. Comments arising from consultation within South Ayrshire Council (department services) are incorporated into the assessment section of this report and will be forwarded to the ECU. The following consultation responses are for noting only.

5.2 Statutory Consultees

- 5.2.1 **Historic Environment Scotland** (8 March 2021 & 7 December 2021) do not object.
- 5.2.2 **Scottish Natural Heritage** (18 June 2021) **object** on the grounds that the development will have an adverse impact on the Merrick Wild Land Area including the effect of night time lighting required in connection with aviation safety.
- 5.2.3 **Scottish Water** (29 January 2021) Do not object but note that the site is partly within a drinking water catchment (Penwhapple) which is designated as a Drinking Water Protected Area. It is essential that measures are taken to protect water quality and quantity.
- 5.2.4 **SEPA** (28 June 2021 and 3 December 2021) Initially objected to the proposals due to insufficient information on private water supplies. Following consideration of the Additional Information submitted in October 2021, SEPA have removed their holding objection and do not advise against granting consent, subject to conditions relating to protection of PWS, micro-siting, peat management and forest waste management.

5.3 Internal Scottish Government advisers

- 5.3.1 **Scottish Forestry** (7 April 2021 & 17 November 2021) note that wholesale removal of woodlands to enable windfarm developments is not permitted and keyholing is the only permitted option. Compensatory planting is required for the construction corridor and all associated infrastructure. All other felling that is proposed due to example concerns around the wind profile or concern around windblown onto infrastructure is subject to Felling Permission Application or a Long Term Forest Plan Amendment.

- 5.3.2 **Ironside Farrar** (Peat Landslide Risk Assessment on behalf of ECU) (May 2021 and September 2021) advise that the risk assessment requires minor revisions. A number of concerns and queries are made, significantly, additional probing at infrastructure locations would be anticipated and clarification is required relative to the consequence assessment regarding proximity to watercourses. Following receipt of additional information from the applicant, Ironside Farrar advise that additional peat probing is still required at infrastructure locations and at a number of turbine locations and sections of access track.
- 5.3.3 **Transport Scotland** (March 2021 and November 2021) do not object subject to conditions
- 5.3.4 **Crown Estate Scotland** (7 December 2021) have no comments to make.
- 5.4 Non-Statutory Consultees
- 5.4.1 **NATS Safeguarding** (3 February 2021 & 9 November 2021) **object** to the proposal as the terrain screening available will not adequately screen 12 out of the 14 proposed turbines. The 12 visible turbines are likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection for real aircraft is also anticipated and the proposed development is deemed to be unacceptable.
- 5.4.2 **British Telecom** (5 February 2021 & 24 November 2021) No objections
- 5.4.3 **Defence Infrastructure Organisation** (22 February 2021 & 2 December 2021) have no objection subject to conditions. The site is within a Tactical Training Area and the turbines have the potential to introduce physical obstruction to low flying aircraft. The MOD require that the development is fitted with aviation safety lighting.
- 5.4.4 **Glasgow Prestwick Airport** (5 March 2021 & 13 December 2021) **Object**, noting that all 14 turbines will be visible to GPA's primary radars and will generate unacceptable radar clutter that will require to be mitigated for the life of the wind farm with an appropriate radar mitigation scheme. GPA also require further assessment of the effect on the Instrument Flight Procedures and aviation obstruction lighting. Following receipt of the Additional Information, GPA have advised that they do not object to the aviation warning obstruction lighting scheme aspect of the proposals but would wish to be re-consulted if an Aircraft Detection System is proposed. GPA have also raised additional concerns regarding adverse impact on the Secondary Surveillance Radar and the cumulative impact resulting from the proliferation of windfarms proposals in the vicinity of Craiginmoddie.
- 5.4.5 **Royal Society for Protection of Birds** (8 March 2021) have no comments to make.
- 5.4.6 **Scottish Rights of Way Society** (10 March 2021) have offered no comments
- 5.4.7 **Ayrshire Rivers Trust** (15 March 2021) do not object subject to conditions to safeguard the water environment.
- 5.4.8 **Joint Radio Company** (10 March 2021 & 8 November 2021) have no objection

5.4.9 **Environmental Health** (22 December 2021) **object** to the siting of Turbines 2 and 3, the construction compound, substation and part of access route due to their location within the private water supply catchment and water feed for Dobbington Farm and the potential for adverse impact on water quality and quantity as a consequence of the construction activities. Insufficient evidence has been submitted to demonstrate that there will be no adverse effect on the flow path and quality of the groundwater which partly replenishes the Dobbington supply and the mitigation proposed by the applicant in the Additional Information is insufficient to mitigate the risk posed to the private water supply in a location where alternative connection to the public water supply is not feasible.

5.4.10 **West of Scotland Archaeology Service** (08 October 2021) Do not object.

5.4.11 **South Ayrshire Council Sustainable Development** (Biodiversity) Do not object

5.5 Community Councils

5.5.1 **Dailly Community Council** (19 May 2021) **object** to the proposal. Their points of objection include damage to the public roads from heavy construction traffic; proximity of the main construction route to Eldinton Terrace in Dailly resulting in noise and disturbance (including noise caused by delivery of abnormal loads early in the morning); lack of information on the grid connections; adverse effects on land, water run-off, compaction of soil, pollution/sediment/contamination of tributaries and private water supplies resulting from extensive forestry work; adverse landscape impact; adverse impact on amenity of nearest residential properties. The Community Council further request that, in relation to micro-siting the new positions be assessed for visual, noise and shadow flicker prior to construction. The Community Council also express their concern that the borrow pits will not be worked in strict accordance with any planning conditions imposed.

5.5.2 **Crosshill, Straiton & Kirkmichael Community Council** (24 May 2021) **object** to the proposal. The proposal is contrary to the adopted local development plan by reason of adverse landscape impact, noting that the turbines at 200m high will be visible from the Girvan and Stinchar valleys and the local road network and NCR 7 cycle route. Adverse visual impacts would be experienced from Dailly, Crosshill (including the conservation area) and Barr and from the Barr and Straiton footpath networks, NCR7, Nic o' the Balloch, Turnberry Golf Course and Craigengower Hill. Shadow Flicker and noise will adversely affect many properties. It is noted that a number of turbines are switched off within the Hadyard Hill wind farm at certain times due to noise issues and the current proposal will be closer to residences. It is undesirable to approve a wind farm in a location which requires turbines to be switched off regularly. The proposal will have an adverse impact on the designed landscapes at Barganny, Kilkerran and Blairquhan and on the settings of the Old and New Dalquhairn Castles and Maxwellton Hill Fort. The proposal will result in cumulative impacts with the existing and proposed wind farms within the surrounding area. The proposal will adversely affect the Merrick Wild Land Area and the Galloway Dark Skies Par and is not compatible with the Galloway and Southern Ayrshire Biosphere designation.

6. Applicant's Supporting Information

6.1 The application is supported by a significant number of technical reports and other supporting documentation. The supporting documents can be viewed online via the Energy Consents Unit's website (<http://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00002196>) which are summarised as follows:-

6.1.1 **Planning Statement:** The planning statement sets out details of the proposed development and the relevant planning policy context, before providing an appraisal of the proposed development against the provisions of the Electricity Act 1989, the Development Plan, national energy and planning policy and other relevant material considerations. The report concludes that the applicant has fulfilled its obligations under Schedule 9 of the Electricity Act 1989 as the EIA Report confirms that the proposed development is environmentally acceptable. The proposal is consistent with the current strong policy drive to continue the development of renewable energy and the international and national commitments to address the effects of climate change and to achieve greater security in the domestic supply of energy. The proposed development would make a valuable contribution to Government policy objectives and unmet targets. The NPF4 Position Statement should be given weight as a material consideration. Specifically, the NPF4 Position Statement references the support for renewable energy development and recognises the role of extending existing wind farms which is expected to make consenting easier for extensions of existing projects. The proposed development will involve change to the local landscape character and composition from a number of views, however, change in itself is not unacceptable and significant effects are only predicted in some localised parts of the Local Character Areas. The development could produce sufficient energy to meet the needs of the 78,302 homes and would thus make a significant contribution to achieving net zero emissions targets by replacing fossil fuel energy and thereby reducing greenhouse gas emissions. In light of the Climate Emergency, substantial weight should be attached to this in the determination of this application. The South Ayrshire Local Development Plan is more than five years old and the SPP presumption in favour of sustainable development should be applied. The proposed development is considered to be 'sustainable development' and is consistent with SPP. The proposed development will create opportunities for local contractors within South Ayrshire and there is a potential for contracts worth up to £22.8 million to be awarded locally during the construction phase. Further benefits of the development include enhanced recreational infrastructure, opportunity for community shared ownership and additional local authority revenue through generation of business rates.

6.1.2 **Environmental Impact Assessment Report:** The proposed development falls within Category 3(i) of Schedule 2 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. The applicant voluntarily undertook an Environmental Impact Assessment of the scheme and no Screening Opinion was requested. A Scoping Opinion was issued in December 2020 by Scottish Ministers and the EIA Report is based on the environmental effects identified in the Opinion. The purpose of an EIA is to ensure that the significant effects on the environment likely to be caused by a new development are taken into account in the decision making process. The EIA process firstly describes the baseline environment conditions and then predicts the potential effects of the proposed development. The effects identified are evaluated to determine their potential significance and scheme modified to mitigate potential significant adverse effects. Residual effects are then identified.

6.1.3 **Design & Access Statement:** The statement explains the design rationale behind the layout, providing an explanation of the design principles and concepts that have informed the proposed development and how transport and access issues have been taken into consideration.

7. Planning History

7.1 The site previously formed part of a larger area that was subject to a Section 36 application to extend Hadyard Hill windfarm (ECU ref 00003118/SAC Planning Reference 15/00453/DEEM) comprising 22 additional wind turbines with a blade tip height of 126.5 meters. A report on the proposal was considered by the Regulatory Panel on 31 August 2017 and the Panel resolved to object to the proposal. The reasons for objecting were the individual and cumulative adverse landscape impacts. In particular the impact on the Stinchar Valley (between Barr and South Balloch) and the Girvan Valley (middle section particularly around Dailly), the effect on views from Shalloch on Minnoch and Cornish Hill and the effect on views from the National Cycle Route 7 between Nick O' the Balloch and Knockinculloch. The Panel also considered that the wind farm would have adverse visual impacts and adverse impacts on the amenity of 12 properties and would adversely effect the setting Dalquharran Caste (category A listed building) and on Inventory Designed Landscapes. The Section 36 application was subsequently withdrawn by the applicant prior to determination by the Scottish Government.

8 Development Plan

8.1 The proposed development has been submitted under the Electricity Act and the statutory requirement under Section 25 of the Planning Act (decisions to be made in accordance with the development plan unless material considerations indicate otherwise) does not apply in this instance. However, the Local Development Plan is a significant material consideration.

8.2 Members should note that the Examination stage for the second Proposed South Ayrshire Local Development Plan (PLDP2) has recently concluded. The wind farm policies were matters before the Reporters and the Council are currently considering the Reporter's comments on these and other policies within the Plan and significant weight cannot currently be attached to LDP2. Notwithstanding, it gives an indication of Council intent towards the stance it wishes to adopt in the consideration of planning applications in the future (subject to adoption of MPLDP2, anticipated later in 2022). The applicable policies in MPLDP2 are not materially different to those of the existing LDP. Supplementary Guidance: Wind Energy remains relevant, with its windfarm spatial framework having been incorporated into MPLDP2, and the SG is likely to be re-adopted in similar form under the adopted LDP2.

8.3 The South Ayrshire Local Development Plan policy: wind energy is the primary local plan policy against which proposals for wind farm development are to be assessed. The LDP has a number of additional policies of relevance to the assessment of the planning application, which relate closely to the criteria on the wind energy policy. For ease of reference, they are listed beneath the corresponding criterion of the wind energy policy in the subsequent sections of this report.

8.4 Whilst the policy provides the basis for assessing wind energy developments, South Ayrshire Council adopted the Supplementary Guidance (SG) it refers to, in December 2015. That SG provides detail by which wind energy proposals can be fully assessed. It provides a spatial strategy for wind energy, in line with the requirements of Scottish Planning Policy (and in so doing identifies areas within South Ayrshire which are afforded significant national protection) and it provides guidance on how the policy of the Local Development Plan will be applied in the consideration of proposals.

8.5 The SG identifies the current site as falling within an area of “significant protection” by reason of the area being a location where carbon rich soils, deep peat and priority peatland habitat exist. The SG follows the principles of Scottish Planning Policy (SPP) by stating that in such circumstances, further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. This specific matter is considered in more detail in the Assessment section of this report.

8.5.1 The SG covers the following issues:

- Impacts on landscape and landscape character
- Visual impacts
- Residential amenity, (noise, shadow flicker, visual impact and traffic)
- Natural heritage including national and locally protected species and habitats
- Impacts on the historic environment and archaeology
- Aviation, defence and broadcasting interests
- Cumulative impacts
- Environmental management
- Hydrology and the water environment
- Borrow pits
- Carbon losses
- Flooding
- Decommissioning and restoration bond obligations
- Repowering
- Extensions
- Monitoring

Each of the above sections includes a reference to the Council’s policy on these issues and the matters which will be considered in the assessment of the proposals.

9. Assessment

9.1 In assessing the proposal, it is important to note that South Ayrshire Council is not the determining Authority, but has been asked to provide comments as a Statutory Consultee.

9.2 As previously stated, a number of comments from consultees have already been submitted directly to the Scottish Government. Where consultee responses are especially important in South Ayrshire Council’s assessment of the proposal, they are referred to in the following assessment, and where appropriate, have been incorporated into the recommendations proposed to be sent to the Scottish Government. The full text of the submissions made to the Scottish Government can be found at The Scottish Government Energy Consents Unit web page (case reference ECU00002196).

9.3 For ease of reference, the assessment section of this report corresponds with the Sections of the LDP policy Wind Energy and considering the relevant Supplementary Guidance criteria:

- a) Landscape and (b) Visual
- c) Residential amenity
- d) Natural Heritage
- e) Built & Cultural Heritage and Archaeology
- f) Aviation, Defence, Broadcasting, Cumulative impacts and Other matters

9.4 Other policies: As stated above, a number of policies throughout the Local Development Plan are also relevant in the assessment of the proposed development. They are listed beneath the primary wind energy policy criterion.

9.5 **Criterion (a) and (b) Landscape and Visual Impact**

We will support proposals if:

- ***They are capable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (through a careful choice of site, layout and overall design;***

We will support proposals if:

- ***They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational asserts and tourist attractions;***

9.5.1 In considering landscape and visual matters, the expertise of Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates has been commissioned. Members will recall that Carol Anderson Landscape Associates is the author of the South Ayrshire Landscape Wind Capacity Study, the original version of which was used to inform South Ayrshire Council's Supplementary Guidance: Wind Energy.

Additional LDP policies:

LDP Policy Sustainable Development

LDP policy Landscape Quality

9.5.2 The proposed development comprises 14 turbines measuring 200m high to blade tip. The proposal would be largely sited in an area of existing commercial forest and extensive felling would be needed to accommodate the wind farm. The turbines would have red steady aviation warning lights attached at hub height and half-way up towers. The applicant proposes to install visibility sensors whereby 2000 candela medium intensity lights are used only when visibility is restricted to 5km or less with lower intensity 200 candela lighting used when visibility is >5km. Directional intensity mitigation is also proposed. Access to the proposed wind farm site for delivery of large turbine components would be via the B741 near Dailly. This will require the construction of a section of new road and upgrading of an existing farm track/unclassified road.

Policy and guidance in relation to landscape and visual matters:

- 9.5.3 The 2018 South Ayrshire Landscape Wind Capacity Study (SALWCS) provides strategic information and guidance on wind energy development. The proposed development would be sited within the Foothills with Forestry and Wind Farms Landscape Character Type (LCT) identified in this study. The increased scale, simple landform and land cover and sparsely settled nature of this LCT generally reduces susceptibility to larger turbines although there are also a number of potential landscape and visual constraints. These relate to the relative narrowness of this upland landscape which increases potential effects on the more sensitive smaller scale Girvan and Stinchar valleys which lie to the north and south of this LCT. The proximity of the eastern part of this LCT to the Rugged Uplands with Lochs and Forests LCT (which has dramatic and diverse scenery, a little modified character and high recreational value) additionally increases sensitivity.

Effects on landscape character

- 9.5.4 While effects on the host landscape of the Foothills with Forest and Wind Farms LCT would be direct and significant, the larger scale and generally simple landform and landcover, the presence of other wind farms and the lower value associated with this landscape reduces sensitivity. The location, size and number of turbines of this proposal would, however, result in more severe significant adverse effects arising on parts of the sensitive adjoining LCTs which lie in close proximity to the proposed wind farm site as follows:

- The Intimate Pastoral Valley - Stinchar Valley LCT where significant adverse effects would principally occur in the upper part of the valley floor between Barr and South Balloch, extending onto steep valley sides. The very large turbines of the proposal would form a dominant feature seen on the skyline of the uplands which contain this narrow valley and would detract from its small scale and strongly contained form. It would also diminish the sense of seclusion that can be experienced within this landscape.
- The Middle Dale LCT, which covers the Girvan valley, where the proposal would have a strong influence on character in the area surrounding Dailly, significantly affecting the containment of the valley and the appreciation of smaller scale rolling farmland and woodlands on southern valley sides.
- The Rugged Uplands, Lochs and Forests LCT where the proposal would be visible from north-western hill slopes and summits. It would introduce views of very large turbines into a landscape which has relatively few human artefacts, diminishing the sense of wildness that can be experienced in parts of this LCT. Operational wind farms are already visible from the elevated parts of this landscape but the increased size and closer proximity of the turbines within the proposal would incur a greater magnitude of change.

Effects on landscape designations and other valued landscapes

South Ayrshire Scenic Area/Local Landscape Designations

9.5.5 The LVIA considers effects on the Local Landscape Areas (LLA) which will replace the existing South Ayrshire Scenic Area landscape designation in the forthcoming Local Development Plan. The proposal does not lie in a designated landscape but would have indirect and significant adverse effects on the following LLAs:

- The High Carrick Hills LLA lies to the east of the proposal. The limited modification of this upland area and the qualities of wildness that can be experienced within it are noted as some of the reasons for designation outlined in the Statement of Importance for this LLA. This proposal would have a significant adverse effect on these qualities.
- The proposal would lie within approximately 0.5km of the upper part of the Stinchar Valley LLA. This proposal would be seen above the steep-sided hills which contain this valley, dominating its scale, detracting from the rich scenic composition of this LLA and diminishing the sense of seclusion and timelessness that is associated with this valued landscape.

Merrick Wild Land Area (WLA)

9.5.6 An assessment has been undertaken of the effects of the proposal on the attributes of the Merrick WLA (Technical Appendix 6.5). The assessment methodology is based on Nature Scot's 'Assessing impacts on Wild Land Technical Guidance' 2020 and the description of Merrick WLA (01). The assessment focusses on the part of the WLA where visibility of the proposal is likely to occur, principally the north-west facing slopes and hill summits. The Wild Land assessment set out in the EIAR concludes that significant effects would not arise on the Merrick WLA.

9.5.7 The Merrick WLA is important in comprising one of the very few remaining areas of undeveloped uplands in south Scotland. It is a small WLA and one where many natural heritage and other designations and other interests come together increasing its value, especially given the more modified landscapes surrounding it which feature extensive commercial forestry and wind energy development.

