

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 23 June 2022 at 10.00 a.m.

Present

In County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Brian Connolly, Martin Kilbride and Duncan Townson.

Present

Remotely:

Councillor Craig Mackay.

Apologies:

Councillors Mary Kilpatrick and Mark Dixon.

Attending

In County

Buildings:

L. Reid, Assistant Director (Place); K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); A. McGibbon, Supervisory Planner; D. Clark, Supervisory Planner; R. Lee, Supervisory Planner; E. McKie, Planner; K. Braidwood, Ayrshire Roads Alliance; A. Gibson, Committee Administrative Officer, C. Buchanan, Committee Administrative Officer; and C. McCallum, Committee Services Assistant.

1. Welcome and Declarations of Interest

The Chair welcomed everyone to the meeting and took the sederunt.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct

- (1) Councillor Clark advised that he would not take part in item 2(1) below as he would speak to the Panel as a Ward Member and then withdraw from the meeting for the remaining time that item was being considered; and
- (2) Councillor Townson advised that he would declare an interest in item 2(2) below and withdraw from the meeting during consideration thereof as there would be a conflict with his employer.

2. Applications for Planning Permission

There were submitted [reports](#) (issued) of June 2022 by the Director - Place on planning applications for determination.

The Panel considered the following applications:-

As stated above, Councillor Clark did not participate in the undernoted application, as a Member of the Panel.

- (1) [22/00093/APP](#) – **GIRVAN - Victory Park and Pavilion, South Park Avenue** – Construction of a 3G artificial grass surfaced sports pitch with associated fencing , floodlighting, access paths , service access road and drainage.

There were representations made to the Panel by interested parties. Councillors Clark and Scott both addressed the Panel as Local Members. Both left the meeting after they had addressed the Panel.

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

- (a) 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;
- (b) that the proposed all-weather sports pitch shall not be in use before 8.00am and after 10.00pm and a management plan clarifying the operational arrangements to demonstrate compliance with the hours of operation restriction shall be submitted for the prior written approval of the planning authority before facilities become operational;
- (c) 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;
- (d) 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, details of which shall be submitted for the formal written approval of the Council prior to the commencement of work on-site. Thereafter, the development shall be implemented as per the submitted and agreed specification;
- (e) that the recommendations detailed in the submitted Enviro Centre Flood Risk Assessment, (June 2021) shall be fully incorporated into the final design solution to be submitted for the formal written approval of the Council, prior to the commencement of works on-site. Thereafter the proposed recommendations shall remain in place for the lifetime of the development;
- (f) that the recommendations detailed in the submitted Ecological Impact Assessment, (January 2022) shall be fully incorporated into the final design solution to be submitted for the formal written approval of the Council, prior to the commencement of works on-site. Thereafter the proposed recommendations shall remain in place for the lifetime of the development;

- (g) 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. Thereafter, the Travel Plan shall be implemented as approved;
- (h) the applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority prior to any movement of construction traffic associated with the site. Thereafter, construction traffic shall be managed in accordance with the approved Construction Management plan; and
- (i) the applicant/ developer shall, prior to the commencement of any construction work, submit a Parking Management Plan for the written approval of the Council as Planning Authority in consultation with the Roads Authority. The plan shall detail the measures in place to encourage patrons to park within the highlighted zones in the submitted layout plans. The Parking Management Plan shall also highlight the steps proposed to help prevent on-street parking by customers, in particular on North Park Avenue and Victory Park Road where on-street parking by customers could render existing advisory cycle lanes unusable. Information shall also be provided on how the capacities of these car parks will be managed especially in instances when the schools are hosting events/community uses at the development site. The measures identified in the Parking Management Plan shall be implemented before the development is brought into use and thereafter maintained for the lifetime of the development.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of residential amenity;
- (c) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (d) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (e) to reduce the risk of flooding, and to ensure the site is drained in an acceptably sustainable manner and the infrastructure is properly maintained;
- (f) in the interests of natural heritage;
- (g) to encourage sustainable means of travel;
- (h) in the interest of road safety; and
- (i) in the interest of road safety.

Advisory Notes:

That the floodlighting hereby approved shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light to the requirements of Council's Environmental Health Service.