- 9.5.8 The proposal would comprise much larger turbines than any operational turbines currently seen from the Merrick WLA. The turbines would lie 8.4km from the closest part of the WLA boundary with visibility principally occurring from north-west slopes and hill summits where operational wind farms are already visible but seen more distantly. There would also be some new visibility of turbines introduced into an area of rugged lower-lying moorland in the north-eastern part of the WLA where there are currently no views of wind farm development. While the proposed development would often be seen in conjunction with the operational Hadyard Hill wind farm, the turbines would, in many views from the WLA, appear to sit much higher in the surrounding landscape than those within Hadyard Hill with their full vertical extent visible. This more prominent location, together with the larger size of the turbines and their closer proximity to the WLA, increases effects on the perception of wildness when compared with other wind farm developments. It is the Council's view that there would be a significant diminishment of the sense of remoteness and sanctuary experienced from the northern part of the Merrick WLA. The lighting of turbines would prolong these significant effects on the perception of wildness for those experiencing the landscape and walking during hours of darkness or camping overnight in parts of the WLA.
- 9.5.9 NatureScot have objected to the proposal on the grounds of significant adverse effects on the Merrick WLA (18th June 2021). The applicant provided further information on 5 November 2021 in response to NatureScot's objection. This includes a more detailed 'Zone of Theoretical Visibility' (ZTV) map, further wireline visualisations from the Loch Girvan Eye and Craigmashen and a revised night-time lighting proposal. The night-time lighting proposals describe a range of measures agreed with the CAA including reduction in the number of lit turbines, embedded dimming and direction intensity. The revised assessment of effects on the WLA undertaken by the applicant's consultants (on the basis of this additional more detailed visual material) confirms the findings of the LVIA in concluding that effects on the qualities of the WLA would not be significant. NatureScot have, however, maintained their position of objection. In the view of NatureScot, the additional information confirms their previous position and in particular the revised aviation lighting scheme would not be sufficient to reduce the significant adverse effects of aviation lighting on the qualities of the Merrick Wild Land Area. The revised aviation lighting proposal also refers to an aircraft detection lighting system (ADLS) being applied to the proposed development which would activate the lighting only when an approaching aircraft is detected. NatureScot note that current aviation policy and law do not allow for general legal implementation of ADLS.

Galloway Dark Sky Park

9.5.10 While the proposed development does not lie within the Galloway Dark Sky Park (DSP), it would be located within the Transition Zone. Although none of the viewpoints or vehicular routes promoted as locations for viewing the night sky within the DSP would be affected by the proposal, more remote elevated areas would have views of illuminated turbines (for example Cornish Hill and Shalloch on Minnoch) and this would be likely to affect the experience associated with the DSP for some receptors. The lighting proposed would also be contrary to the Council's Supplementary Guidance: Dark Sky Park (August 2016) which advises that new external lighting within the Transition Zone should be 'dark sky friendly' where possible in order to help safeguard and enhance the quality of the DSP. Good practice guidance set out in Appendix 3 of this Supplementary Guidance advises that it is preferable for infrared (non-visible) lighting to be used. The Additional Environmental Information submitted in November 2021 however confirms that visible lighting proposed is required for reasons for aviation safety. Whilst the Additional Environmental Information proposes a reduction in the number of lit turbines from 14 down to 12 or 11 (subject to CAA approval) this is not sufficient to remove concerns over impact on the Dark Sky Park or satisfy the Council's guidance.

Effects on Views

General visibility of the proposal

- 9.5.11 Within approximately 15km, the proposed wind farm would be principally visible across the upper Stinchar valley and in a broad area extending across the lower and middle Girvan valley between Dailly, Straiton and Maybole. There would also be visibility of most of the turbines from the open slopes and summits of the north-western part of the high Carrick Hills. Visibility would be restricted south of the Stinchar valley within 15km of the proposed development due to the presence of extensive forestry.
- 9.5.12 More distant views beyond 15km of the proposal, and within South Ayrshire, would be likely to occur from the coastal hills south-west of Girvan and from the sparsely settled Plateau Moorlands south-west of Barrhill which border Dumfries and Galloway. Visibility would also extend across the high ground of the Brown Carrick Hills and around Ayr, although buildings and vegetation in and around the town would be likely to restrict views. There would be very limited visibility of the proposal from the Duisk valley.
- 9.5.13 The majority of the representative viewpoints assessed in the LVIA lie within 15km of the proposed wind farm as can be seen on EIA Figure 6.6. 'Key visual effects'

9.5.14 The Council considers that the most significant adverse visual effects would be likely to occur on the following areas:

- The upper Stinchar valley, as illustrated by Viewpoint 1 from South Balloch, where the very large turbines of the proposal would significantly increase the extent of wind farm development seen on prominent skylines. While views from the core of the small settlement of Barr would be largely screened by buildings and vegetation, this proposal would have a significant adverse effect in views from the more open and elevated roads and footpaths around the village, as shown in Viewpoint 5. There would be intermittent visibility of the proposal from the B734 as shown in Viewpoint 10. Turbine lighting would additionally extend the duration of effects in views from this part of the Stinchar valley as demonstrated in the visualisations 10d/e.
- The middle Girvan valley in the Dailly area (Viewpoint 3) including from the area of Dalquharran Castle and Brunston Castle Golf Course (EIA Figure 7.5a and Additional Wireline D). The visualisation from Viewpoint 3 does not show the proposed access track to the development site which is likely to be visible close to the narrow, wooded valley seen in the foreground of the view. The turbines would form dominant features overwhelming the small-scale rolling farmland and woodlands seen in the middle ground of the view. Lighting would extend the duration of these effects. While the well-wooded nature of the Girvan valley would screen views of the proposal in many areas, it is concerning that turbine blade tips would be visible, and seen flicking over the skyline, above the Inventory listed designed landscape of Kilkerran in views from the B741, as illustrated in Viewpoint 4. While the effect from this viewpoint would be borderline significant, it would have been relatively easy to have reduced the turbine height and/or repositioned turbines to eliminate visibility from this important view. Cumulative effects with the consented Kirkhill wind farm will occur on views from more open parts of the Girvan valley in the Dailly area.
- While visibility would be limited from within the upper Girvan valley, significant adverse effects would arise from the Colonel Hunter Blair Monument (Viewpoint 7) which is popular with walkers. Although the proposal would occupy a relatively confined part of the less interesting upland skyline within expansive views which focus on the Girvan valley, the Firth of Clyde and Ailsa Craig, the size, proximity and confusion of overlapping turbines will result in them being a prominent and distracting feature.
- The High Carrick Hills including from Cornish Hill (Viewpoint 9) and from the Corbett of Shalloch on Minnoch (Viewpoint 12) which are both popular with walkers and where this proposal would present a marked change in the size and prominence of wind turbines in views from these hills. The proposal would also significantly intrude on views gained from the descend northwards at the dramatic pass of the Nick o' the Balloch (supplementary wireline visualisations supplied by the Applicant at the request of the Council) and from stretches of NCR 7 and the 'Ayrshire Alps' cycling routes which are aligned on minor roads through the high Carrick Hills and north of the Stinchar valley. Lighting of the turbines will extend the duration of effects particularly from the hill summits where the intensity of the lights will increase.

- While views from within Maybole are likely to be limited due to the screening effect of buildings, open areas surrounding the settlement will be subject to views seen at distances of >9km and usually in the context of operational and consented wind farms visible on more distant upland skylines. Viewpoint 11 from the War Memorial at Maybole would lie 9.8km from the proposal but its effects would be significant and adverse principally because of the detracting effect of the very large turbines on the prominent Kildoon Hill Fort/Monument which forms a focus in the view.

9.5.15 In many of these viewpoints, the proposal would have a discordant relationship with the much smaller turbines in the nearby operational Hadyard Hill wind farm (proposal is for turbines reaching up to 200m in height v's Hadyardhill where existing turbines are up to 110m) . This is particularly evident in Viewpoints 9 and 12 where the size differential between the existing and proposed turbines is above what can be reasonably perceived as being due to the greater distance of Hadyard Hill wind farm from the viewpoint.

Cumulative Landscape and Visual Effects With Other Consented/Application Stage Wind Farms

9.5.16 The foregoing assessments of the landscape and visual impact effects of the development proposal include consideration of the cumulative effects with other relevant operational, consented, applications stage and scoping stage wind farm proposals. The operational wind farms include Hadyard Hill as discussed above, Tralorg, Assel Valley, Mark Hill, and Dersalloch. In addition, at the time of submission of the EIA Report there were proposals for wind farms at Kirkhill (consented), Arecleoch Extension (application stage at time of submission now consented on appeal), Clauchrie (application), Carrick (scoping stage), Knockcronal (scoping stage) and Knockodhar (scoping stage). Since the time of submission of the current application, the Council has received a formal Section 36 consultation on an application for 9 turbines at Knochronal (received 17/11/21). Given that there were no firm details available of the Knochronal and Knockodhar wind farms at the time of preparation of the EIA Report it is accepted that these wind farms do not require to form part of the current assessment. The locations of the various proposals and consents are shown on the map at Appendix A to this report.

9.5.17 Significant combined cumulative landscape effects would be particularly associated with the Carrick and Clauchrie proposals principally affecting the Intimate Pastoral Valley LCT of the Stinchar valley, the Stinchar Valley, High Carrick Hills LLAs and the Merrick WLA. Significant combined cumulative visual effects would occur where this proposal was seen sequentially and simultaneously with the Carrick and Clauchrie in views from popularly accessed summits, ridges and recreational routes within the Merrick WLA and/or High Carrick Hills LLA, from roads and settlement within the upper Stinchar valley and Girvan valley and also from Craigengower Hill near Straiton. The combined effect of lighting proposed in all three schemes would extend the duration of significant adverse effects on character and views in these areas and particularly within the WLA and DSP where dark skies are a key quality and part of the experience of wildness. Although not taken into consideration in this assessment, the proposed Knockcronal wind farm will add to the combined significant cumulative impact of the Craiginmoddie, Clauchrie and Carrick wind farms.

Conclusions of the Council's landscape and visual appraisal

- 9.5.18 This proposal would be located in the Foothills with Forest and Wind Farms LCT, a sparsely settled landscape with a simple landform and landcover and generally large scale, characteristics which can reduce susceptibility to large wind turbines. This LCT already accommodates extensive wind farm development and the proposal would extend to the east of the operational Assel Valley, Tralorg and Hadyard Hill wind farms.
- 9.5.19 While the Foothills with Forest and Wind Farms LCT has some key characteristics which can relate to wind farm development, it comprises a relatively narrow upland band lying between the more sensitive Stinchar and Girvan valleys. Sensitivity is also increased as the remaining undeveloped eastern part of Foothills with Forest and Wind Farms LCT lies close to the Rugged Uplands with Lochs and Forests LCT, a landscape which is little modified and scenically diverse. The High Carrick Hills LLA accords with this LCT and it is also partially covered by the Merrick WLA, the Galloway Dark Sky Park and the Galloway and Southern Ayrshire Biosphere. The objection by NatureScot in respect to the significant adverse impact that the proposal will have on the Merrick Wild Land Area supports the Council's own assessment of the Landscape and Visual Impact that will result from the proposed development.
- 9.5.20 The most significant landscape and visual effects of this proposal would occur on the following:
- **The Rugged Uplands with Lochs and Forests LCT, Merrick WLA, local designated landscapes and the Dark Sky Park:** The proposal would lie much closer, and comprise substantially larger and more prominent turbines, than the very many operational wind farms located in South Ayrshire and Dumfries and Galloway seen from the Rugged Uplands with Lochs and Forests LCT (where it lies in South Ayrshire) resulting in significant adverse effects on this LCT, on part of the WLA lying within South Ayrshire and on the South Ayrshire Scenic Area (and High Carrick Hills Local Landscape Area). Significant and adverse effects would occur on views from this upland landscape from the popular Cornish and Shalloch on Minnoch hills which lie in the Merrick WLA. Lighting of turbines would be likely to extend the duration of significant adverse effects on this sparsely settled and remote landscape diminishing the sense of wildness that can be experienced.
 - **The Upper Stinchar Valley and associated local landscape designations:** This proposal would have significant adverse effects on the Intimate Pastoral Valley LCT within the upper Stinchar Valley where very large turbines would be prominent on the skyline of the steep-sided hills which contain this narrow and scenically rich landscape. There would significant adverse effects also on the Stinchar Valley LLA in similar parts of the upper Stinchar Valley. Views from the upper Stinchar valley and from NCR 7 and the 'Ayrshire Alps' cycling routes (including from the Nick o' the Balloch) would be significantly affected by the proposal.
 - **The Girvan valley:** While there are some significant effects on views from areas around Dailly, this does not translate to significant effects on character and special qualities of the LLA. However, where the landscape is more open, for example in the Dailly area, the proposal would have a significant effect on visual amenity from footpaths, roads and around the settlement.

- 9.5.21 **The Council objects to this development proposal on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines. The effects of this proposal could potentially be mitigated by a reduction in the size and number of the turbines to reduce the prominence of the turbines and avoid the need for visible aviation lighting. The elevation of the proposed site, and its location close to the more sensitive landscapes of the upper Stinchar valley and the High Carrick Hills/Merrick WLA, would still be likely to result in some significant adverse effects on character and views even of these recommended mitigation measures were in place.**
- 9.5.22 **Consequently it is considered that the proposed development is not in accordance with LDP Policy Wind Energy Criterion (a) and Criterion (b) and conflicts with LDP Policy Sustainable Development and LDP Policy Landscape Quality.** The proposal is also not in accordance with the Local Development Plan Supplementary Guidance for Wind Energy criterion A and B.

Tourism Attractions and Recreational Assets

- 9.5.23 The tourism sector is important to the South Ayrshire economy with a significant potential for growth. This expansion will be dependent on the maintenance and enhancement of environmental quality whilst ensuring that the assets on which the sector is based are protected from the impacts of inappropriate development. These objectives are reflected within the policy framework of the Local Development Plan.
- 9.5.24 Assets in Ayrshire and surrounding areas particularly sensitive to inappropriate development include areas designated for their scenic or recreational potential, including the Galloway Hills, the Galloway Forest Park, the Dark Skies Park and the Galloway & Southern Ayrshire Biosphere and its associated ecosystem centred around a series of core Natura sites. The application site is located within the Transition zone of the Galloway and Southern Ayrshire Biosphere and is in relatively close proximity to the Merrick Wild Land Area.
- 9.5.25 The landscape and visual impacts of the proposal are the primary considerations with regard to the potential impacts on tourism and recreation for this particular application. It is noted that NatureScot objects to the application due to its significant adverse effects on the sense of remoteness and sense of sanctuary of the Merrick Wild Land Area and on the 'perception', 'qualities' and 'experience' of wildness at dusk and into the night.
- 9.5.26 As noted in the assessment of the proposal under Landscape and Visual Impact above, there are also adverse effects on the Galloway Dark Sky Park, High Carrick Hills Local Landscape Area, Stinchar Valley Local Landscape Area, Water of Girvan Valley Local Landscape Area and important viewpoints including The Nick o' the Balloch and other stretches of National Cycle Route 7 (and The Ayrshire Alps Cycle Park), the Colonel Hunter Blair Monument, Cornish Hill and Shalloch on Minnoch hill.

9.5.27 **The Council objects to this development proposal on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines and the associated impacts of these effects on the tourism and recreational resource of the locality including the; Merrick Wild Land Area, Galloway Forest Park and The Dark Sky Park. It is considered that the significant adverse landscape and visual effects of this wind farm could not be fully mitigated by reducing the size or number of turbines. The location of this proposal is inappropriate given the sensitivity of nearby landscapes.**

9.5.28 This is an area of South Ayrshire which is very popular with locals and visitors, wishing to walk, cycle or horse ride in the countryside, and which relies on such tourism to help support its fragile rural economy. Therefore, if this application were to be approved contrary to South Ayrshire Council recommendation, a benefit would be additional public access routes included within the site of the windfarm proposal, linking with the surrounding rights of way / local path network. Creating such additional public access and access links, would be a positive action, and a way to return some benefit to the surrounding community. Chapter 14 of the EIA Report proposes that measures would be undertaken to improve opportunities for recreational access in the area. In particular linking Core Path SA46 to the west of the site and SA1 to the east using the wind farm access track would create a number of circular walks in the area.

9.6 **Criterion (c) Residential Amenity**

We will support proposals if:

- ***They do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker;***

Additional LDP Policies

LDP Policy Sustainable Development
LDP policy Air, Noise and Light Pollution.
LDP policy Land Use and Transport

Noise

9.6.1 The Environmental Impact Assessment Report considers construction, operational and cumulative noise impacts. The Council's noise consultant, ACCON UK Limited, has advised that the methodologies used in the EIA noise chapter represent good practice and are in line with ETSUR-97 (operational noise) and the Institute of Acoustics (IOA) Good Practice Guidance for wind turbines. ACCON queried the use of the previous background noise survey carried out in 2015 for the Hadyard Hill extension, the methodology used in the assessment of wind shear and choice of cumulative sites. However satisfactory clarification on these matters was received from the applicant's agent and is included in the Additional Information submitted in November 2021. Based on the explanations provided by the applicant, ACCON have advised that there would be no unacceptable impacts subject to conditions governing operational noise limits, based on the noise limits adopted in the Environment Impact Assessment Report.

- 9.6.2 South Ayrshire Council's Environmental Health Service has also provided comment in respect of construction noise and offers no objection to the proposed development subject to conditions covering vibration during blasting operations to excavate the borrow pits and time restrictions on the use of the abnormal loads route (NB these would require further consideration in the event that no objections were to be raised to the consultation as abnormal loads are typically delivered overnight for road safety reasons).

Shadow Flicker

- 9.6.3 Under certain conditions when the sun passes behind the rotors of a turbine a shadow can be cast on neighbouring properties. When the blades rotate a flicking on and off effect is created by the shadow, referred to as "Shadow Flicker". This can be a considerable nuisance to residents within nearby properties. Although there are no local or national UK mandatory requirements or criteria in relation to shadow effects caused by wind turbines, a report prepared for the Department of Energy and Climate Change suggests that a maximum of 30 hours of shadow flicker in a calendar year is a threshold for consideration, ideally with no longer than 30 minutes on any single occasion. The incidence of "Shadow Flicker" is considered only to be an issue of significant concern if the distance between the nearest dwelling and rotor blades is less than 10 times the diameter of those blades. Additional guidance states that in the UK the limit of the zone is between 130 degrees either side of north. The Council's Supplementary Guidance requires an assessment to be undertaken for all properties within 2.5 km of a proposed development (this distance threshold should take into account any screening of turbines offered by topography). Shadow flicker assessments were undertaken at four residential properties identified within the study area with potential to experience flicker effects. Realistic scenario calculations have shown that the maximum occurrence of shadow flicker amounts to approximately 15 hours per year for the properties known as 'Doughty', 6 hours per year for 'Delamford', 10 hours per year for 'Dobbingston' and 2 hours per year for 'Glenalla.' These values are well within the accepted limits of shadow flicker, of either 30 minutes per day or less than 30 hours per year. South Ayrshire Council's Environmental Health Service do not raise concerns with regard to shadow flicker but recommend that a condition is imposed requiring mitigation measures should a loss of amenity due to shadow flicker be confirmed.

Residential Visual Amenity Assessment

- 9.6.4 The SAC Supplementary Guidance on Wind Energy states that the design process for windfarms should take into account local residential property and the extent to which the proposal will be visible. The design process should seek to minimise significant visual effects on private property. It states as a general rule, that a separation distance of 2km should be maintained between turbines and settlements and that an assessment of all residential properties within 2.5 km from proposed wind farms should be undertaken. The Residential Visual Amenity Assessment (RVAA) (Technical Appendix 6.7) identifies 8 properties within 2km of the boundary plus 2 additional properties outside the 2km buffer (Doughty, Garleffin, Glenalla, Knockrochar, Dobbington Farm, Delamford Farm, Delamford Cottage, Corphin, Daljedburgh and Dalguhairn Farm). Two properties are identified as potentially experiencing the highest magnitude of effect and having potential to meet the Residential Visual Amenity Threshold (Dobbington and Delamford). The EIA concludes that whilst turbines will be seen in relatively close proximity to these properties, there would remain ample areas within each property that would not be affected by views of the proposed development and the affects are not considered to meet the Residential Visual Amenity Threshold. Additional visualisations were provided by the applicant from Dobbington and Knockrochar Farms at the request of South Ayrshire Council. These were accompanied by an Additional Information (AI) report, dated October 2021.
- 9.6.5 The AI provides no revised assessment of the effects on Knockrochar Farm from that originally set out in the EIA-R (this property was not considered as having potential to pass the Residential Amenity Threshold as the magnitude of change was judged to be moderate). The assessment against P4 in the RVAA in the EIA-R is incorrect in stating that the main orientation of views from this property is away from the proposed wind farm and that 'views from the house would be unlikely'. It is doubtful that this property was visited by the applicant's landscape consultants in the field as the principal living area of the house is situated within an extension which is orientated south/south-east and directly towards the proposed wind farm. However, while there would be views towards the wind farm from the principal living room within the property and also from an outside seating area, the additional photo-wire visualisation provided by the applicant in November 2021 demonstrates that outbuildings would partially screen views with approximately 3 turbines visible in the gap between buildings. It is considered that the magnitude of change would be substantial (and not the moderate judged in the RVAA) and that Knockrochar Farm would have merited more detailed assessment. Having considered the likely nature of visibility of the proposal from the approach to the house and from inside and outside the property, including the added effects of turbine lighting, it is concluded that while effects on visual amenity from this property would be significant and adverse, the restricted nature of views from the house would be unlikely to make this property an 'unattractive place to live when judged objectively in the public interest'.

- 9.6.6 The additional visualisation provided from the courtyard at the front of the house at Dobbingsstone Farm demonstrates that intrusion from the proposed turbines from this location would not be significant given the very limited number and vertical extent of turbines visible above rooflines. Significant adverse effects on views would be likely to be experienced principally from the many seating areas in the garden (which wraps around the south-west and south-east elevations of the house and includes some screening vegetation) and from the approach drive to the property. Lighting of the turbines would add to these significant effects particularly given the dark skies of the area. The restricted nature of views of the wind farm from principal rooms inside the property and from the courtyard area would be unlikely to result in this property becoming an 'unattractive place to live when judged objectively in the public interest'.

Access, Traffic and Transport

- 9.6.7 The EIA Report provides details that envisage turbine components being delivered to the Port of Ayr by sea and from there to the proposed site by road via the A77 as far as Girvan. From Girvan all HGV and abnormal loads will follow the B734 and the B7035 to Dailly. Abnormal loads only will route to the site from the B7035 via a new/improved section of track that incorporates the existing farm track for Craig and two new sections of track across rough grazing ground (as described in Section 1 above). HGVs will access the site either from the U27 road or the U25 road. In terms of traffic generation, two scenarios have been considered. Scenario 1 assumes that all aggregate required for construction of the turbine bases, etc is sourced off-site and Scenario 2 assumes that aggregate will be won from the proposed on-site borrow pits. Construction is expected to take 12 months to complete and will require an estimated 14,402 vehicle movements (7201 in and 7201 out). The number of vehicle movements would reduce to a total 3,964 movements under Scenario 2. The assessment has been undertaken on the basis of scenario 1 which is considered to be the worst case scenario. This would result in a peak of 94 two way HGV (47 in and 47out) which is predicted to occur in Month 4 of the 12 month construction programme.
- 9.6.8 The delivery route for "abnormal loads" has been assessed in the EIA for pinch points and any mitigation required. A total of 23 pinch points were identified. Swept-path-analysis was used to identify third party land and street furniture impacts and requirements for temporary paving. Abnormal loads are not expected to route through Dailly (on the C30) but would instead route up towards Craig Hill via Low Park/Craig.
- 9.6.9 The EIA Report assessment concludes that the transportation effects during the construction phase would not be significant following the implementation of mitigation measures, which include: provision of accurate directions to delivery drivers, restrictions on delivery hours to avoid network peak hours and school run hours, scheduling of deliveries, prohibition of vehicles laying up on the surrounding roads, road cleaning and implementation of a staff travel plan to encourage car sharing and provision of minibus service.
- 9.6.10 The Trunk Roads Authority do not object to the proposed development subject to conditions requiring approval of the route and accommodation measures required for abnormal loads, and approval of a Construction Traffic Management Plan.

9.6.11 Ayrshire Roads Alliance (ARA) hold significant concerns over the impact that construction traffic would be likely to have on the U25 unclassified public road, known locally as “Delamford”, which runs between the B741 and the U66. The proposals show that, if aggregate were to be sourced off-site, then the U25 would be subjected to 7,201 total loads, equating to 14,402 two-way trips. The U25 is a narrow, rural road without formalised passing places, and with a road make-up less than full construction along its length. The route forms both a key route for residents in the area, and also functions as a diversionary route as and when required. The ARA anticipates that without significant works to strengthen the road along its entire length, the volume of construction traffic as highlighted in supporting application will result in significant damage to the route. This may in turn result in the ARA requiring to take the decision to close the road in the interests of protecting the public, which is unacceptable given the negative impact this would have on local residents. Additionally, without localised road widening and the introduction of formalised inter-visible passing places the U25 would be considered unsafe for use by the general public, as there would be insufficient road space to allow vehicles to pass construction traffic (and certainly insufficient road space to allow two construction traffic vehicles to safely pass).

9.6.12 In relation to the proposed track adjacent to Eldinton Terrace, Dailly which is to be used for delivery of abnormal loads, the Council’s Environmental Health service have advised that a condition would be necessary restricting the hours of use to protect the amenity of the nearest residential properties. Such a condition would be very restrictive since abnormal loads (primarily turbine blades, towers and nacels) are delivered overnight when traffic volumes are low. As there are other overarching objections to the proposals, the implications of the condition advised by Environmental Health has not been explored further and an additional point of objection is proposed in relation to residential amenity.

Conclusions on Residential Amenity Assessment

9.6.13 **It is considered that the impacts arising from the proposed Craiginmoddie Wind Farm in relation to operational noise, shadow flicker and visual impact are generally acceptable, subject to conditions. However, it is recommended that the Council objects on the basis that the U25 road is unsuitable for construction traffic resulting in road safety concerns and with the potential to close the road to traffic including those road users who require to access residential properties from this route.**

9.6.14 **In light of the above, it is concluded that the proposed development is not in accordance with Local Development Plan Wind Energy Criterion c) and with LDP Policy Sustainable Development and LDP Policy Land Use and Transportation.**

9.7 **Criterion (d): Natural Heritage**

We will support proposals if:

- ***They do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP policy : Natural heritage;***

Additional LDP Policies

- LDP Policy Natural Heritage
- LDP Policy Sustainable Development
- LDP Policy Water Environment

Ecology:

- 9.7.1 The proposed development site is characterised by afforested upland and moorland typical of this region of Scotland, with the majority of the area under commercial plantation forestry. There are no designated nature conservation sites within the site boundary. There are two SSSIs within 10km including Auchalton lowland neutral grassland and Turnberry Dunes. Both of these areas are not considered to be affected by the proposals due to distance and absence of hydrological connectivity. No habitats or protected species of greater than local importance have been identified. In addition to the 53ha of coniferous plantation that will be lost due to the development, small areas of wet modified bog (0.81ha), blanket bog (0.05ha) and marshy grassland (0.06ha) will be permanently lost due to the construction of the foundations, access tracks, etc. The loss of habitats due to the construction phase is considered in the EIA to be a minor, non-significant impact. NatureScot support the outline measures proposed for the Habitat Management Plan (HMP) including post construction monitoring, compensating for the loss of modified bog habitats, via restoration of the extensive degraded peat habitats found on site and additional enhancement measures. NatureScot note that no habitat management is propose for the cleared areas of forestry around each turbine and recommend that the applicant should consider habitat restoration measures for each turbine keyhole area within the HMP. NatureScot also recommend that a detailed Peat Management Plan and Construction Environmental Management Plan should be submitted which incorporate best practice on handling and storage of peat and construction methods designed to minimise impacts on peat.
- 9.7.2 All areas of Ground Water Dependent Terrestrial Habitat (GWDTH) are located away from any hardstanding or infrastructure and as such it is not considered that there will be any significant impact on GWDTH.
- 9.7.3 The EIA does not identify any significant adverse effect on otter, badger, pine marten, bat and fish species during the construction phase. A habitat management plan and a species protection plan will be produced for the development and will be overseen by an ecological clerk of works. The coniferous plantation lost during the construction will be restocked along the tracks and around the turbine hardstand (up to 100 m from the turbine base). To mitigate for the loss of modified bog habitats areas of degraded bog could have peat drains blocked to restore it to blanket bog condition. Bats are at risk of collision or barotrauma during the operational phase. The risk of fatalities will be reduced through feathering (pitching the blades out of the wind) to reduce the idling speed to below 2 rpm and increasing the cut in speed during “high-risk periods” (dusk/dawn, April to October).
- 9.7.4 SNH offer no objection to the proposed development (in terms of ecology) and recommend that should consent be granted the works should be undertaken in accordance with the measures detailed in the EIA report. Habitat Management Plan should be finalised and implemented for the lifetime of the proposed development and that the applicant should also consider including habitat restoration measures for turbine keyhole areas within the Habitat Management Plan.

Ornithology:

- 9.7.5 A detailed assessment of the potential impacts of the development was undertaken through a combination of consultation with ornithological organisations, desk study and field survey. The assessments in the EIA Report conclude that there are no significant effects to either species of notable conservation value or the rest of the upland bird community. No significant effects as a result of habitat loss are expected. A Breeding Bird Protection Plan will be produced by the applicant and adhered to during the construction stage to reduce the effects of disturbance and displacement.

9.7.6 Scottish Natural Heritage is the statutory consultee where matters of ornithology are concerned and state that they agree that ornithological interests will not be adversely impacted upon as a result of the proposed development. SNH support the proposals to follow a Breeding Bird Protection Plan (BBPP) to implement mitigation during construction works.

Conclusions on Natural Heritage Assessment:

9.7.7 **On balance, and reflecting the positions submitted by SNH, SEPA and Ayrshire Rivers Trust, it can be concluded that the proposed development is in accordance with LDP Policy Wind Energy Criterion d) and relevant elements of LDP Policy Natural Heritage, LDP Policy Sustainable Development and LDP Policy Water Environment subject to conditions in relation to Habitat Management Plan (HMP), Peat Management Plan (PMP), Species Protection Plan, a Fish and Fresh Water Pearl Mussel Monitoring and Mitigation Plan, Construction Environment Management Plan (CEMP), Water Quality Monitoring Plan, Breeding Bird Protection Plan and appointment of an Ecological Clerk of Works following the relevant guidance provided by NatureScot and SEPA.**

9.8 **Criterion (e) Built and Cultural Heritage & Archaeology**

We will support proposals if:

- ***They do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP policy: historic environment and LDP policy : archaeology;***

Additional LDP Policies

LDP Policy Sustainable development
LDP Policy Historic environment
LDP Policy Archaeology

9.8.1 The EIA Report contains an assessment of archaeological and cultural heritage assets within 5km of the site boundary. There are no formally designated heritage assets within the site boundary, however there are a number of non-designated assets identified through earlier surveys and 69 additional non-designated records within 2km of the site boundary. There are three Category A Listed Buildings and 14 Category B Listed Buildings within 5km, most of which are located within Barr and Kilkerran. Seven scheduled monuments, and three designated Garden & Designed Landscapes are located within the study area.

- 9.8.2 **Non-Designated Heritage Assets Within the Site:** There are 7 non-designated heritage assets identified within the application site boundary. These are considered in the EIA to be of local importance and therefore low sensitivity to development. None of these assets is directly affected by the development, however, there is potential for Asset 11565 (remains of five huts) and Asset 306 (boundary marker) if micro-siting of 100m is permitted. The EIA proposes that a condition be added to any permission requiring archaeological recording work to be undertaken if these assets are threatened by micro-siting. Whilst the EIA considers that there is low likelihood of any hitherto unrecorded archaeology being present within the areas of commercial conifer plantation, there is potential for assets to survive within the areas of open moorland. The EIA therefore proposes the adoption of archaeological work agreed with WoSAS and imposed as a planning condition. WoSAS agree with the conclusions of the EIA and recommend that a condition be attached requiring archaeological work to be undertaken as described in the EIA Report.
- 9.8.3 **Scheduled Monuments Outwith the Site:** The EIA considered the operational impact (effect on setting) for all scheduled monuments and the EIA Report contains detailed assessments on the impacts of the proposal on Knockinculloch Enclosures, Bencallen Hill Chambered Cairn, Old Dalquharran Castle, Maxwellston Hill Fort and Mote Knowe. The EIA concludes that there will be negligible to moderate adverse impacts on the settings of the monuments, however no significant adverse impacts will arise. Historic Environment Scotland agree with the conclusions of the EIA Report.
- 9.8.4 **Listed Buildings:** The EIA considered the impact on the settings of key listed buildings surrounding the site. The majority of the surrounding listed buildings are located within Barr and Kilkerran and no significant effects are anticipated. Dalquharran Castle (category A) is located to the north of Dailly in a prominent position on the south-west facing slopes of the Girvan Valley towards the proposed windfarm. The castle is conspicuous when viewed from the south and south-east and views from the B741 contribute to its public setting. The castle is in ruins and whilst the site of the castle is accessible to the public the upper floors are not. Fourteen turbines will be visible, with the nearest being 5 km away. The castle was designed to be appreciated from the Girvan Valley and the Water of Girvan looking south and south-east and these views will be unaffected. However views out from the castle towards the wind farm will be affected. The turbines would not obscure views of the immediate designed landscape and would not impact on views towards Old Dalquharran Castle. However, the development would impact on longer distance views. The EIA assesses the magnitude of effect as moderate resulting in a moderate adverse effect which is not significant in EIA terms. Historic Environment Scotland agree with the EIA assessment and do not consider that the impact on the setting of the A-Listed building is sufficient to merit objection. The EIA report includes detailed consideration of the effects on the settings of Bargany House and Kilkerran House, both of which are also grade A listed buildings. HES agree with the conclusions of the EIA that neither of these nationally important buildings will be significantly adversely affected.

9.8.5 **Gardens and Designed Landscapes:** Bargany is an inventory garden and designed landscape that contains the category A listed Bargany House and lies 4km to the west of the application site boundary and 3 km south-west of Dailly. The blades/blade-tips of seven turbines may be visible from the western core of the GDL, however, tree cover will largely filter views of the turbines from within the GDL. Kilkerran Garden and Designed Landscape is located in the valley of the Water of Girvan approximately 3km north-east of Dailly and 2.8 km from the nearest proposed turbine. The park forms the setting for Kilkerran House which is a grade A listed building. Views of the proposed development from the GDL will be precluded by intervening tree planting and topography. There would be intermittent visibility of the turbines across the GDL from the B741 however these are not considered to be significant and would not affect key views. Blairquhan GDL is situated in upland country to the west of the village of Straiton approximately 6.3 km north east of the site boundary. The ZTV indicates that the wind farm will not be visible from the core areas due to topography. A number of blade tips will be visible from the north-eastern and north-western edges of the GDL, however these will be viewed at a distance of 8km and will have a moderate/minor adverse effect which would not be significant. Historic Environment Scotland agree with the conclusions of the EIA and do not object.

Conclusions on Built and Cultural Heritage and Archaeology Assessment:

9.8.6 **On balance, and reflecting the positions submitted by Historic Environment Scotland and WoSAS, it can be concluded that the proposed development is in accordance with LDP Policy Wind Energy Criterion e), LDP Policy Historic Environment and LDP Policy Archaeology subject to a suitable condition.**

9.9 **Criterion (f) Aviation, Defence, Broadcasting, Cumulative impacts and other matters**

We will support proposals if:

- **They do not adversely affect aviation, defence interests and broadcasting installation; and their cumulative impact in combination with other existing and approved wind energy development, and those for which applications for approval have already been submitted, is acceptable.**

Secondary LDP Policy

LDP policy Natural Heritage
LDP policy Archaeology
LDP policy Historic Environment
LDP policy Air, Noise and Light Pollution
LDP policy Protecting the Landscape
LDP policy Sustainable Development
LDP policy Spatial Strategy
LDP policy Water Environment

Aviation and Defence:

- 9.9.1 It is noted that at the time of writing the CAA have not responded to the Scottish Ministers consultation request. From previous applications it is noted that the CAA requires that all obstacles at or above 150m above ground level are fitted with visible lighting and in the case of wind turbines these should be located on the nacelle. The Additional Environmental Information submitted in November 2021 includes an Aviation Warning Obstruction Lighting Scheme for the windfarm which the applicant has discussed with CAA. The turbines should be fitted with approved aviation safety lighting in accordance with the Civil Aviation Authority, Air Navigation Order 2016. This requirement will have impacts on the night time visibility of the development. Having considered this, with particular attention paid to the consultation response from NatureScot (and the Council's own landscape and visual assessment) it is considered that the requirement for aviation lighting at this location would introduce eye catching and prominent lights into an area important for its dark skies and in particular to an area which contributes strongly to the dark sky experience. It is considered that this could result in likely significant adverse impacts on views from the wild land area and the dark sky park, as well as adverse impacts on the wild land qualities of the Merrick Wild Land Area. **It is currently unclear as to whether the impacts outlined above can be mitigated by means of an Aircraft Detection Lighting System (ADLS) and this matter is picked up within the Council's objection on the grounds of landscape and visual impact.**

- 9.9.2 The consultation response from NATS objects to the proposal. NATS en-route Ltd is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. It operates a network of radar, communication systems and navigational aids to carry out its functions. In relation to the Lowther Hill Radar, NATS technical assessment has determined that the terrain shielding available will not adequately attenuate the signal other than turbines T5 and T6 and therefore the other 12 turbines are likely to cause false primary plots to be generated. A reduction in the radar's probability of detection for real aircraft is also anticipated. Glasgow Prestwick Airport have objected to the proposal until certain aviation safety matters are addressed. GPA advise that all 14 turbines will be visible to GPA's primary radars and will generate unacceptable radar clutter that will require to be mitigated for the lifetime of the development. It will be necessary for further detailed radar modelling assessments/flight trials to be undertaken to confirm the exact number of turbines visible and whether the clutter from visible turbines can be mitigated. GPA also require the proposal to be assessed against their Instrument Flight Procedures and a detailed Technical Safeguarding Assessment in respect of the protection of the Airport's VHF/UHF Radio Navigation Equipment. GPA have concerns that the cumulative impact and proliferation of windfarms in the vicinity of the development may have an impact on the low level coverage that GPA currently enjoys from the SSR radar feed it receives from the NATS Lowther Hill SSR. A preliminary ATC Operational Assessment indicates that while this proposed development lies outside of Prestwick Airport's Controlled Airspace (CA), it is in an area where GPA regularly provide air traffic service and as such if some (or all) of the turbines are confirmed visible to our primary radar(s) then mitigation will be required together with a review of any impact on our flight procedures or aeronautical charts. GPA also raises concerns in respect of the cumulative impact, due to other operational, consented and proposed wind farms in the vicinity of the proposal and the impact that this proliferation of windfarms may have on the Airports Communications, Navigation and Surveillance equipment, together with the potential for a resulting ATC operational impact, in having such a dense cluster of windfarms in the vicinity of the aerodrome in an area of airspace where GPA ATC regularly provide air traffic service to aircraft. GPA also requested additional information on the aviation obstruction lighting scheme that will be required by the CAA. The Additional Environmental Information submitted on 5 November 2021 includes details of the draft aviation lighting scheme and GPA have advised that they are content with the design. However, GPA have requested to be further consulted if an Aircraft Detection Lighting System (ADLS) dependent upon Electronic Conspicuity Equipment is considered. GPA continue to object to the development until such time as the aviation safety matters are appropriately addressed.
- 9.9.3 Current guidance (SG Wind Energy) requires developers to demonstrate agreement between the developer and airport operators that a technological or other mitigation solution is in place which demonstrates their development would not threaten the current operation of the airport or the expansion aspirations sought by the Council and Government. It is noted that Glasgow Prestwick Airport (GPA) have lodged an objection to the application proposal until an agreed radar mitigation is in place and available and maintained for the lifetime of the windfarm. GPA advises that it would welcome further detailed engagement with the developer in an effort to find a pragmatic radar mitigation provision for the lifetime of the development. The LDP Policy on Wind Energy (and the supporting Supplementary Guidance) note that the Council will support proposals if ***“they do not adversely affect aviation”***.