List of Determined Plans:

Drawing - Reference No (or Description): SAC/VP/20 Access Road and Footpath;
 Drawing - Reference No (or Description): SAC/VP/20 Floodlighting Details;
 Drawing - Reference No (or Description): SAC/VP/20 Topographical Survey;
 Drawing - Reference No (or Description): SAC/VP/203_ Drainage Layout;
 Drawing - Reference No (or Description): SAC/VP/204_A Floodlighting Layout;
 Drawing - Reference No (or Description): SAC/VP/206 Typical Section of Synth;
 Drawing - Reference No (or Description): SAC/VP/21 Detox/Dog Grid Details;
 Drawing - Reference No (or Description): SAC/VP/201 (Rev. B) Location Plan;
 Drawing - Reference No (or Description): SAC/VP/202 (Rev. B) Proposed Site Plan;
 and
 Drawing - Reference No (or Description): SAC/VP/209 (Rev. A) Proposed Fencing Details.

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.

Councillor Clark re-joined the meeting at this point.

Councillor Townson who had previously declared an interest in the undernoted item, subsequently left the meeting at this point.

- (2) [21/00772/APP](#) – AYR – Alexanders Sawmills Ltd, Heathfield Road – Planning permission in principle for the erection of Class 1 retail foodstore, Class 9 residential development and associated works (with detailed matters brought forward for the Class 1 foodstore, car parking access, landscaping and other works).

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Five Members voted for the Motion and one Member voted against the Motion and the Panel,

Decided: to refuse the application on the following grounds:-

Principle of Development – Retail foodstore

- (a) the proposed development is contrary to the Town Centre and Retail Local Development Plan 2017 – LDP Policy: Commercial Centres (Heathfield) and Policy: General Retail, LDP Policy: Heathfield and LDP Policy: General Retail and Scottish Planning Policy by reason that the applicant has not undertaken and demonstrated an appropriate sequential retail assessment in respect of the proposed foodstore. There are no over-riding reasons to depart from the policies as detailed in the South Ayrshire Local Development Plan or the Report of Examination of LDP2; and

Principle of Development – Residential

- (b) that the proposal is contrary to South Ayrshire Local Development Plan Policy: Sustainable Development, LDP Policy: Heathfield, LDP Policy: General Retail, LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites, Town Centre and Retail Local Development Plan, Report of Examination on LDP2, the Scottish Government's 'Designing Streets and 'Creating Places' Guidance and Scottish Planning Policy by reason that the application site does not represent a suitable location for residential development.

List of Determined Plans:

Drawing - Reference No (or Description): 2408_301 Rev A – Site Location Plan;
 Drawing - Reference No (or Description): 2408_302 – Proposed Masterplan PPP;
 Drawing - Reference No (or Description): 2408_302 – Extent of Full Planning and PPP Elements;
 Drawing - Reference No (or Description): 2408_303 Rev A – Proposed Site Layout (Store);
 Drawing - Reference No (or Description): 2408_304 – Proposed Building Plan;
 Drawing - Reference No (or Description): 2408_305 – Proposed Elevations;
 Drawing - Reference No (or Description): 2408_306 – Proposed Roof Plan;
 Drawing - Reference No (or Description): 2408_307 Rev A – Proposed Surface Finishes;
 Drawing - Reference No (or Description): 2408_308 Rev A – Proposed Boundary Treatments (Store); and
 Drawing - Reference No (or Description): R/2478/1A – Landscape Details;
 Drawing - Reference No (or Description): SQ4S-PV-LIDL-ECOS-P1951-R-A Revision A – PV – Roof Layout;
 Other - Reference No (or Description): Pre-Application Consultation Report;
 Other - Reference No (or Description): Planning and Retail Statement (Aug 2021);
 Other - Reference No (or Description): Retail Statement Letter (17 Feb 2022);
 Other - Reference No (or Description): Retail and Affordable Housing Letter (28 Feb 2022);
 Other - Reference No (or Description): Design Statement;
 Other - Reference No (or Description): Report on Site Investigations (1) – March 2021;
 Other - Reference No (or Description): Report on Site Investigations (2) – May 2021;
 Other - Reference No (or Description): Tree Survey;
 Other - Reference No (or Description): Acoustic Review;
 Other - Reference No (or Description): Acoustic Review Addendum (Feb 2022);
 Other - Reference No (or Description): Transport Assessment;
 Other - Reference No (or Description): Flood Risk Assessment; and
 Other - Reference No (or Description): Preliminary Ecological Appraisal.

Councillor Townson re-joined the meeting at this point.