- 9.9.4 The MOD note that the site falls within Tactical Training Area 20T, an area within which fixed wing aircraft may operate as low as 30.5 metres above ground level. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft. The MOD requires that conditions are attached to the consent requiring aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.
- 9.9.5 Considering the above, it is recommended that **the Council objects to this development proposal on the basis that the developer has not demonstrated that their development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place and available and maintained for the lifetime of the windfarm.**

Broadcasting and telecommunications

- 9.9.6 The EIAR concludes, after consultation, that the proposed development will have no effect on any telecommunications interest. Consultation responses do not raise any issues of concern in this regard. In the unlikely event that issues do arise, it is a matter that may be mitigated and could be the subject of planning conditions.

Cumulative Effects

Landscape and Visual Impact and Natural, Built & Cultural Heritage

- 9.9.7 The cumulative landscape and visual impacts resulting from the proposal and nearby operational, consented and proposed wind farms are set out earlier in this report and it is concluded that there will be cumulative LVIA effects associated with this proposal.

Residential Amenity (Noise)

- 9.9.8 The applicant's noise impact assessment found that the operational noise levels from the Proposed Development would meet the criteria set out in ETSU-R-97, which provides for acceptable levels of protection to residents. The cumulative noise assessment also indicates that the total cumulative noise levels would meet noise limits at the nearest noise sensitive receptors. Cumulative noise effects are therefore acceptable.

Conclusions on Cumulative Impacts Assessment

- 9.9.9 **On balance, it is considered that the proposed development will have an unacceptable cumulative impact in relation to landscape and visual impact, however, no other cumulative impacts have been identified.**

Other Matters

Forestry

- 9.9.10 The majority of the wind farm site lies within commercial forestry comprised of four separately owned forests established in the 1980s. The majority of the trees are Sitka Spruce with lesser amounts of other conifers, broadleaves and open space. All four forest areas are near or at commercial maturity and will be felled in the near future. 100 m radius 'keyholes' are proposed around each turbine base. The access tracks will follow existing forests tracks and ride lines and no additional felling will be required to facilitate access for construction and future maintenance of the wind farm. A limited amount of felling will be required for the substation and borrow pits. However, due to the commercial nature of the woodland, there is considerable risk of wind blow adjacent to the keyholed areas and an additional 142 ha has been identified for felling to mitigate the risk of wind blow by felling to a wind firm edge. These areas will be replanted, whereas the keyholed areas will not be restocked with trees. The woodland losses will be compensated for through new woodland creation elsewhere. The extent and location of restocking will be agreed with Forestry Scotland, in accordance with the Scottish Government Control of Woodland Removal Policy.
- 9.9.11 Scottish Forestry (SF) do not object to the proposals but note that the wholesale removal of woodlands to enable wind farms is not permitted and keyholing is the only acceptable approach. The removal of other areas of forest due to concerns around wind blow will require to be the subject of a Felling Permission Application or a Long Term Forest Plan amendment. In respect to the nature of the compensatory planting, Scottish Forestry require that there is no loss of productive forestry.

Water Resources and Peat

- 9.9.12 Under the Water Framework Directive (WFD), planning authorities have a duty to safeguard and seek improvements to the water environment. As a consequence, the potential impact of a wind farm construction on local hydrology requires to be assessed and protective and preventative strategies put in place to reduce potential risk. The site forms part of the catchments of the River Stinchar and the River Girvan which are both important for salmon and trout fishing. There are numerous small watercourses which drain the site, two of which (Dobbingston Burn/Lindsayton Burn and Dalquhairn Burn) are classified under the WFD. The site drains land that is part of a surface water drinking water protection area (DWPA) associated with the wider River Stinchar catchment and is underlain by the Girvan and Lendalfoot groundwater body DWPA. There are 39 users served by Private Water Supplies (PWS) within 5km of the site boundary. The Carbon and Peatland 2016 mapping shows that the site is dominated by Class 5 (no peatland habitat), with isolated patches of Class 3 (occasional peatland habitat) dispersed across the site. A small area of Class 1 (nationally) important peat soil is mapped on the gently sloping ground north east of Doughty Hill. Peat depth surveys, undertaken to support the application, verify the distribution of peatland within the site. Approximately 54% of the recorded depths of peat were greater than 0.5m and therefore classed as 'deep peat.' It was noted that the area of Class 1 (Nationally Important) peat habitat referred to above has recently been planted with commercial conifers which over time will remove any pre-existing natural peatland habitat.
- 9.9.13 The proposed wind farm has the potential to impact on the water environment due to the excavations required to form the site infrastructure, quarrying within the borrow pits, the related forestry felling and replanting and the potential for accidental spillages of pollutants. The layout of the development has been designed to avoid areas of Class 1 peatland and to maintain a buffer distance of 50m from all hydrological features, including streams. The applicant proposes that a Construction Environmental Management Plan (CEMP) will be prepared which will detail the good practice measures to be put in place to manage activities to prevent or minimise effects on surface water and groundwater.

Surface Water and Groundwater

- 9.9.14 Pollution prevention measures are proposed to prevent run-off derived from construction activities and site infrastructure from directly entering the natural drainage network. Water quality monitoring will be undertaken as part of the CEMP. Twenty new or existing water crossings are required along the access tracks. SEPA and Ayrshire Rivers Trust (ART) have advised that the appropriate crossing types have been proposed for each watercourse, with the exception of Water Crossings 19 and 20 which were not surveyed. ART have recommended that full details of the type of crossings for WC19 and WC20 are submitted and that for all water crossings continuous fish passage and continuous flow is provided, ensuring no hanging culverts and that resident fish are removed from the site prior to any instream works. ART advise that the monitoring program to assess the impacts of construction works under the proposed Construction Environmental Management Plan should include provision to monitor all water crossing points, a fish monitoring programme and details of harvesting methods for coniferous woodland which minimise the run-off of sediment, elevated phosphates and nitrates within watercourses. SEPA agree with the conclusion of the EIA that there are unlikely to be significant adverse effects on the water environment subject to safeguarding conditions including implementation of 50m buffers between proposed infrastructure and watercourses. SEPA however advise that if micro-siting is permitted that not micro-siting takes place within any of the 50m buffers.

Peat

- 9.9.15 SEPA have advised that they are satisfied that areas of deep peat have been avoided and that suitable mitigation (e.g. floating tracks and micro-siting) is planned to avoid damage to more sensitive areas. SEPA are also satisfied with the proposed peat management plan but would wish to see an updated plan submitted as a condition of any planning permission. The Peat Landside Hazard and Risk Assessment submitted by the applicant has been assessed by Ironside Farrar Consultants on behalf of the Energy Consents Unit. The Risk Assessment identified that there is limited peat on the site. Following submission of clarification points, Ironside Farrar do not advise against the proposal subject to further peat probing at all turbine and other infrastructure locations.

Private Water Supplies (PWS) and Water Abstraction

- 9.9.16 The EIA Report identifies 39 private water supply (PWS) users within 5km of the site boundary. PWS can be impacted by chemical or bacteriological pollution, air borne, land borne or water borne pollution, physical disturbance such as release of non-soluble poisons or pollutants through blasting or digging and disturbance to ground containing such, damage to infrastructure (eg supply pipes, abstraction intakes, etc) and reduced recharge volumes through disruption or complete diversion of natural flow pathways in catchment feeds. The risk posed to a PWS principally depends upon the degree of hydrogeological/hydrological connectivity between the PWS source and any construction, or land use change required which alters the ground layout. If ground water catchment feeds are using ground fractures as preferential flow pathways, any infrastructure associated with the development, that alters or creates a pathway to the receptor has deeply serious potential for future PWS impact, which in this case would be water for human consumption at the abstraction points. This may not be realised until future dates, or even until after the development is completed. Recharge times for water to PWS vary depending on where and how the water travels. A high level screening risk assessment through desk top study, of the 39 PWS was undertaken in the EIA which identified 7 PWS which could potentially be affected. Further analysis indicates 3 of these as being potentially at risk of being impacted.

- 9.9.17 The PWS supply line for Lindsayston Farm will be crossed by the proposed access track, from Dailly to the U25 single track public road, to be constructed for delivery of abnormal loads, whereas the source catchment feeds to the PWS supplies for Delamford Farm and Dobbingstone Farm will be next to, in very close proximity to, or underneath proposed construction, turbine base areas, and access roads. The supply abstraction for Dobbingstone PWS is downgradient from, and in close proximity to infrastructure associated with the proposed development, and forestry which requires to be felled to enable the development. The gradient is steep characterised by steep sides and deep cleughs. GIS Maps which the Council's Environmental Health service requested from the applicant show clearly the proposed layout of all construction within the development. Measurements from the abstraction point for Dobbingstone show only 250m to the marked development boundary line, and 661m to the base of Turbine 2, and 683m to base of Turbine 3, for example. Environmental Health requested that maps should be provided, layered to show the proposed development in relation to the PWS catchments abstractions, and show the distances as well. This information had been previously requested, but was not provided. The source of the water supply for a further property (Doughty Cottage) was not identified but is considered to be likely within a catchment shared by the development and therefore at risk. The EIA proposes to mitigate the risk to PWS through the undertaking of site-specific risk assessment and preparation of site-specific mitigation plans for each PWS likely to be impacted. Principally this will involve demarcation of buffer zones within which there will be no micro-siting, no construction, no stockpiling and no vehicle refuelling and no movements or works in peripheral upgradient areas. The EIA Report does not state what size of buffer zone will be required. It should be noted that buffer zones are guidance only, and that buffer zones may have to be increased, if larger buffer zones are deemed necessary. Buffer zones outlines appear satisfactory on drawings or plans, but in reality, they may not be adequate or suitable to prevent serious, adverse impact on PWS catchments, the quantity or quality of water, which may be permanent. Environmental Health requested a written EAP, (Emergency Action Plan) as a further safeguard in relation to any construction and associated works but this was not provided.
- 9.9.18 Both SEPA and Environmental Health have provided advice in relation to the protection of private water supplies (PWS). SEPA initially objected to the proposal due to lack of information on the location of the PWS sources and site-specific risk assessments for Dalwayne, Corphin, Delamford and Dobbingstone. Following consideration of the Additional Information submitted on 5 November 2021, SEPA withdrew their objection. The Council's Environmental Health service maintain their objection and are the Regulators, within South Ayrshire Council, with regard to the Scottish Private Water Supply legislation, other legislation relating to water and private water supplies, suitable potable water within premises for Human Consumption and Tolerable Standards, and the European Directives (soon to be transposed into Scottish legislation through the Keeping Pace Rules) in relation to private water supplies.

- 9.9.19 Environmental Health requested a PWS site-specific hydrogeological/hydrological report which should contain a review of all private water supplies, the sources and the catchments which feed the sources abstractions, and the potential risks posed by the development. This information had been previously requested at the EIA Scoping stage, but was not provided. In response to SEPA and Environmental Health's comments Additional Information under the EIA Regulations was submitted on 5 November 2021. This Additional Information Report on PWS includes risk assessments for each individual supply identified in the original EIA and also for the property at Doughty Cottage. The Additional Information notes that the methodology employed for risk assessment was not based on the Private Water Supplies Technical Manual, which is part of the Scottish legislative guidance, as requested by Environmental Health, but instead the consultant deemed this impractical to use, as it would have had to take into account proximity of the supply to wildlife, historical and current land use and historical maintenance carried out on the supply. The consultant instead used methodologies based upon the consultant's own previous experience, stating they used the guidelines wherever possible. There is a raft of Scottish, UK and European legislation, relating to the protection of private water supplies, the reasoning of which serve to protect the catchment, the supply, the quality and quantity and the end users. In relation to Dobbingsstone and Doughty the risk assessment notes that these supplies are at least partially fed by groundwater as well as surface water (Combined Supply), and there is therefore a potential pathway between infrastructure and the abstraction points. The probability that a pathway exists in relation to the Dobbingsstone supply is described as likely, whereas in relation to Doughty the probability is described as low likelihood. Groundwater flow will probably be through fractures or other structural features and may be present in confined or unconfined conditions at various depths and different layers. In relation to Dobbingsstone, the applicant proposes intrusive site investigation work (the drilling of two bore holes or shafts) to inspect the underlying groundwater system, focussed on the proposed locations for Turbine 2 and Turbine 3, prior to commencement of construction. At best, this type of intrusive investigation would only show the type of the ground at various depths, at the point site drilled. Unknown features will not be quantified or concluded by the suggested drilling of two bore holes as the area is diffuse, and the catchment could be getting water from a multitude of pathways.
- 9.9.20 It is clearly stated, however, in the Additional Information report document 1.3 – Disclaimer; that "Owing to the inherent complexity of the subsurface, it is rarely possible to determine the mechanics of a system with absolute certainty".
- 9.9.21 Natural Power would not be the company carrying out these investigations. It is not stated what standards, guidance or legislation covers Intrusive Investigation, nor is it stated who would be responsible should problems occur.
- 9.9.22 The applicant also proposes that there is no micro-siting of T2 and T3 in the direction of the PWS and that detailed consideration is given to drainage plans and dewatering activities to minimise water losses from the catchment. It should be noted that the proposed turbines are 200m tip height, and require a large footprint in depth as well as width. 100m micro-siting could be too great a change, bringing added potential for harm. It has been noted that the areas around T2 in particular, and T3 have been identified as being High Peat Slide Risk. No additional specific mitigation is proposed for Doughty, however, a monitoring and management plan for is proposed for all affected supplies.

- 9.9.23 Environmental Health, having carefully considered the EIA Report and Additional Information, object to the proposed locations of Turbine 2, Turbine 3, the construction compound and substation, and the sections of internal access track between the site substation, the construction compound and Turbines 2 and 3. Both the turbines and the other infrastructure referred to are located within the Dobbingsstone Farm private water supply catchment and water feed area for Dobbingsstone PWS abstraction. The layout of the proposed access tracks implies that all the development and construction traffic will travel over the relevant section of access track as previously described, and the assumed private water supply catchment area for Dobbingsstone PWS, for the duration of the build resulting in potential for impact. This traffic would continue after the devolvement completion for maintenance and any deliveries, or forestry works. Turbines T2 and T3 are situated at substantially higher elevations in relation to the abstraction point for Dobbingsstone Farm, the gradient is steep and there are many small tributaries feeding the named burns below the proposed development. The supply is fed by a combination of surface water flow and groundwater flow. In relation to the latter, the underground route(s) by which water flows into the abstraction point are unknown. Owing to the inherent complexity of the subsurface, it is rarely possible to determine the dynamics of a system with absolute certainty. The applicant proposes to undertake investigatory borehole drilling to attempt to establish the underground route of water flowing to the supply. However, the Council's Environmental Health Officer has advised firstly that this type of investigation is unlikely to successfully identify the route(s) and secondly may inadvertently result in the diversion of water away from the abstraction point when water flow would cease, or result in contamination of the supply. Environmental Health therefore object on the basis that there is insufficient information available concerning the source(s) and route(s) of the Private Water Supply serving Dobbingsstone Farm, and that the PWS must be protected as there is no possibility of the property being connected to the public water main due to the distance that the property is located from the nearest public water main. Furthermore the application does not provide a robust measure of the risk of damage to the supply nor means of mitigation and emergency treatment.
- 9.9.24 Environmental Health advise that an Emergency Plan of Action, would need to be written and provided and agreed upon with Environmental Health as a further safeguard in relation to any construction works should the development be permitted. Environmental Health also advise that a Private Water Supply Monitoring Plan will be required prior to any construction given permission. This plan would require to be agreed in advance by Environmental Health as the Regulators for the private water supply legislation applicable in Scotland.
- 9.9.25 **The Council objects to this development proposal on the basis that there is insufficient information to demonstrate that the catchment and source for the private water supply serving Dobbingsstone Farm will not be damaged or destroyed by this development proposal, as a consequence of the proposed placement of Turbine 2, Turbine 3, the construction compound, the substation and sections of new and upgraded vehicular access track within the catchment for Dobbingsstone.** Members should note that whilst SEPA have withdrawn their objection to the proposal on PWS, South Ayrshire Council are the regulator for PWS, with statutory responsibilities under Private Water Supply legislation.

Ground Water Dependent Terrestrial Ecosystems (GWDTE)

- 9.9.26 THE EIA Report states that habitats indicative of Groundwater Dependent Terrestrial Ecosystems (GWDTE) were identified during NVC survey work.
- 9.9.27 SEPA have considered the Groundwater Dependent Terrestrial Ecosystem assessment carried out for the EIA and note that the surveys appear to be completed to a high standard. The potential GWDTE are either outside the site boundary or have been shown to be rainwater or surface water fed through detailed water chemistry sampling. SEPA therefore agree that the development will have minor/negligible impact on these habitats.

Flood Risk

9.9.28 The EIA Report states that the risk of fluvial flooding is limited to the watercourses forming the south eastern boundary of the site. Flood information available on the SEPA Flood Risk Management Map indicates that Auchengairn Burn and Dalquhairn Burn are at a medium to high likelihood of flooding. On the Auchengairn Burn the risk areas are confined to the river channel. The risk areas on the Dalquhairn Burn occupy the wider U-shaped valley near Dalquhairn and Dalwayne which lies outside the site. The SEPA Flood Risk Management Maps do not indicate any risk of fluvial flooding on watercourses within the site. Small pockets of land surrounding the Auchengairn Burn, Ferly Burn and within forestry areas across the northern half of the site are at risk of fluvial (surface-water) flooding. To mitigate any potential increased flood risk, the applicant proposes to use sustainable drainage systems on all access tracks and areas of hard standing which will mimic greenfield runoff. SEPA and ARA do not object to the application on flood risk.

Borrow Pits

9.9.29 The Scottish Government included within Scottish Planning Policy (paragraph 243) a new approach to the use of Borrow Pits for wind farm construction. Borrow pits can be extensive areas within the site of a windfarm and are commonly used for the extraction of sand and aggregates used in the associated developments such as crane pads, access routes etc. The policy advice is to limit their use and only to permit them on site if there are significant environmental or economic benefits compared to obtaining material from local quarries. Two borrow pit search areas are proposed. The EIA Report states that potential locations for the borrow pits were identified based upon search areas on lower lying, inward facing slopes to minimise visual prominence. The EIA Report concludes that should the proposed development be consented, further details of the borrow pits' depth, orientation and design will be submitted as a condition of planning consent. The winning of rock for use in the construction activities would result in a very significant reduction in HGV traffic using the small local roads in the vicinity of the site, with benefits for road user and pedestrian safety, air pollution and residential amenity. The principle of on-site borrow pits is therefore considered to be consistent with SPP. Environmental Health have not objected to this aspect of the development but propose that a condition is attached to control blasting to ensure that residential amenity is not adversely impacted upon. SEPA have not raised any objections to the borrow pit locations.

Conclusions On Assessment of Other Issues

9.9.30 **In relation to aviation, the developer has not demonstrated that their development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place and available and maintained for the lifetime of the windfarm. In relation to private water supplies, insufficient information has been provided to demonstrate that the private water catchment for Dobbington Farm will not be damaged or destroyed by this development proposal. Consequently, it is considered that the proposed development is not in accordance with LDP Policy Wind Energy Criterion (f).**

9.10 Other Significant Policy Considerations:

National Climate Change Policy, Energy Policy and Planning Policy

9.10.1 The Scottish Government's policies, commitments and targets for sustainable energy are set out in ministerial statements, key policy documents and statute. The key ministerial statements and policies considered as part of the assessment of the current proposals are The Scottish Government's Declaration of a Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emissions Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (December 2017), Consultative Draft Onshore Wind Energy Statement Refresh 2021, and The Scottish Climate Change Plan 2018 to 2032 (2020 update).

National Planning Policy Framework 3 (June 2014)

9.10.2 The vision set out in NPF3 includes a growing low carbon economy. The greenhouse gas reduction targets set out in the Climate Change (Scotland) Act 2009 are integrated into national planning policy. The PPF3's policies address steps required within spatial planning to achieve the targets not only in energy generation, but in a range of sectors including land use management, waste management, urban infrastructure, sustainable water management, peatland restoration and transport. NPF3 refers to the spatial framework provided by SPP for wind-energy development as guiding new wind energy development to appropriate locations, taking account of important features such as Wild Land. It encourages diversification in the energy sector and indicates the Government's expectation that the pace of onshore wind will be overtaken by a growing focus on marine-energy opportunities. Members should note that NPF3 is currently being reviewed and a "Position Statement on NPF4" was published in November 2020. The Position Statement provides an indication of the direction of travel. It is important to note that the Position Statement is not a policy document and is not a material consideration in the assessment of the current proposal.

Scottish Planning Policy (June 2014)

9.10.3 Includes among the four outcomes it seeks that Scotland should be a successful, sustainable place, and a resilient place. It incorporates statutory targets for reduction of carbon emissions. In this context it sets out the renewable energy targets and the principles for spatial frameworks and it also makes it clear that the individual merits of a wind-energy proposal require to be carefully considered against the list of considerations set out in paragraph 169. This is in line with the principle that sustainable growth should ensure the right development in the right place.

Conclusion on National Policy

9.10.4 NPF3 and SPP are the primary statements on national planning policy for onshore wind. Whilst these documents predate more recent policies/strategy documents, advice and targets relating to climate change, there is no indication from the Scottish Government that the national policy move from low carbon to net-zero carbon has changed the decision-making criteria or parameters for onshore wind in individual cases. The move to a net zero target has the effect of altering the requirements imposed on the Scottish Ministers in relation to electricity generation and also to the concomitant decarbonisation of heat and transport. There has been and continues to be strong support for onshore wind but only if it is the right development in the right place. There is nothing express in the Climate Emergency Declaration, the national strategies for climate change and renewable energy that would indicate a departure from policy as set out in NPF3 or SPP. Whilst the National Planning Framework is currently being reviewed the Position Statement issued on 24 November 2020 makes it clear that NPF3 and SPP remain in place until NPF4 is adopted by Ministers. As with the assessment against the provisions of the LDP, it is considered that the proposed development is therefore not fully in accordance with Scottish Planning Policy.

Control of Woodland Removal Policy (Scottish Forestry revised 2019)

9.10.5 Sets out Scottish Ministers' policy on woodland removal in Scotland. The guiding principles behind the policy include a strong presumption in favour of protecting Scotland's woodland resources and only allowing woodland removal where it can achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. The consultation response from Scottish Forestry notes that keyholing is the only acceptable approach to the development of wind farms within forests and that the construction corridor and all associated infrastructure requirements are subject to compensatory planting. The request to fell parts of the surrounding forest to mitigate windblow will require to be the subject of a Felling Permission Application or a Long-Term Forest Plan Amendment and that there will be a requirement for a like for like replacement of productive capacity. No details have been submitted of compensatory planting. However, this matter could be dealt with by way of a planning condition requiring details of compensatory planting to be agreed.

10. Benefits of the Proposed Scheme

- 10.1 The EIA Report states that the proposed development would deliver the following key benefits:
- Make a significant contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy development; and in turn contribution to the achievement of UK and Scottish Government targets for renewable electricity generation.
 - The proposed development will provide an annual economic contribution to the local area for the life of the windfarm through a community benefit fund.
 - The total value of contracts that could be secured in South Ayrshire has been estimated at £22.8 million and in Scotland, as a whole, businesses could secure contracts worth £476.2 million

- In Gross Value Added terms the construction phase has the potential to inject £8.9 million into the South Ayrshire economy and £18.4 million to the Scottish economy.
- Contribution to business rates to the South Ayrshire economy
- The operation and maintenance of the wind farm could support an additional 16 jobs in Scotland, seven of which could be in South Ayrshire. In Gross Value Added terms the operational phase has the potential to inject £711,000 per annum into the South Ayrshire economy and £1.6 million to the Scottish Economy as a whole.
- Local businesses have the opportunity to benefit from the contracting requirement, ranging from civil engineering and ground work contractors, haulage businesses through to suppliers of water as well as local service based companies such as hotels, restaurants and local shops.
- The proposed development would provide up to 92.4 MW of installed capacity (depending upon the turbine choice) generating approximately 215 GWh of renewable energy (based on a UK average onshore capacity factor of 26.6%). This could power over 59,509 homes on average each year. This could save up to 96,027 tonnes of CO2 each year.
- The proposed development will utilise modern turbines that are more efficient than older models and the capacity factor could be as high as 35%. This would result in a predicted output that could generate electricity to supply the equivalent of 78,302 homes.

11. Conclusion

- 11.1 In conclusion, having considered the applicant's Environmental Impact Assessment Report and supporting documentation and notwithstanding the identified benefits of the scheme, together with the responses received and having balanced the developers' interest against the wider community interest it is noted that an objection has been submitted to the Scottish Government.

12. Recommendation

- 12.1 It is recommended that the Regulatory Panel notes that this report has been submitted as an objection to the Scottish Government, for the reasons (a), (b), (c), (d), (e) and (f) listed below.
- 12.2 That the Regulatory Panel note that in the event that a planning authority objects to a Section 36 application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).

Reasons for objection:

(a) Landscape and Visual

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a), b) and c)', 'Sustainable Development' and 'Landscape Quality' and South Ayrshire Council Supplementary Guidance on Wind Energy and SALWCS on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines on their own and in combination with the other operational, consented and proposed wind farms in the surrounding area. It is considered that the significant adverse landscape and visual effects of this wind farm could be mitigated by reducing the size and or number of turbines. However, given the vertical height of the proposed turbines, the location is inappropriate given the sensitivity of nearby landscapes. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(b) Landscape and Visual – Aviation lighting

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a) and b) and LDP Policy Air, Noise and Light Pollution and the Supplementary Guidance: Dark Sky Lighting by reason that the applicant has not demonstrated that aviation lighting would not introduce intrusive and prominent lights into an area important for its dark skies, thus adversely impacting upon views from the Merrick Wild Land Area and transition area of the Dark Sky Park. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(c) **Landscape and Visual – Tourism and Recreation resource**

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a), b) and c)', 'Sustainable Development' and 'Landscape Quality' and South Ayrshire Council Supplementary Guidance on Wind Energy and SALWCS on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines and the associated impacts of these effects on the tourism and recreational resource of the locality including the; Merrick Wild Land Area, Galloway Forest Park, The Dark Sky Park, stretches of the National Cycle Route 7, including at the Nic O The Balloch, stretches of the Ayrshire Alps Cycle Park and important viewpoints including Colonel Hunter Blair Monument, Cornish Hill and Shalloch on Minnoch Hill. It is considered that the significant adverse landscape and visual effects of this wind farm could be mitigated by reducing the size or number of turbines. However, given the vertical height of the proposed turbines the location of this proposal is inappropriate given the sensitivity of nearby landscapes. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(d) **Glasgow Prestwick Airport**

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion f)', 'Sustainable Development' and South Ayrshire Council Supplementary Guidance on Wind Energy on the basis that the developer has not demonstrated that their development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place and available and maintained for the lifetime of the windfarm. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(e) **Private Water Supplies**

That the proposed development is contrary to South Ayrshire Local Development Plan policies; 'Wind Energy', 'Sustainable Development' and 'Water Environment' and South Ayrshire Council Supplementary Guidance on Wind Energy on the basis that there is insufficient information to demonstrate that the private water supply for Dobbington Farm and the catchment which feeds the source will not be damaged or destroyed by this development proposal. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(f) **Safety and Convenience of Road Users**

The proposal would result in an unacceptable increase in HGV traffic using the U25 unclassified road which is of inadequate construction standard, width and which has inadequate provision of inter-visible passing places to adequately cope with the volume of traffic that will be generated during the construction phase. The proposed development will therefore pose a danger to the safety of road users and potentially result in severance of access to the residential and farm properties served by the U25 road over a prolonged period.

Comment to Scottish Government

Conditions

Should the Scottish Government be minded to grant this application, South Ayrshire Council requests that it be consulted on proposed conditions prior to the grant of permission, In addition to the mitigation measures identified within the EIA Report that require to be conditioned the following additional matters have been identified: In relation to forestry, any conditions should include a requirement to attain the highest standard of forest felling and restocking design which will enhance landscape character and views in accordance with the 2014 Ayrshire & Arran Forestry and Woodland Strategy and the UK Forestry Standard. In relation to micro-siting, there should be a condition ensuring that there is no increase in the extent of visibility of the proposal seen from the B741 looking towards Kilkerran House and Inventory Listed Garden and Designed Landscape (EIA-R Viewpoint 4). Conditions are also required in relation to control of blasting at the borrow pit locations

Comments

In relation to the proposed access onto the B741 at Dailly for use by abnormal loads further consideration is required in relation to the effect on the amenity of the adjacent residential properties.

Further consideration is required in relation to the use of the U25 road for delivery of construction materials to the site using HGV and the traffic and transportation implications on the alternative routes if the U25 is excluded.

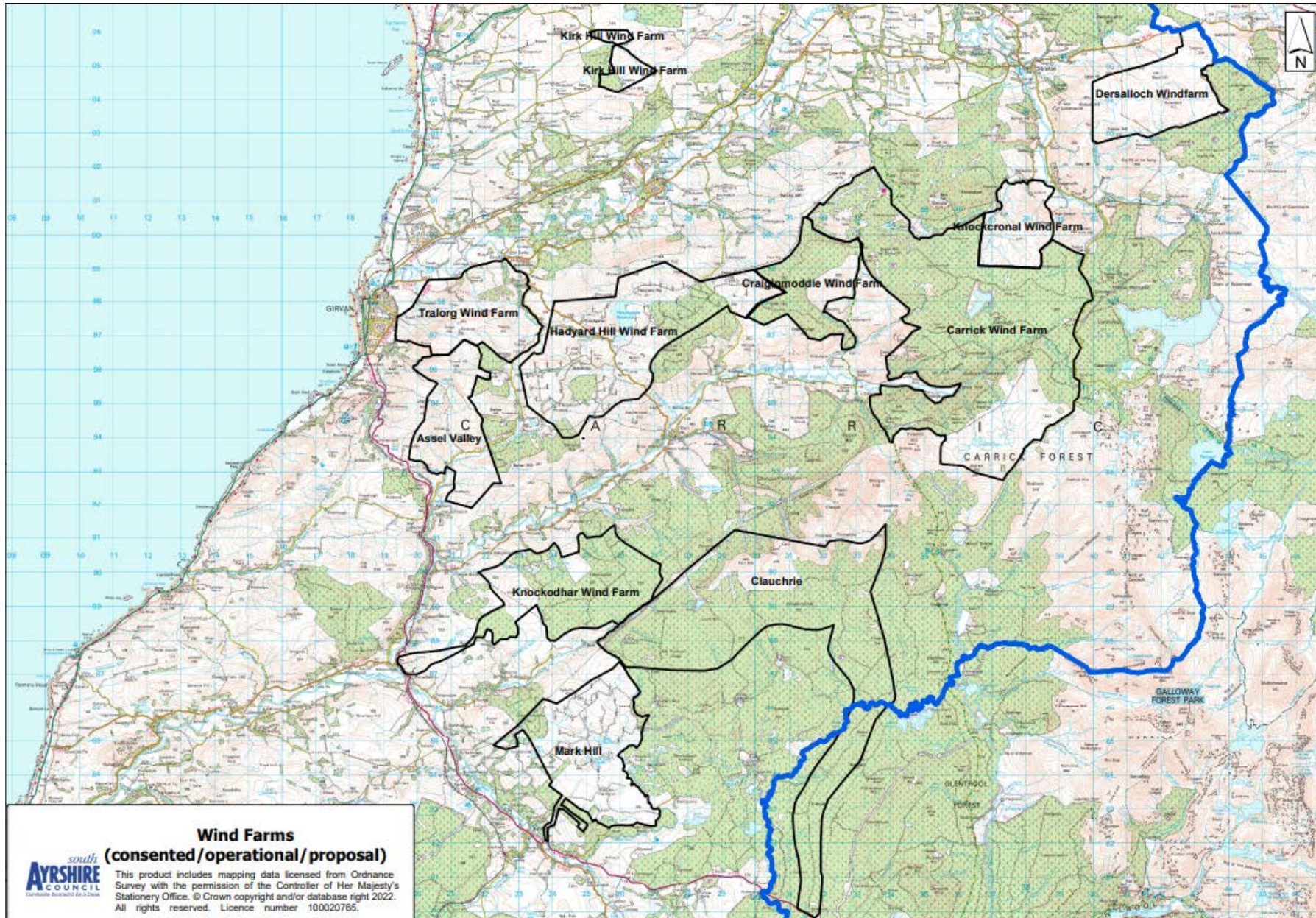
Background Papers:

1. Application form, plans and supporting documentation including Environmental Impact Assessment Report and Addendum.
2. Consultation responses to the ECU
3. Representations to the ECU
4. Scottish Planning Policy (SPP)
5. Historic Environment Scotland Policy Statement
6. Managing Change in the Historic Environment – Setting
7. Planning Advice Note 2/2011 “ Planning & Archaeology”
8. Adopted South Ayrshire Council Local Development Plan
9. Proposed South Ayrshire Local Development Plan 2
10. South Ayrshire Council Supplementary Guidance: Wind Energy (adopted 2015)
11. South Ayrshire Landscape Wind Capacity Study 2018
12. South Ayrshire Local Landscape Designations review (2018)
13. South Ayrshire Supplementary Guidance: Dark Sky Lighting (adopted 2016)
14. SNH Guidance- Siting and Design of Windfarms 2017, V3a
15. Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)

Person to Contact:

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

Appendix 1 – Location Plan



REGULATORY PANEL: 03 FEBRUARY 2022

REPORT BY PLACE DIRECTORATE

21/00224/APP

45 TAYBANK DRIVE AYR SOUTH AYRSHIRE KA7 4RG

Location Plan



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REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 03 FEBRUARY 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	21/00224/APP
SITE ADDRESS:	45 TAYBANK DRIVE AYR SOUTH AYRSHIRE KA7 4RG
DESCRIPTION:	ERECTION OF GARAGE
RECOMMENDATION:	DISCHARGE CONDITION 3 OF PLANNING PERMISSION 21/00224/APP

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, subject to certain restrictions arising directly from the public health measures put in place to deal with the COVID-19 (Coronavirus) pandemic.

1. Proposal:

The proposal relates to Condition 3 of planning permission 21/00224/APP which requires to be discharged by Members. The development was approved by Members of the Regulatory Panel on 11th November 2021 and comprises the erection of a garage within the curtilage of 45 Taybank Drive, Ayr. The construction of the garage had commenced at the time the application was submitted, and therefore it was partially retrospective. The garage is to be sited to the north of the dwelling's eastern (side) elevation and will measure 6.2 metres in length, by 3.8 metres in width and reaches a height of approximately 2.5 metres. The garage has to be finished with a mono pitched roof and is to be constructed in timber.

The application was approved by Members with the following conditions:

(1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

(2) The garage shall be used solely for domestic purposes incidental to the use of the dwelling house and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

(3) That notwithstanding condition 1 above, precise details of the finishing materials and fenestration arrangements/door(s) within the proposed garage shall be submitted to the Planning Authority within 2 months of today's date, and thereafter presented for consideration and final approval to the Regulatory Panel.

(4) That the existing off-road parking provision is retained within the curtilage of the development.

(5) That notwithstanding condition 3 above, no further works shall be undertaken on site until the terms of condition 3 are purified to the satisfaction of South Ayrshire Council.

2. Assessment:

The applicant has submitted details of the proposed finishing materials and location of doors within the approved garage, as per condition 3, set out above. The submitted materials comprise a Firestone rubber roof (Grey/black); exterior walls clad with 16mm Scandinavian Redwood timber, and finished with Sadolin Classic Wood Protection in 'Ebony' and double doors are to be positioned within the garage's southern elevation which faces on to the dwellinghouse at the application site. There are no windows proposed within the garage.

It is considered that the submitted finishing materials are suitable for an ancillary garage sited within a residential area, and can be accommodated without significantly detracting from the character and appearance of the surrounding buildings or the local area. The positioning of the proposed double doors is considered to be appropriate in terms of the overall design of the garage.

3. Recommendation

It is recommended that the proposed finishing materials are agreed and that Condition 3 of planning permission 21/00224/APP is discharged by Members. Thereafter, it is expected that the development will be completed in accordance with the details agreed under the terms of this condition.

Background Papers:

- (1) Application form and submitted drawings;
- (2) South Ayrshire Local Development Plan;
- (3) SG House Alterations and Extensions;
- (4) Representations;
- (5) Consultation Responses – the Ayrshire Roads Alliance and Environmental Health;
- (6) Regulatory Panel Report 21/00224/APP.

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:

Dianne Lewis, Planner – Place Planning - Telephone 01292 616 175

**South Ayrshire Council
List of Planning Applications for Panel Consideration on 3rd February 2022**

List No.	Reference Number	Location	Development	Applicant	Recommendation
1.	21/01114/PPP Mr Ross Lee (Objections) Application Summary	5 Green Street Ayr South Ayrshire KA8 8AF	Planning permission in principle for the erection of a residential development	Ashleigh (Scotland) Ltd	Approval with Conditions

REGULATORY PANEL: 03 FEBRUARY 2022

REPORT BY PLACE DIRECTORATE

21/01114/PPP

5 GREEN STREET AYR SOUTH AYRSHIRE KA8 8AF

Location Plan



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Summary

Planning permission in principle is sought for the erection of a residential development at 5 Green Street, Ayr. Due to the application being for planning permission in principle only, no further details of the design and layout of the residential units or other aspects of the development require to be submitted.

Whilst it is materially significant to note that the site is designated in the Adopted South Ayrshire Local Development Plan 1 (hereafter referred to as LDP 1) and the Local Development Plan 2 (hereafter referred to as LDP 2) as being located within the established Newton-on-Ayr industrial area, the applicable industrial and business policies allow for consideration of other non-industrial and business land uses where they meet with certain criteria and justification. As part of this there is a need for the applicant/agent to provide evidence that the development of the site future use of the land and premises for industry or business is unlikely and that an alternative proposal, in this case affordable housing, can be justified against the framework of planning policy.

The application has been assessed against the various material planning considerations which include the provisions of LDP 1, LDP 2, Scottish Planning Policy, Supplementary Planning Guidance, consultations, representations received (four in total), planning history and the impact of the proposed development on the locality. The assessment concludes that whilst the proposed development does not align with the allocation of the site for business and industry and the policy provisions with regards specific criteria of the business and industrial policy requirements there are other material planning considerations that out-weigh this in support of the proposed development for affordable housing.

While the marketing information submitted by the applicant/agent does not conclusively determine that there will be no interest in developing the site for business and industry in the future, they have demonstrated that a residential development and the benefits and opportunities that this proposal would bring, do in this instance, outweigh maintaining the land use designation of industrial/business. This includes the developments ability to contribute positively to the South Ayrshire Council Housing Land Supply shortfall/deficits, especially in affordable housing provision, and the placemaking, sustainability and regeneration opportunities that come from supporting this type of residential development at this urban, town centre and harbour/marina fronting location that has been vacant for over 2 ½ years. Therefore, the proposal can be considered as an acceptable departure to the relevant business and industrial policies of the development plans as an alternative affordable housing development can be justified.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application for planning permission in principle be approved subject to conditions.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 03 FEBRUARY 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	21/01114/PPP
SITE ADDRESS:	5 GREEN STREET AYR SOUTH AYRSHIRE KA8 8AF
DESCRIPTION:	PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A RESIDENTIAL DEVELOPMENT
RECOMMENDATION:	APPROVAL WITH CONDITIONS

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications, subject to certain restrictions arising directly from the public health measures put in place to deal with the COVID-19 (Coronavirus) pandemic.

1. Proposal:

The application site is located in Newton-on-Ayr and sits prominently at the junction of Green Street and North Harbour Street. It covers an area of 0.2 hectares (approximately) and comprises of both vacant premises at 3-5 Green Street, and also the associated adjacent land to the south. The whole site is showing signs of dereliction with it last being actively occupied in mid-June 2019 by a builder's merchant who operated from the whole application site.