- (3) **22/00198/APP – SYMINGTON – Plot 1, Knockendale Farm, C93 from B730 junction, north-west of Bogend, south-west to Brewlands Road** – Erection of dwellinghouse.

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

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

- (a) 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;
- (b) that full details of SUDS arrangements within the approved plot shall be submitted for the written approval of the Planning Authority, prior to the commencement of works on site, and shall be prepared in accordance with the provisions of Scottish Environment Protection Agency (SEPA) Guidance Note No.8 and thereafter shall be implemented in accordance with the arrangements to be approved under the terms of this condition;
- (c) that notwithstanding the plans hereby approved, the rear (southern) boundary of the application site shall be delineated by way of native hedging, the details of which shall be submitted for the prior written approval before the commencement of development on site. Thereafter, the native hedging scheme as approved shall be implemented within first planting season following the completion or occupation of the dwellinghouse, whichever is the sooner; and
- (d) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented in accordance with the details to be approved under the terms of this condition.

Reasons:

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) to ensure the site is drained in an acceptable and sustainable manner;
- (c) in the interest of visual amenity, and so as to retain the rural character and setting of the locality; and
- (d) in the interests of visual amenity.

List of Determined Plans:

Drawing - Reference No (or Description): 0801 PP 0.01;
 Drawing - Reference No (or Description): 0801 PP 1.01;
 Drawing - Reference No (or Description): 0801 PP 1.02; and
 Drawing - Reference No (or Description): 0801 PP 1.03.

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.

In terms of Council Standing Order No 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

- (4) **[22/00192/APP](#) – PRESTWICK – 3C St Quivox Road** – Part change of use of Class 3 unit to form hot food takeaway and erection of flue.

Representations were heard from interested parties. In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Six Members voted for the Motion and one Member voted against the Motion and the Panel,

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

- (a) 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;
- (b) ventilation within the kitchen areas requires to be adequate and suitable for the food handling/cooking carried out therein. In order to prevent the occurrence of a smell nuisance, the ventilation system in this area must be provided with suitable means of filtration e.g., grease and charcoal filters and extended ducting terminating at least one metre above eaves level of any building within 15m of the building housing the commercial kitchen, or alternatively the operation of the premises is limited to enclosed unit cooking. Details of the ventilation shall be submitted for the prior written approval of the planning authority through consultation with the Councils Environmental Health Service and shall be implemented as approved before any cooking or preparation of hot food takes place on the premises;

- (c) that, prior to the part change of use of the premises to hot food take away, an acoustic consultant's report or manufacturer's specifications are required to demonstrate, for the approval in writing of the planning authority, that the noise from the ventilation extract system will comply with NR25 (noise rating criteria) within a habitable room of the nearest noise sensitive dwelling to the application site with windows open sufficiently for ventilation. The method(s) for measuring and calculating this noise level can be undertaken and demonstrated without gaining physical access to a habitable room of the nearest noise sensitive dwelling to the application site. Any changes to the ventilation extract system, that may be approved under the terms of this condition, shall require the prior written consent of the planning authority through consultation with the Council's Environmental Health Service;
- (d) the equipment to be used in the preparation of food to be sold from the premises shall be restricted to those methods of cooking outlined within the submitted Business Operation Statement. No other form of cooking and/or heating of food stuffs shall be utilised within the premises without the prior written approval of the Planning Authority; and
- (e) the hours of operation of the development shall be restricted to between 8 am and 10 pm.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in order to prevent the likelihood of a smell nuisance;
- (c) in order to prevent the likelihood of a noise nuisance;
- (d) to clarify the terms of the permission and in the interests of amenity; and
- (e) in the interests of residential amenity.

Advisory Notes:

The permitted noise levels and working times as specified in "South Ayrshire Council's Environmental Health, levels and conditions to be applied to works on construction sites" should be adhered to.

The premise requires to fully comply with the Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 and any Regulations and requirements therein and thereto.

It is recommended that the air source heat pump unit be installed using anti-vibration mounts where it attaches to a building, the ground or other hard surface, in order to prevent additional noise caused by vibration.

Any commercial bins must be kept in the car park area to the rear of the premises which is accessed from Hunter Street. No commercial bins can be stored on St Quivox Road.

List of Determined Plans:

Drawing - Reference No (or Description): **Approved** Location Plan;
 Drawing - Reference No (or Description): **Approved** 1; and
 Other - Reference No (or Description): **Approved** Business Operation Statement.