Situated to the north of Ayr Town Centre, the site is within an area of mixed uses in close proximity to the harbour. To the south, the site overlooks the River Ayr and boat marina. It is bound by commercial properties to the north, with residential properties being the dominant and closest land uses to the west, east and south of the site. This is particularly apparent for the southern side of the site at the corner of York Street Lane and North Harbour Street where a residential tenement adjoins the corner of the application site directly. More broadly the frontages of North Harbour Street on both sides of the road to both the west and east are characterised by residential properties and similarly for the extent of York Street Lane and Green Street which run parallel to the application site.

Planning permission in principle is sought for the erection of a residential development on the site. Due to the nature of the application, no further details of the design and layout of the residential units require to be submitted. Notwithstanding this, the application provides an indicative layout with buildings shown around the perimeter of the site at North Harbour Street and Green Street, with parking and open space located to the rear. A single point of access to the site is proposed from Green Street. The submission suggests 40 units as an indicative number of residential properties, contained within flatted buildings up to four storeys in height. It is understood that the applicant seeks to develop the site for use as public sector affordable rented and elderly accommodation.

It should be noted for Members awareness that this current application and proposal is a follow-on/re-submission to an earlier application Ref. 20/00920/PPP for the same residential land use proposals. This earlier application was submitted in November 2021 and following review it was considered that it could not be supported at that time due to insufficient information. The application was subsequently withdrawn in January 2021 before it was considered by the Council's Regulatory Panel.

The application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, due to the Council potentially having a financial interest in the development.

2. **Consultations:**

- **The Coal Authority** - No Objections
- **Ayrshire Roads Alliance** - No Objections subject to Conditions
- **South Ayrshire Council Environmental Health Service** - No Objections subject to Conditions
- **Scottish Water** - No Objections
- **West of Scotland Archaeology Service** - No Objections
- **Scottish Environment Protection Agency** – No Objections

3. **Submitted Assessments/Reports:**

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

The applicant/agent has submitted the following information; marketing information comprising of email correspondence from the landowner, email particulars and correspondence from marketing agent Graham and Sibbald, marketing advert extract from Graham and Sibbald website, Marketing Appraisal report, Letter of support from South Ayrshire Council Housing Services, Design and Access Statement, Planning Statement, Addendum Planning Statement, Technical Supporting Statement, Site Investigation Report, Coal Mining Risk Assessment and Flood Risk Assessment.

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:**

Four representation(s), from four local households have been received, two of which objects to the proposed development with the other two supporting the development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning but a summary of these are set out as follows:

The issues raised in the objection submitted can be summarised as principally relating to; design, residential amenity, traffic transport and infrastructure concerns and other general and technical concerns.

The supporting representations consider that the development will enhance the area by redeveloping a redundant and derelict site and by providing residential accommodation which is close to the town centre of Ayr. They also believe that that proposals will also help to address the ongoing issue of seagulls who currently inhabit the roof of the existing premises within the site and cause residential amenity issues.

The merits of the representations received are considered in detail in the relevant sub-section of the Assessment section below.

(In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. A response to these representations is included within the assessment section of this report.)

7. Assessment:

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

(i) Development Plan and Other Policy Considerations (including Government Guidance)

Section 25 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 (LDP1); the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Members will note that the Scottish Government Department of Planning and Environmental Appeals Division (DPEA) concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP 2) and issued its Examination Report on 10th January 2022. The Examination Report and LDP 2 now forms a substantial material consideration in the determination of planning applications. The Examination Report, Reporters Recommendations and the intention to adopt LDP 2 will be submitted to Council in March 2022 for approval to submit the Plan for adoption to the Scottish Government.

In light of the above, the following section of this Report is subdivided into:

- A. An assessment based on the Adopted LDP 1;
- B. A review of the implications arising from the effective housing land shortfall, and the consequential implications this has on the assessment of the planning application. Consideration is given with respect to the Council's established methods to address such a shortfall (contained in Supplementary Guidance: Maintaining an Effective Land Supply), and the provisions of SPP (taking cognisance of the Court of Sessions determination to quash the December 2020 SPP amendments); and
- C. The final part of the section will provide an assessment against any consideration's material to the provision of LDP 2 and the associated Examination Report.

Part A: Assessment against LDP1

The statutory Local Development Plan (LDP) currently comprises the South Ayrshire Local Development Plan 1 (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

The following policies of the development plan are considered relevant to the consideration of this application:

- LDP1 Policy: Spatial Strategy
- LDP1 Policy: Core Investment Towns
- LDP1 Policy: Newton-on-Ayr
- LDP1 Policy: Sustainable Development
- LDP1 Policy: Business and Industry
- LDP1 Policy: Affordable Housing
- LDP1 Policy: Development Opportunities
- LDP1 Policy: Maintaining and Protecting Land for Housing
- LDP1 Policy: Residential Policy within Settlement Release Sites and Windfall Sites
- LDP1 Policy: Flooding and Development
- LDP1 Policy: Air Noise and Light Pollution

- LDP1 Policy: Low and Zero Carbon Buildings
- LDP1 Policy: Land Use and Transport
- LDP1 Policy: Open Space

(the policies can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/planlpdocuments.aspx>)

The Following Supplementary Planning Guidance is applicable:

- Supplementary Planning Guidance: Maintaining an Effective Five Year Land Supply
- Supplementary Planning Guidance: Open Space and Designing New Residential Development

An assessment of the policy considerations in relation to the proposals is set out below.

Spatial Strategy - Core Investment Towns:

The Spatial Strategy and Core Investment Towns seek to direct development towards existing towns and villages. The policy sets specific targets and aspirations for the different towns, villages and projects throughout South Ayrshire which developments should seek to deliver and/or contribute towards. Given the policy covers all of the core investment towns, only certain criteria are relevant to this current proposal. The policy confirms that it will encourage development within core investment towns (including Ayr) where; it promotes and enhances the vitality of town centres and vacant, redundant or brownfield land will be regenerated and it is considered both of these are relevant tests for this proposal.

In terms of LDP 1, the site is identified by the Newton-on-Ayr Strategy Map as part of a wider area of land designated as a general industrial area. The LDP 1 policies consider the location to be suitable for a range of uses, including, light industrial uses, and small-scale storage and distribution, with the potential for ancillary office/business activities to also be accommodated. Notwithstanding the designation of the site on the strategy map the development proposals do still accord with the spirit of much of the relevant criteria of this policy as cited above. Firstly, it is considered that a residential development on this site would promote and enhance the viability and vitality of the town centre and indeed assist in the overall regeneration of Ayr Town Centre. More specifically, a residential development on the site comprising of some 40 units would encourage population growth which would in turn stimulate increased footfall within the local area. This would have a positive impact on the overall vitality of the town centre including for the amenities and services in the locality.

Secondly, the current proposals will help to physically regenerate the area by transforming this currently underutilised, brownfield site through the provision of an affordable housing development. The site itself has been vacant for a period in excess of 2 ½ years and is showing signs of dilapidation. This site itself is situated in a desirable, attractive, urban location, within close proximity to the town centre of Ayr and also benefits from a harbour and marina fronting location, with views onto the River Ayr and beyond. All of these factors combined make this site an important and strategic site in the area and it is considered that because of all of this there is real opportunities to deliver a high quality, sustainable and placemaking agenda focused residential development on this site, which sets the design tone and standard for similar types of development in the locality going forward.

Newton-on-Ayr:

This policy supports a flexible approach to promoting Newton's potential to adapt to changing business and property needs, without affecting the area's existing use and character and states: "While the role of Newton as an industrial area is important, the relatively low land values and loss of housing has, in some cases, resulted in low levels of investment in building maintenance and not enough people to support activities and facilities. We hope that a flexible approach to promoting the area's potential will help stop this decline and reaffirm Newton-on-Ayr as a lively and viable area." This is achieved by ensuring development satisfies and does not compromise a number of requirements set out within the policy itself; Criteria a) to f). Similar to the Spatial Strategy policy, some of the criteria is not relevant to this case and this includes those relating to the future development of the Port of Ayr and those requirements applicable to retail developments. The relevant criteria in this case are criteria b) and criteria f) which are set out as follows:

- b) Making sure that development proposals within the Newton area are in line with allocated land use, as identified in the Newton-on-Ayr strategy map or as may be altered by the preparation of the Newton masterplan.

f) Supporting proposals for residential developments next to existing residential areas and where the developer can show that the development will not cause significant harm to the local environment or cause unacceptable disturbance to residential properties. Any proposal that involves industrial/business land must comply with LDP Policy: business and industry.

Whilst it is accepted that the current development proposals would not accord with criteria b) it is important to note that this policy does advocate for a flexible approach to development which allows proposals to be considered under criteria f), this policy offers support for proposals for residential developments next to existing residential areas where the developer can show that the development will not cause significant harm to the local environment or cause unacceptable disturbance to residential properties. The Design and Access Statement provided as part of this application includes a number of contextual plans which show the surrounding land uses to the site. These plans and photographs demonstrates the site is within close proximity to existing residential dwellings, with residential being the closest neighbouring land use on three sides of the application site, including the adjoining land to the south west corner of the site.

On this basis and noting the current land uses around the site, it is not considered that that a residential development would impact the existing use and character of the surrounding area in adverse or detrimental manner. Instead, the principle of residential proposals offers a land use which is consistent with much of the surrounding locality and in this regard it offers an opportunity to deliver a development that could be sympathetic and complimentary to the surrounding environment without causing unacceptable disturbance to existing and neighbouring residential properties.

Sustainable Development:

This Policy of the LDP supports the principle of Sustainable Development and sets out a series of standards against which the detail of development proposals are generally expected to meet. The purpose of this current application is to establish whether the site is, in principle, a suitable location for a residential development and so this would be a matter for the detailed application stage should this application for planning permission in principle be approved.

However it is reasonable to consider at this stage that a residential development on the site could be capable of delivering on much of the sustainability expectations of the policy. This is largely down to the location of the site within walking distance to the core town centre of Ayr and its public services, facilities and amenities. Future residents of the residential accommodation could therefore contribute to their efficient use and also benefit from their proximity to the development site. There are sustainable modes of transport, including cycling, bus and rail travel links. As a result it has the potential to deliver a 'twenty minute neighbourhood development' (a key aspiration and policy of the draft National Planning Framework 4 that is all about living locally, giving people the ability to meet most of their daily needs within a 20 minute return walk from home, with access to safe cycling and local transport options). Through the use of appropriately worded planning conditions (including requirements for cycle parking/storage, a travel plan and electric car charging points) combined with careful consideration of the development at detailed application stage, it is considered that opportunities to deliver a sustainable residential development can be maximised.

In addition to this and as previously outlined, weight is also given to the fact that the site at present constitutes a derelict industrial premises and yard which has lay vacant since June 2019. The opportunity to redevelop and regenerate the site to a form of development which, as evidenced in the 'Transport Assessment', will lead to a potentially less car and HGV dependant use would also comply with the spirit of the sustainability policies from a transport perspective.

Business and Industry:

It is materially relevant to note that under the Business and Industry and Newton-on-Ayr policies of the SALDP, the site is designated as forming part of the established Newton-on-Ayr industrial area and therefore the initial aim is to seek industrial and commercial uses on the land. The policies of the SALDP safeguard land and premises for industrial and commercial uses, so as to ensure there is a variety of industrial land and premises and a choice of different locations which is available to meet the existing and future demands of various different business and industrial users.

Notwithstanding the terms of this policy, in line with the provisions of Scottish Planning Policy, the LDP also recognises that, on occasion, there may be circumstances where alternative non-industrial use(s) may be acceptable within industrial areas. Indeed, the Business and Industry policy includes flexibility to consider such circumstances and in this regard set out the following criteria which applies to, and is materially significant in the assessment of proposals for non-industrial development within industrial areas;

1. The site must be within a settlement boundary, as defined in the local development plan.
2. The site must not be developed in a way that fragments a larger industrial area or cuts links between industrial users in that area.
3. If it is a residential development, future residents would not be negatively affected by business or industry in the area.
4. The developer must satisfy us that the land or premises are unlikely to be used for industry or business in the future.
5. The proposal, in every other way, complies within the local development plan.

In considering the development proposal against the above criteria, the following is noted;

1. The site lies well within the settlement of Ayr and is located in Newton-on-Ayr, close to the core town centre of Ayr.
2. As noted above, whilst the site lies within a larger area of land which forms part of the industrial area designation in LDP 1, only the land/premises to the adjoining north of the site is actively being utilised for industrial and commercial purposes at this time. The dominant and closest land uses on western, eastern and southern side of the site is existing residential. In this regard, it is considered that a residential development on the site would constitute a compatible land use noting the types of uses present within the locality.

In terms of the potential implications for the principle of a residential development to fragment the delivery of a larger industrial area or indeed cut links between industrial users, weight is given to the fact that the site is immediately surrounded and intersected by road networks on three sides; York Street Lane to the west, North Harbour Street to the south and Green Street to the east which provide good connectivity within the area. Opportunities for the site to play a role in physically expanding or linking existing or proposed industrial areas are extremely limited. In this context, it is only the existing established business premises which sits 'back to back' to this site to the north which could feasibly be directly extended to form part of a larger industrial area or form any sort of direct linkages. Notwithstanding this, during the marketing campaign, it is understood that no specific interest was received from the existing established units to the north to extend to the south using the application site. Due to this lack of interest in the respect, combined with the limited opportunities the site would present in terms of delivering a larger industrial area or a linkages between such areas, it is not considered that a residential development on site would necessarily have the consequence of fragmentation.

3. As the area is designated and zoned for industrial and business land uses, the 'Agent of Change' principle applies in so far, as the developer would be responsible for ensuring mitigation measures e.g. noise attenuation are designed into the development at the detailed planning application(s) stage to create an acceptable level of amenity for future residents of the site, ensuring they are not adversely impacted by existing business and industry uses in the area and, in turn, that these existing business and industry uses are not disadvantaged by a future residential development on this site.

As evidenced by the presence of existing residential dwellings within the locality, it is clear that residential land uses are capable of successfully co-existing in this mixed use area despite the wider industrial and business designation. The Council's Environmental Health Service has already referenced in their consultation response for the current planning permission in principle application, the need for any future residential development to meet various acoustic and noise insulation requirements to provide an acceptable level of residential amenity and these are included as planning conditions to this report. Therefore both these and the 'Agent of Change' requirements would be appropriately addressed at detailed application stage should planning permission in principle be granted.

4. The extent to which the land and premises are unlikely to be used for industry or business in the future is a key criterion against which the development proposal requires to be considered. Given the adopted planning policies which apply to the site, the onus is on the applicant/agent to set out an adequately reasoned and evidential justification which demonstrates, to the satisfaction of the Council, that future use of the land and premises for industry or business is unlikely.

The marketing information which accompanies this submission seeks to evidence that the site has been robustly marketed for industrial or commercial use and that despite this, there has been no tangible business or industrial interest in the site. It is worth noting that as part of consideration of the previous application 20/00920/PPP, the same marketing information was presented and at this time, and following review, it was not considered that this was sufficient enough information to be relied upon to evidence a pro-active, targeted and exhaustive marketing campaign in the interests of genuinely seeking to deliver industrial or business use on the land. As this marketing material has not be supplemented or bolstered by additional material to further evidence the extent and nature of the marketing campaign previously undertaken, the Council's position on this material remains unchanged as part of the consideration of this application in that it is lacking and insufficient. Notwithstanding the fact that the site has been vacant for over 2 ½ years, no weight is afforded to the marketing material presented and this does not evidence the criteria set out in the policy.

The current application has however been accompanied by a Marketing Appraisal report prepared by a property advisor. This examines the commercial feasibility of continued industrial and business use at this specific site in response to this criteria. The argument presented seeks to build upon the earlier case and through some additional market research and data information provided, it endeavours to evidence that there has been a change in demand with predicted trends for a downturn and lack of interest for industrial and business development sites in the Newton area in the future. The report suggests that the Heathfield and Boundary Road area are more desirable with these being larger scale, purpose built sites with more flexibility and better road connections. In addition to this, the appraisal also suggests that the site has little prospect of business and industrial reuse due its present state and condition. More specifically the appraisal puts forward a case that due to the physical arrangement of the site, the age, condition and appearance of the premises on-site, the limitations for accessibility for serving different types of commercial uses, this makes the site unattractive and unviable for continued industrial use. As a result, the report concludes that these same constraints significantly hamper the sites ability for refurbishment, subdivision or redevelopment for the same or similar type of uses.

Both arguments above are predicated on the assumption that the only current appetite for industrial land and premises in the area is for large scale, purpose build sites with equally large warehouse facilities. In this regard, the site in question could never accommodate such tenants, with Newton-on-Ayr historically catering for smaller, independent business and franchises and being successful at attracting these in the past. Given the baseline stance that the report starts from, the Council do not considered that the justification or assumptions are correct for this site and this in turn does not satisfy the requirements of this particular criteria. Crucially, and as set out above, sufficient additional information relating to marketing particulars to evidence the credibility of the previously undertaken marketing campaign remains absent from this application. The alternative argument presented as part of the appraisal in terms of the sites unsuitability due to its 'present state' and the change in demand/downturn in interest in Newton are not robust enough to supplement or offset for the absent marketing material.

5. The Marketing Appraisal Report sets out the assessment of the proposals against the relevant policy provisions of the Adopted South Ayrshire Adopted Local Development Plan and the Local Development Plan 2 which is considered in more detail below.

In summary of the above, while the proposals are compliant with 4 out of the 5 business and industry policy criteria, it has not been adequately reasoned and evidenced, to the satisfaction of the Council that the future use of the land and premises for industry or business is unlikely and therefore the application is considered to be contrary to this policy overall as a result.

Maintaining and Protecting Land for Housing:

The primary purpose of this policy seeks to promote and maintain an effective five-year supply of land for housing in South Ayrshire to meet demand. In situations where the supply is not maintained (which is currently the case at South Ayrshire Council with the housing land deficit as outlined in a number of sub-sections below). It asserts that the Council will assess any housing proposals on unallocated sites against relevant development plan policies and the criteria as set out in the supplementary guidance. As part of this, it states that the Council will encourage housing development on appropriate brownfield sites, rather than greenfield sites.

South Ayrshire Council has very recently published its 2020 Housing Land Audit. This Audit (agreed with Homes for Scotland) identified and acknowledged that a shortfall in 'effective housing land' has emerged pending the progression to adoption of LDP 2. The identified shortfall in 'effective housing land' is some 397 units (effective land supply 2020-25 of 2148 units versus a housing land requirement 2020-25 of 2545 units). In this regard, the 2020 Housing Land Audit outlines that only a 4.2 year effective land supply exists based on LDP 1.

In this regard, a residential development proposals for 40 units comprising of affordable residential flatted blocks subject to this application can contribute towards helping to reduce the housing land supply deficit whilst at the same time help to work towards achieving the target of the policy in terms of maintaining an effective five year supply of land for housing to meet demand. Whilst the site itself is unallocated (in the sense referred to within the terms of the above policy), it is on a redundant brownfield site and in this regard it does meet with the desired characteristics for considering housing developments in such scenarios. Given this, the principle of development the Green Street site for residential can help meet the identified shortfall and is on a site which would be considered acceptable by the terms of the policy.

Consideration of the proposed development against the Council's Supplementary Guidance 'Maintaining an Effective Land Supply' can be found in Part B below.

Residential Policy within Settlements, Release Site and Windfall Sites:

This policy seeks to protect the character and amenity of areas that are mainly residential, particularly from non-residential development that could have a negative effect on local amenity. It sets out a suite of criteria to which it will allow residential developments within settlements. The requirements in each case are quite prescriptive and relate to specific vehicular access arrangements, the layout, density, plot ratio, scale, form and materials of buildings, privacy and amenity matters, safeguarding of maintained amenity or recreational open space and sufficient on-site private and public open space provision.

For reasons previously set out, it is considered that the proposals would be capable of meeting with the criteria and subject to conditions, this can be addressed and demonstrated at further application stage, should planning permission in principle be granted.

Affordable Housing:

The above policy of the SALDP and the related supplementary policy guidance seeks to ensure affordable housing is accounted for as part of residential developments. More specifically, the policy sets a target contribution of 25% of the total number of units from all new housing developments of 15 units or more, or a site of 0.6 ha.

In this instance, the residential development proposal is for entirely for affordable housing comprising of approximately 40 flatted units of 1 and 2 bedrooms. The 'Addendum Planning Statement' presents a case that this development will help meet the demand for affordable housing and the evidence put forward includes consideration of the recent 'South Ayrshire Housing Need and Demand Assessment 2021-2026 (July 2021)' which concludes that:

- Demand for social housing is high, with recent figures showing more than 3,000 people on the Council's housing list.
- Supply is limited with an average of 770 Council properties becoming available in the five years to 2019/20 and between 140 and 200 lets per year.
- In terms of South Ayrshire Council's housing stock, there were estimated to be 4 applicants for every let in 2019/20. Most demand is for one and two bedroom properties.

The information presented in this respect is considered to be relevant and the figures set out make a compelling case. As the proposals subject to this application are seeking planning consent for some 40, 1 and 2 bedroom affordable flats in a close to town centre location and in this context is agreed that the development will make a positive contribution and does comply with the overall aim of the policy. Given, the justification presented by the agent is partly predicated on the affordable housing case set out above and noting that endorsing such a proposal would benefit the applicant with certain developer contributions being waived, a planning condition is considered necessary to restrict the future residential properties to being affordable housing provision only. Both the applicant and their appointed agent have agreed to this condition on this basis.

Development Opportunities:

This policy advocates that the Council will actively encourage development on brownfield, vacant and derelict sites instead of greenfield sites. To strengthen the vitality and vibrancy of all towns and centres, the Council will encourage the redevelopment of town-centre brownfield sites over other potential sites outside of town centres, where proposed use is in keeping with town centre uses.

As previously outlined in a number of sub-sections above, the site subject to this application is a vacant and derelict brownfield site situated at a prominent site within the town centre of Ayr. The redevelopment of this site, is compatible with neighbouring and town centre uses and will help to strengthen the vitality and vibrancy of the local town centre by increasing population density within the area and by helping to establish a twenty-minute neighbourhood. The premises on the site at present is in a poor state of repair and its unoccupied condition is becoming increasingly more notable with issues such as water ingress, vandalism and illegal occupancy (May/June 2021) all by-products of it lying unoccupied for over 2 ½ years. On this basis, the redevelopment of this site will also have a positive contribution visually, enhancing the appearance and general condition of the site at this prominent harbour side and marina fronting location and aligns with the policy requirements.

Open Space:

The policy seeks to ensure that sufficient and proportionate levels of open space are accommodated for relevant and applicable developments. The policy itself gestures to the Council's supplementary guidance note 'Open Space and Designing New Residential Development' which sets the requirements for public and private open space in both quantitative and qualitative terms.

In quantitative terms, as this proposal is for an affordable, residential, flatted development, open space should be provided at a minimum rate of 50 m² per unit. Any shortfall that is not provided on site would require a contribution to be made. In qualitative terms, the priorities and defining principles for open space on this site would need to reflect the needs of the intended client group. Noting the potential anticipated end user, it would be expected that proposed open spaces are fully usable and accessible and facilitate social interaction as well as perform practical functions.

Whilst the exact detail and arrangements for open space on-site would ultimately be a matter for the further detailed application (if planning permission in principle is granted) a condition has been included which covers these requirements. It is worth noting that the design statement and the indicative layout plans submitted do show cognisance to the above requirements with the provision of open space being illustrated as achievable on-site.

Flooding and Development:

The relevant policy stipulates a presumption against development in areas which are likely to be affected by flooding or if the development would increase the flooding elsewhere. As part of this it sets out the flood risk framework which all development proposals should be considered against.

The application is supported by a comprehensive Flood Risk Assessment which concludes that there is no significant flood risk associated with development of the site. SEPA have confirmed that they agree with the assessment's conclusions including the flood management measures proposed by the FRA floodplain avoidance and a minimum Finished Floor Level which can be secured by condition. The proposal is consistent with LDP Policy: Flooding and Development.

Other LDP1 policies:

Given the consultation responses above and the fact that the application is for the consideration of development in principle, it is reasonable to assume that policies with regards noise, lighting, vehicle movements and approaches to reducing carbon footprint could be reasonably addressed at detailed application stage with matters relevant to these policies addressed by planning conditions.

Part B: Acknowledged Housing Land Shortfall, Supplementary Guidance Maintaining an Effective Five Year Land Supply and Scottish Planning Policy

In September 2021, South Ayrshire Council published its 2020 Housing Land Audit. This Audit (agreed with Homes for Scotland) identified and acknowledged that a shortfall in 'effective housing land' has emerged pending the progression to adoption of MPLDP2 and its revised housing land requirements.

The Council's Supplementary Guidance 'Maintaining an Effective Land Supply', provides criteria against which residential development sites are to be assessed in terms of acceptability (or otherwise) in addressing the housing land shortfall. A key factor which underpins the criteria relates to encouraging housing development on appropriate brownfield sites, rather than greenfield sites. Members will be aware that the SG forms an integral part of the Development Plan and its provisions are therefore significant and have implications for the LDP 1 assessment of this application.

In turning to the specific provisions of the SG, a three-stage process to assess the acceptability of sites is established.

Stage 2 of the process requires (inter alia), any proposed site to:

- a) Be limited to 49 units;
- b) Contribute to reducing the deficit in the land supply at the point of determination (i.e. that it must be immediately effective);
- c) Not jeopardise the LDP Spatial Strategy by utilising infrastructure capacity planned to deliver LDP priorities (including allocated housing sites), the site can meet infrastructure requirements (as per LDP Policy delivering infrastructure) without undermining the viability of the development proposals; and,
- d) That the development of the site would otherwise be compliant with LDP.

The proposed development at Green Street is considered in response to the criteria as follows:

- a) The current proposal is for a residential development of some 40 units;
- b) Whilst this is a planning permission in principle application, the applicant has confirmed that their offer to purchase the site been accepted by the landowner and that subject to this application being approved it will be concluded. They have the finances, end user, resources and infrastructure requirements in place to progress the site swiftly and their intentions and commitment to develop the site in this regard is further evidenced by the discussions held with South Ayrshire Council Housing Services who support the application and confirm the site is within the Strategic Housing Investment Plan as an opportunity to deliver affordable housing; they also confirm the demand for 1 and 2 bed properties close to the town centre and are confident the site will secure Scottish Government funding towards delivery.
- c) Information has been provided at this stage to suggest that the development could be accommodated on site without jeopardising or putting an undue strain on infrastructure requirements. As part of this application, both Ayrshire Roads Alliance and the Council's Education Service have confirmed that no developer contribution would be needed for the development from their respective remits. As an affordable housing contribution would not be required (noting the nature of the development), the only outstanding matter would be addressing the open space requirements on site and the quantity and quality of the level of on-site provision would be assessed in more detail at further application stage, in response to conditions.
- d) As outlined above, the proposals are considered on balance to be compliant with all aspects of LDP 1 with the exception of the land use designation and specific criteria which forms part of the business and industry policy.

Given the aforementioned, it is considered that the Green Street residential proposals subject to this application are considered to be compliant with the terms of the South Ayrshire Council Supplementary Guidance 'Maintaining an Effective Land Supply' as outlined.

Separately, Scottish Planning Policy 2020 is a significant material consideration and also makes specific provision for circumstances where a shortfall in effective housing land is agreed.

Paragraph 125 states that where a shortfall in the effective 5-year housing land supply emerges in a plan which is more than 5 years old; 'development plan policies for the supply of housing land will not be considered up to date, and paragraphs 32-35 will be relevant'. Whilst such circumstances do not result in the dismissal of the policy provisions of the Development Plan, they introduce a provision that there is a presumption in favour of proposals which contribute to sustainable development. With respect to the determination of proposals for residential development, this has become known as a 'titled balance' in favour of residential development, unless other material factors outweigh that titled balance.

In such circumstances when considering whether a proposed development constitutes a sustainable development, this should be assessed according to the principles set out in Paragraph 29 of SPP:

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities as outlined in local economic strategies;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capacities of land, building and infrastructure including supporting town centre and regeneration priorities;
- Supporting delivery of accessible housing, business, retail and leisure development;
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- Supporting climate change mitigation and adaptation including taking account of flood risk;
- Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- Having regard to the principles for sustainable land use set out in the Land Use Strategy;
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- Reducing waste, facilitating its management and promoting resource recovery;
- Avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

It is readily evident that the proposed development does comply with a number of the principles which include the following;

- Gives due weight to net economic benefit by bringing a vacant and derelict site back into use.
- Opportunity to deliver a high quality design of residential development which maximises the urban, close to town centre, harbour and marina fronting location of the application site.
- Opportunity to deliver a residential development with a strong placemaking agenda which demonstrates the six qualities of successful places.
- Protect, enhance and promote the wider environment by providing a land use which is commensurate to neighbouring and surrounding uses with residential the most dominant in the locality.
- Making efficient use of existing capacities of land in terms of the redevelopment of a vacant and derelict brownfield site and fully support Ayr town centre regeneration priorities and policies.
- Support the delivery of an accessible housing development and given the proximity of Ayr town centre help to establish a twenty minute neighbourhood which is a key aspect of the emerging National Planning Framework 4 (NPF 4) for Scotland.
- Presents opportunities to improve health and well-being by utilising and integrating the close to town centre location of the site with options to make use of healthier and more sustainable modes of transport to support and serve future residents of the development.
- Support the delivery of much required affordable housing and contribute towards addressing a deficit.
- Take account and mitigates flood risk (as evidenced through the Flood Risk Assessment submitted).

Given the aforementioned, it is considered that the Green Street residential proposals subject to this application are considered to be, on titled balance, compliant with the terms of the SPP as in this case it relates to the situation where a shortfall in the effective 5 year housing land supply emerges (in a plan which is more than 5 years old) and it would qualify as a sustainable development noting the circumstances and characteristics associated with the application.

In this case and noting the above, this compliance with SPP takes precedence over the proposals being contrary to the land use designation and business and industry policy of LDP 1 and in this regard the application is considered to be an acceptable departure that can be supported.

Part C: Provision of emerging Development Plan (LDP2) and Examination

The Scottish Government Department of Planning and Environmental Appeals Division (DPEA) has concluded its Examination of the South Ayrshire Modified Proposed Local Development Plan 2 (MPLDP 2 but referred to as LDP 2) and has issued its Examination Report on 10th January 2022. The Examination Report and LDP 2 now forms a substantial material consideration in the determination of planning applications. The Examination Report, Reporters Recommendations and the intention to adopt LDP 2 will be submitted to Council in March 2022 for approval to submit the Plan for adoption to the Scottish Government.

The following provisions of the development plan are considered relevant to the consideration of this application:

- LDP2 Spatial Strategy
- LDP2 Spatial Strategy - Strategic Policy 1 Sustainable Development
- LDP2 Spatial Strategy - Strategic Policy 2 Development Management
- LDP2 Proposals Map – General
- LDP2 Proposals Map - Ayr
- LDP2 Policy - Business and Industry
- LDP2 Policy - Newton-on-Ayr
- LDP2 Policy - Development Opportunities
- LDP2 Policy – Delivering Infrastructure
- LDP2 Policy - Town Centre First Principle
- LDP2 Town Centre (Guiding Land Use)
- LDP2 Maintaining and Protecting Land for Housing
- LDP2 Residential Policy Within Settlements, Release Sites and Windfall Sites
- LDP2 Policy – Affordable Housing
- LDP2 Policy - Open Space
- LDP2 Policy - Flooding and Development
- LDP2 Policy - Air, Noise and Light Pollution
- LDP2 - Low and Zero-Carbon Buildings
- LDP2 Policy - Land Use and Transport

As set out above, the application site is zoned as part of a wider industrial land use designation within LDP 1 and this also remains unchanged with LDP 2. Generally, the policies of the proposed LDP 2 relevant to this application are similar to LDP 1 and the application has been assessed and considered in the same context as the adopted LDP 1. The conclusion of the assessment of the relevant policies for LDP 2 is generally consistent with the conclusions for LDP 1 in so far as the proposed development would not align with the land use designation of the plan and elements of the business and industry policies however other factors and material planning considerations, particularly with regards the housing shortfall case and the opportunity that this application presents to deliver much needed affordable housing, outweigh this in favour of the principle of the development.

The notable difference with LDP 2 compared to LDP 1 and the assessment covered above is that the examination outcome for LDP 2 has established that unlike LDP 1, there is no shortfall in overall in housing land at all tenure and private land levels however there is a significant shortfall in affordable housing provision. The proposed development of this site could contribute towards reducing this shortfall and therefore can be considered an acceptable departure that outweighs the aforementioned land use and spatial planning designation and the business and industrial policies of LDP 2, with other material planning considerations (namely, the application and developments contribution towards reducing the significant shortfall in affordable housing provision) which outweigh the aforementioned policy factors, in support for the principle of development on the site.

(ii) Representations Received

The representations received in relation to the proposal are summarised (italics), and responded to below as follows:

Objections:

Design concerns (layout, design, height and appearance of development):

- *Development is too high, existing buildings not of same height and scale. There is no variation in height which is out of keeping with the area.*
- *Proposal for 3 stories plus the flood lift and peaked roof design will mean that other properties will be dwarfed on all sides and this development will dominate.*
- *Proposals too dense with too many homes being squeezed onto a confined site. Lack of detail and absence of balconies on the North Harbour Street elevation is out of keeping with the neighbouring buildings*
- *The building is too close to the pavement. If it was set back it would make the streetscape more attractive and would allow other buildings in the locality not to be dominated.*
- *The 'prominent corner' is referred to several times in the Design Statement but the design of that part of the building is unattractive.*
- *There is no on-site provision for bike stores. These would encourage active travel and take advantage of the National Cycle Network Route 7 (which passes close by on Main Street) and further the Council's active travel strategy.*

The purpose of this application is to establish whether the site is, in principle, a suitable location for a residential development. Given the nature of the application, which is for planning permission in principle, no further details of the residential units, design or layout proposed requires to be submitted. While some limited information has been provided, this is purely indicative at this stage and there is insufficient information to enable the proper consideration of the proposals against the design concerns raised. It would be for further more detailed applications to consider the design details of the proposals, if planning permission in principle was to be granted.

With regards to the specific point raised regarding concerns for the absence of bike stores as part of the development, a condition has been included which stipulates requirements for on-site cycle parking and storage facilities to be included in the design of the detailed residential development, if planning permission in principle is to be granted.

Amenity concerns:

- *Proximity to other properties resulting in over-looking.*
- *Over-shadowing and a loss of light.*
- *Increased noise and activity compared to previous use*
- *Lack of community facilities in the area for the current population, and this would be felt more with this development. In particular there is no communal green space.*

As noted above, given the nature of the application which is for planning permission in principle, no further details of the residential units or layout proposed requires to be submitted. While some limited information in relation to a suggested possible design and layout has been provided, this is purely indicative at this stage and there is insufficient information to enable the proper consideration of the proposals against the potential impact on the amenity of nearby properties. It would be for further more detailed applications to consider the design details of the proposals and if/how they may impact on the amenity of nearby and adjoining properties, if planning permission in principle was to be granted.

In terms of the points raised regarding the lack of community facilities in the area, this is not a matter which this planning permission in principle application could reasonably be assessed or considered against. The applicant has confirmed that the development will provide on-site green infrastructure and open space provision to serve future residents and this is gestured to on the indicative layout plans provided. The requirements to deliver on-site open space have been included as a condition and this would once again be for further more detailed applications to consider and secure, if planning permission in principle was to be granted.

Traffic/Transport and infrastructure concerns:

- *Access to the site - the proposed car park is too narrow from York Street Lane, pavements on York Street Lane very narrow and will not support two cars meeting.*
- *Proposed parking is insufficient and too close to other properties, potential for increased on-street parking on Green Street and North Harbour Street where there is already a shortage.*
- *Increase in traffic from development including those providing services to the homes, bin lorries, delivery/courier drivers, visitors, traffic noise and activity previously restricted to hours of 8-5 (Mon-Sat) and this development will now mean potential traffic 24/7.*
- *The alternative route to Main Street, using Crown Street, has two junctions which are already difficult for pedestrians. Back Main Street is busy with Aldi traffic and Main Street where there are three lanes of traffic to cross.*
- *Sections of the pavements on the most direct route to the town centre are only wide enough for one person.*
- *Pedestrian access to nearest shops, amenities and bus stops is difficult. The most direct routes are poorly lit, badly maintained and used for anti-social purposes. They are unpleasant to use during the day and unsafe to use at night.*
- *Given the above, the development would not meet the Council's Plan 2018-2022 commitment to 'work with communities on opportunities for older people to be active and socialise within their community'.*

The Ayrshire Roads Alliance (ARA) has been consulted on the proposals and has offered no objection to the principle of the residential development of the site. As part of their response they have recommended various planning conditions in relation to parking and access so as to inform the details of future residential proposals. These matters would be addressed as part of more detailed applications, if planning permission in principle was to be granted.

More broadly and in considering the proposals, the ARA will have considered the adequacy of the existing local road network, and the pedestrian footpaths adjacent to the site and they have raised no specific issues nor have they requested any conditions or recommendations for infrastructure contributions which suggest that either are insufficient to support a future residential development. As noted elsewhere in the report, the site is noted to benefit from a short distance from the town centre and its public transport connections. It is also understood that public buses routes travelling to and from the town centre are located at Main Street, which is in close proximity to the site.

In terms of the specific concerns raised in relation to the perceived unsuitability of York Street Lane to serve and access the developed, it should be noted that this is not being proposed as an access to the site for the residential development. The Transport Statement sub-section contained within the Technical Supporting Statement confirms that the residential development would only have one access with this being the existing access on Green Street and this would be used for vehicles to access the rear parking court.

Finally and with regards to the Council Plan, the application has been appropriately considered against the policy provisions of LDP 1 and LDP 2 which provides the statutory framework for the assessment of applications for planning permission.

General and other technical concerns:

- *Potential disruption and/or damage to neighbouring properties during construction due to proximity (in particular potential for foundations and ventilation of neighbours to the site to be impacted).*
- *Potential anti-social behaviour from residents with at least 40 new neighbours and families being introduced to the area.*
- *Construction works will disturb asbestos, mine workings, hazardous gas flow, hydrocarbon contamination which will be dependent upon how much groundwork and removal is required, proposed development for affordable housing is being built on contaminated soil.*
- *Site is at high risk of flooding and is being situated in an area where SEPA issue regular alerts to residential properties.*

The purpose of this application is to consider the land use planning merits of the principle of a residential development at the site. That being the case, it would be for future more detailed application to consider the design details of the proposals, if planning permission in principle was to be granted. Notwithstanding this, any damage to properties or neighbouring land that could or may occur at construction stage would be a private legal matter. Equally, it is relevant to note in response to the specific concerns raised regarding potential anti-social behaviour and disruption from the development, these are not material planning considerations which can be afforded weight in the assessment of this application.

Environmental Health regulate the hours of operation of construction sites and as such any construction activity on the site would have to work to certain parameters including restricted hours and days. A condition has been included which limits construction hours to defined times/days. With regards to site contamination issues, the Council's Environmental Health Service is responsible for ensuring that the applicant appropriately deals with any contamination issues, in accordance with the relevant legislation. As part of this, they have requested a condition which covers the potential for future un-encountered contamination and this is included below.

In terms of the specific concerns regarding the disturbance and implications of mine workings, The Coal Authority have confirmed in their consultation response that they have no objections to the proposed development. This follows on from the review of the Coal Mining Risk Assessment that has supplied as part of the application.

Finally, with regards to the flooding matters raised, As noted above, SEPA has confirmed that the site is not at risk of flooding. A comprehensive Flood Risk Assessment (FRA) accompanies this application and this provides evidence as to how a residential development, subject to existing site characteristics and proposed mitigation measures, could be accommodated on the site. SEPA endorse the FRA and its findings and conclusions. A condition is proposed which requires the development to be constructed in line with the FRA including any mitigation proposed.

Support:

- *The development will refurbishment, enhance and regenerate the area with the current abandoned and derelict Jewson's site now a complete eyesore.*
- *The development will provide accommodation within walking distance of the town centre and this will be of benefit to future residents but also the services and amenities available in the town centre due to the additional footfall generated.*
- *The redevelopment of the residential site will also provide an opportunity to address the issue of seagulls which use the vacant premises as a prime nesting site over summer months. These seagulls cause considerable noise disturbance, bin raiding, fouling and pedestrian swooping and so long as these proposals provide preventative actions to prevent/reduce seagull nesting on the roofs of residential properties, it will be beneficial to all local residents in the area.*

The terms of the supporting comments with regards to visual and environmental improvements and the benefits of the proximity of the site to Ayr town centre are noted. In terms of the matters raised regarding addressing the issues surrounding seagulls, the Council's Environmental Health Service have advised that they would be responsible for addressing any such issues should they become or constitute a nuisance at a later date.

(iii) Planning History

As previously outlined, a Planning permission in principle application (20/00920/PPP), which proposed the erection of a residential development was submitted to the Council in November 2020. Following assessment, the Planning Authority considered that the application did not provide sufficient information to evidence and justify that the future use of the land and premises for industry or business is unlikely. On this basis, they considered that the proposed for a non-commercial use had not been robustly justified and as a result the proposal was premature. A Regulatory Panel report was drafted by Planning Authority and following review and consideration the applicant/agent made the decision to withdraw the application before it was considered by the Panel.

The applicant/agent have demonstrated cognisance and understanding to the position previously taken by the Planning Authority and this is reflected in some of the information and material which accompanies this application (e.g. the re-submission). Whilst the Marketing Appraisal report does not effectively evidence why future use of the land and premises for industry and business is unlikely and no weight or justification can be given to this, the Addendum Planning Statement to the previous Planning Statement is more compelling and sets out a line of justification which was not previously presented in support of the proposed development.

The additional material and information submitted as part of this application compared to the previous, in so far as the Addendum Planning Statement is considered significant in this case and the justification presented has allowed the Planning Authority to consider the proposals favourably and in turn to recommend approval.

(iv) Impact on the Locality

Given the nature of the application, which is for planning permission in principle, no further details of the residential units or layout proposed requires to be submitted. While some limited information in relation to a suggested possible design has been submitted, there is insufficient information to enable the proper consideration of the details of the proposals.

The Council's Environmental Health Service has already referenced the need for the development to meet various acoustic requirements and these are included as planning conditions to this report. Compliance with these acoustic and noise requirements alongside the Agent for Change' (which is established as the responsible test to mitigate any environmental impact on existing neighbouring land uses) would be for the applicant to evidence as part of further more detailed applications can be achieved and complied with.

Notwithstanding all of the above and as previously set out in earlier sections above, as evidenced by the presence of a number of existing residential dwellings within the locality, it is reasonable to consider that residential land uses are capable of co-existing in this mixed use area despite the wider industrial and business designation. In principle, there is no reason at this time to suggest that such compatibility (subject to further detailed consideration and potential mitigation) could not also potentially be reasonably achieved for a residential development on the application site.

8. Conclusion:

Planning permission in principle is sought for the erection of residential development on land at the former Jewsons site, Green Street, Ayr. An assessment of the planning merits of the proposals is set out above and this includes an assessment against the various material planning considerations; the provisions of the LDP 1, LDP 2, Scottish Planning Policy, supplementary guidance, consultations, representations received (four in total), planning history and the impact of the proposed development on the locality.

Although the site is designated as part of a larger area which is zoned for industrial use and is subject to assessment against the industry and business policies within LDP1 and LDP2; the same policies of the plans also allow for a flexible approach for development in Newton on Ayr which allows consideration for alternative uses subject to sufficient justification and evidence being provided.

Even though the proposals fails to capitalise upon this flexibility in terms of providing an adequately reasoned and evidenced case that the site is unlikely to be developed for industry or business in the future, significant weight is given to the merits of the proposed developed as presented by the applicant/agent as part of the application. This includes the fact that the proposed residential development will contribute to addressing an accepted shortfall in housing land supply in LDP 1, that it will provide affordable housing provision and contribute to towards addressing a significant shortfall (particularly relevant with regards to LDP 2), that it constitutes a 'sustainable development' under the terms of Scottish Planning Policy and finally that it is offering a tangible proposal to regenerate and redevelop a semi-derelict and brownfield site. Developments which contribute to addressing an established shortfall in housing land supply, constitutes sustainable development and also the reuse brownfield land is strongly supported in the strategies of the development plans and also more broadly within Scottish Planning Policy and this is evident in the assessment in this case.

Therefore, the proposal is considered to be line with these requirements and on this basis it can be considered as an acceptable departure to the relevant land use designation of the spatial strategies and business and industrial policies of LDP 1 and LDP 2. In this instance, that the above justification and reasoning outweighs the land use designation and the criteria contained within the industrial and business policies of the development plans.

In addition to all of the above and whilst this did not form an integral part of the applicants justification, weight is also given to the fact that the application site is situated at a strategic, close to town centre, harbour and marina fronting location. In this regard, it is considered that the application provides a real opportunity to deliver a high quality, placemaking focused residential development which meets with a number of sustainability, design and regeneration targets set out within the policies of the plans, the associated supplementary guidance and national planning guidance. This approach will be achieved through a suite of appropriately worded planning conditions that will help to inform the detailed design.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application for planning permission in principle be approved subject to conditions.

9. Recommendation:

It is recommended that the Director of Place be granted delegated powers to approve this application for planning permission in principle subject to the condition(s) set out below:

Conditions:

1. No development shall commence until such time as approval of the detailed design of the residential development (hereinafter called "Approval of Matters Specified in Conditions") has been granted by the Planning Authority. Any application for approval of matters specified in conditions shall be submitted before the expiration of three years from the date of this planning permission in principle and shall include:
 - a) The overall site layout/internal layout of the development;
 - b) The orientation, size, height, design and external appearance and finishing materials of residential buildings;
 - c) The means of drainage and sewage;
 - d) Details of the full vehicular and pedestrian access arrangements;
 - e) Provisions for car parking;
 - f) Boundary walls/fences to be erected and/or retained;
 - g) Existing and proposed site levels and floor levels;
 - h) Hard and soft landscaping arrangements;
 - i) Public and private open space.

2. This permission in principle, subject to the specified planning conditions, relates to the plans listed below unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority. For the avoidance of any doubt, the requirements of the conditions of this permission will necessitate an amendment to some of the plans listed below including the 'Site Plan as Proposed' (Drawing No. AL (00)03)), Proposed Sketch Perspectives (Drawing No. AL-XX-01) and the associated Design Statement (Denham Benn, November 2021).
3. The indicative design and layout of the residential flatted blocks shown on drawings; 'Site Plan as Proposed' (Drawing No. AL (00)03)), Proposed Sketch Perspectives (Drawing No. AL-XX-01) and the associated Design Statement (Denham Benn, November 2021) are hereby not approved. The Approval of Matters Specified in Conditions application required by Condition 1 shall include a revised building design, massing, appearance and layout which seeks to deliver a high quality, placemaking approach that effectively responds to the urban, close to town centre and harbour/marina fronting location of the application site. In addition to this, the revised design shall also be fully compatible with neighbouring and surrounding properties and details shall be included to demonstrate that the proposed residential buildings will not unduly impact existing neighbouring and surrounding properties by way of overshadowing or overlooking. The revised design of the development will demonstrate compliance with the requirements of the Local Development Plans and government policy including 'Creating Places' and 'Designing Streets' together with the Council's Guidance on 'Open Space and Designing New Residential Development' and 'New Housing Developments and Affordable Housing'.
4. All residential units proposed on site and subject to Approval of Matters Specified in Conditions applications shall constitute affordable housing provision in line with the approved 'Addendum Planning Statement' (McInally Associates, December 2021). The affordable housing shall meet the definition of 'affordable housing' (namely housing of a reasonable quality that is affordable to people on modest incomes) in the Scottish Government's 2014 'Scottish Planning Policy' or any future government policy that replaces it.
5. Further to Condition 1 part c) above, the Approval of Matters Specified in Conditions application shall include full details of a suitable Sustainable Urban Drainage System designed and constructed in accordance with SUDS Manual CIRIA C735 and other relevant guidance to serve the development. The Sustainable Urban Drainage System should be designed to ensure that infrastructure and buildings are generally free from surface water flooding in rainfall events and 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, if the chosen Sustainable Urban Drainage System solution requires discharge to an open water course then this discharge rate shall be agreed with the Flood Risk Management Authority.
6. Further to Condition 1 part e) above, the Approval of Matters Specified in Conditions application shall provide off road parking spaces provided within the existing site boundary in accordance with the Council's Roads Development Guide. In each case, parking bays shall be a minimum 5.5 metres x 2.9 metres with minimum aisle widths of 6m and provision should also be made for both disabled parking bays and electric car charging points parking bays within the proposed parking layout.
7. Further to Condition 1 part i) above, the Approval of Matters Specified in Conditions application shall include detailed supporting information illustrating compliance with the Council's planning guidance in relation to 'Open Space and Designing New Residential Developments' and/or any subsequent document prepared by the Council in relation to the provision of open space for residential areas. As part of this, such details shall include annotated plans showing the exact locations and volumes of open space including their appearance, make-up and associated features (including street furniture) alongside a supporting documentation/statement which provides understanding of the nature, function and role of the areas of open space(s) proposed.
8. Further to Condition 1 part h), the Approval of Matters Specified in Conditions application shall include a detailed landscape scheme comprising of a full planting schedule and ongoing maintenance arrangements for the development.

9. That the presence of any previously unsuspected or un-counteracted contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week, and work on site shall cease. At this stage, if requested by the Planning Authority, a comprehensive contaminated land investigation shall be carried out and shall be submitted to for the formal prior written approval of the Council as Planning Authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution 'The investigation of potentially contaminated sites-Code of Practice' BS 10175: 2001, or as may be amended). The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of any residential property as part of the development. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.

10. The Approval of matters specified in conditions application shall include, a Noise Impact Assessment prepared by a suitably qualified person. The Noise Impact Assessment shall be carried out in accordance with the principles outlined in Technical Advice Note (TAN) Assessment of Noise and shall identify all noise sensitive receptors located within the application site in the high and medium category (Table 2.1 TAN) and the level of significance determined. The maximum target noise levels within the noise sensitive receptor to be used in the assessment shall be:

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

Where a potential for noise disturbance is identified in relation to the receptors above, proposals for the attenuation of that noise shall be included as part of assessment to ensure internal and external noise levels can be achieved. Any such approved noise attenuation scheme shall be implemented prior to the occupation of any of the residential properties within the site and shall thereafter be retained in accordance with the approved scheme unless otherwise agreed in writing by the Planning Authority.

11. Further to Condition 10 above, prior to the occupation of any of the residential flatted buildings or properties identified as noise sensitive receptors in the Noise Impact Assessment approved, a Verification Report, prepared by a suitably qualified professional shall be submitted to and approved in writing by the Planning Authority. This verification report shall demonstrating compliance and validation of the maximum noise projections and effectiveness of the noise attenuation measures detailed within the approved 'Noise Impact Assessment' Report (approved through Condition 11). These levels and measures as agreed and validated within the approved Verification Report shall be maintained for the lifetime of the development thereafter unless otherwise agreed in writing by the Planning Authority.

12. The final design of the layout of the residential development and finished site and floor levels approved as part of subsequent Approval of Matters Specified in Conditions applications shall be undertaken in accordance with the approved Flood Risk Assessment (Environcentre, January 2021) including the mitigation measures contained within.

13. Prior to the commencement of development on site, details of an effective vehicle wheel washing facility shall be submitted to and approved by the Planning Authority. Thereafter, the approved wheel washing facility shall be installed prior to any construction work associated with the development commencing. It shall remain in place for the duration of the construction activity until the development is complete unless otherwise agreed in writing by the Planning Authority.

14. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:

- Mondays to Fridays: 0700-1800
- Saturdays: 0700-1200
- Sundays and public holidays: No working

15. Unless otherwise agreed in writing, no development shall commencement on site until a Travel Plan is submitted and approved in writing by the Planning Authority (in consultation with the Roads Authority). The Travel Plan shall include information and details on the following:
- Identify, walking, cycling and public transport facilities, services and opportunities within the vicinity of the development site, including journey times by sustainable modes of transport to key local destinations.
 - Identify measures to promote sustainable travel to and from the site and measures and actions to reduce private car dependence.
 - An information pack which will be provided to future occupants of the development to ensure that they are aware of the public transport and active travel options available within the area.
 - A system of management, monitoring, review, reporting the effectiveness of the Travel Plan and the measures proposed.
- Thereafter, the approved Travel Plan including any measures identified shall be implemented in a timescale to be agreed in writing by the Planning Authority and shall thereafter remain in place for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.
16. Prior to the commencement of development on site, details and specifications as to how the discharge of water onto the public road carriageway shall be prevented by drainage or other means shall be submitted to and approved in writing by the Planning Authority (in consultation with the Roads Authority). Thereafter, the approved drainage or other measures and features shall be installed prior to the occupation of any residential property within the site and shall be maintained as such within the site for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.
17. Prior to the commencement of development on site, details and specifications of the surfacing works to the private access to the site shall be submitted to and approved in writing by the Planning Authority. Such details shall ensure that the private access is surfaced for a minimum of 10 metres as measured from the rear of the public footway. The approved surfacing details and arrangements shall be installed and undertaken prior to the occupation of any residential property within the site and shall be maintained as such within the site for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.
18. Prior to the commencement of development on site, details and specifications showing the design and specification of a turning area capable of allowing service vehicles to turn within the site boundaries whilst accessing the proposed bin storage area shall be submitted to and approved in writing by the Planning Authority. The turning area proposed shall be in accordance with the Council's Roads Development Guide. The approved turning area and arrangements shall be installed and undertaken prior to the occupation of any residential property within the site and shall be maintained as such within the site for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.
19. Prior to the commencement of development on site, details and arrangements for the location of bin collection points and the design of bin store and refuse facilities shall be submitted to and approved in writing by the Planning Authority. As part of this, such details shall show bin collection points to be located a maximum of 15 metres from the public carriageway. The approved bin collection points and bin store/refuse facility details shall be installed and undertaken prior to the occupation of any residential property within the site and shall be maintained as such within the site for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.
20. Prior to the commencement of development on site, details of the design and location of on-site cycle storage and cycle parking provision shall be submitted to and approved in writing by the Planning Authority. Such details shall include for the provision of a lockable and covered cycle stand accommodating a minimum of 1 no. cycle per dwelling within the site boundaries. The approved cycle storage and parking provision shall be installed and undertaken prior to the occupation of any residential property within the site and shall be maintained as such within the site for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.
21. That junction access visibility sightline splays of 2.4 metres by 45 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays.

22. Unless otherwise agreed in writing, prior to the occupation of any residential property within the site, the proposed access shall be constructed in accordance with the specification in the Council's Roads Development Guide, and to be a minimum of 5.5 metres wide over its initial 10 metres, as measured from the rear of the public footway.
23. Unless otherwise agreed in writing, prior to the occupation of any residential property within the site, the existing footway crossing shall be removed and the footway reinstated in accordance with the specifications in the Council's Roads Development Guide.
24. Any gates proposed as part of the development shall be set back a minimum distance of 6 metres from the rear of the public footway and open inwards away from the public roadway.

Reasons:

1. To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by section 20 of the Planning etc. (Scotland) Act 2006. In order to retain proper control over the development proposal.
2. 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 20 of the Planning etc. (Scotland) Act 2006.
3. In the interest of proper planning and placemaking of the area and to ensure the design and layout of the residential development maximises the sites potential and complies with the requirements of the Local Development Plan and government policy including 'Creating Places' and 'Designing Streets' together with the Council's Guidance on 'Open Space and Designing New Residential Development' and 'New Housing Developments and Affordable Housing'.
4. To ensure that the future residential development is progressed and delivered in line with the proposals and justification presented at planning permission in principle stage and to ensure that the flexibility afforded to the development in terms of developer contributions remains justified.
5. To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
6. In the interest of road safety and to ensure adequate off-street parking provision which is sufficient for manoeuvring and turning.
7. To comply with the Council's supplementary planning policy guidance in relation to open space and in the interests of the proper planning of the area.
8. In the interests of visual amenity and to ensure that adequate hard and soft landscaping is in place for the site.
9. To ensure all contamination within the site is dealt with.
10. To prevent road, business and industrial noise nuisance in the interest of residential amenity.
11. To prevent road, business and industrial noise nuisance in the interest of residential amenity.
12. In order to ensure no increased flood risk within and out with the development site.
13. In the interest of road safety and to ensure no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality.
14. In the interests of the amenity of residential properties in the vicinity.
15. To encourage sustainable means of travel and to ensure the development maximises and facilities opportunities for sustainable travel.
16. In the interest of road safety and avoid the discharge of water on to the public road.
17. In the interests of road safety and to ensure an acceptable standard of construction.
18. To enable service vehicles to enter and leave the site in forward gear and in the interests of road safety.
19. In the interest of road safety and to ensure that adequate provision is made for pedestrians.
20. To ensure adequate provision of cycle storage and cycle parking on site and to encourage sustainable means of travel.
21. In the interest of road safety and to ensure acceptable visibility at road junctions.
22. In the interest of road safety and to ensure an acceptable standard of construction.
23. In the interest of road safety and to ensure an acceptable standard of construction.
24. In the interest of road safety.

Advisory Notes:

The Coal Authority

- The Coal Authority is satisfied with the conclusions of the Coal Mining Risk Assessment (November 2021) informed by the site investigation works, based on the professional opinion provided by Mason Evans Partnership Limited; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, the Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues. Notwithstanding this, in the interests of public safety, we request the following as an Informative Note:
- The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority (0345 762 6848). Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

Scottish Water

- All proposed developments require to submit a Pre-Development Enquiry (PDE) to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer which Scottish Water can contribute towards through Reasonable Cost Contribution regulations. As network upgrades will be required to support this development, it is recommended that a PDE is submitted at your earliest convenience.
- The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
- For reasons of sustainability and to protect our customers from potential future sewer flooding. Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.
- Scottish Water asset plans can be obtained from our appointed asset plan providers: Site Investigation Services (UK) Ltd, Tel – 0333 123 1223, Email – sw@sisplan.co.uk, www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Ayrshire Roads Alliance

- Road Opening Permit – This shall be applied for, and obtained from the Council as Road Authority, for any works within the public road limits, 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.
- Cost 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.
- Fire Exits – Any fire exit to the public road shall be maintained free of obstruction at all times.

List of Determined Plans:

- Location Plan (Drawing No. AL-00-01)
- Existing Site Plan (Drawing No. AL-00-02)
- Proposed Site Plan (Drawing No. AL-00-03)
- Proposed Sketch Perspectives (Drawing No. AL-XX-01)
- Site Layout and Photographs (Drawing No. D/001)
- Design Statement (Denham Benn, November 2021)
- Planning Statement (McInally Associates Ltd, November 2021)
- Addendum Planning Statement (McInally Associates Ltd, December 2021)
- Flood Risk Assessment (Environcentre, January 2021)
- Market Appraisal Report (North Property Advisors, November 2021)
- Historic Marketing Information and Evidence
- Supporting Technical Statement (Clancy Consulting, November 2021)
- Site Investigation Report (Mason Evans, January 2021)
- Coal Mining Risk Assessment (Mason Evans, November 2021)

Background Papers:

- Application form, plans and submitted documentation
- Consultation Responses
- Representations
- Adopted South Ayrshire Local Development Plan 1
- Town Centres and Retail Local Development Plan
- Modified proposed South Ayrshire Local Development Plan 2
- Supplementary Guidance: 'New Housing Developments and Affordable Housing'
- Supplementary Guidance: Maintaining an Effective Five-Year Land Supply
- 'Open Space and Designing New Residential Developments' Guidance
- Scottish Planning Policy (SPP)

Equalities Impact Assessment:

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

Person to Contact:

Mr Ross Lee, Supervisory Planner - Place Planning - Telephone 01292 616 383