Reason for Decision:

The proposed part change of use, 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.

Councillor Mackay left the meeting at this point.

The time being 1.00 p.m., the Panel agreed to adjourn for thirty-five minutes. The Panel re-adjourned at 1.35 p.m.

In terms of Council Standing Order No 6.2 and in view that the meeting would take more than four hours to complete, the Panel agreed to continue this meeting today until all the agenda items had been considered.

- (5) **22/00164/APP - PINMORE – Water Pipe adjacent to Gregg Bridge, B734 from A714 junction at Pinmore Bridge to Barr – Installation of handrailing with signage.**

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

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority; and
- (b) that, in event that both the handrail and signpost hereby approved are no longer required in association with the water pipe that crosses the river, they shall be removed, and the site shall be restored to the satisfaction of the Planning Authority within one month of the removal of the equipment.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed; and
- (b) to ensure there is no unnecessary equipment in this area of open space and to ensure the reinstatement of the site to a satisfactory standard.

List of Determined Plans:

Drawing - Reference No (or Description): 5022030000-WN-DRA-04170013;
 Drawing - Reference No (or Description): 5022030000-WN-DRA-04170014;
 Drawing - Reference No (or Description): 5022030000-WN-DRA-04170015; and
 Drawing - Reference No (or Description): Warning Signage Example.

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.

- (6) **[22/00227/FUR](#) – ST QUIVOX – Proposed dwellinghouse, C150 from A77T Junction north of St Quivox to B743 junction at Slatehall** – Further planning permission for the erection of a dwellinghouse (18/00865/APP).

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

- (a) 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;
- (b) that the first 10 metres of the access road from its junction with the public road shall be resurfaced in accordance with the specifications in the Council's Roads Development Guide prior to occupation. A detailed specification shall be submitted for the prior written approval of the Planning Authority prior to commencement;
- (c) 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 Planning Authority before any work commences on site and implemented as approved;
- (d) that 3 no. off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide, prior to completion of the development;
- (e) that parking bays shall be a minimum 5.5 metres x 3.0 metres, internal dimensions of an integral garage shall be 7.0 metres x 3.0 metres to count toward required parking provision;

- (f) that a lockable and covered cycle stand accommodating a minimum of 1 no. cycle shall be provided within the site boundaries. Precise details of the siting and specifications of the required cycle stand shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site and implemented as approved;
- (g) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval and implemented as approved;
- (h) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and implemented as approved;
- (i) 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 / 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; and
- (j) 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. Full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site. Thereafter, the surface water drainage arrangement shall be implemented as approved.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interest of road safety and to ensure an acceptable standard of construction;
- (c) in the interest of road safety and avoid the discharge of water on to the public road;
- (d) in the interest of road safety and to ensure adequate off-street parking provision;
- (e) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (f) to ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel;
- (g) in the interests of visual and residential amenity;
- (h) in the interests of visual amenity;

- (i) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality; and
- (j) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

List of Determined Plans:

Drawing - Reference No (or Description): 1803-P001;
 Drawing - Reference No (or Description): 1803-SL001;
 Drawing - Reference No (or Description): 1803-SL002;
 Drawing - Reference No (or Description): 1803-SL003; and
 Drawing - Reference No (or Description): 1803-SL004.

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.

- (7) [22/00132/PPP](#) – DUNDONALD – Land adjacent to Borneo Hill, A759 from Council boundary at Old Rome Bridge to Bypass Road – Planning permission in principle for the erection of a dwellinghouse and two agricultural buildings.

Decided:- to refuse the application on the grounds that the development proposal is contrary to the Rural Housing Policy of the Adopted South Ayrshire Local Development Plan and the Council's Supplementary Guidance in relation to Rural Housing in that it has not been demonstrated to the satisfaction of the Council that the new business is economically viable, and no satisfactory justification has been provided which would permit the erection of a permanent residential dwellinghouse, at this time, to serve the proposed rural business.

List of Determined Plans:

Drawing - Reference No (or Description): L(00)002;
 Drawing - Reference No (or Description): L(00)003; and
 Drawing - Reference No (or Description): L(00)001.

- (8) [22/00334/APP](#) – BALLANTRAE – Land at Whilk Meadow, A77T from Lendalfoot to Main Street, Ballantrae – Retention of existing construction site office building for use as a permanent caravan site office/reception and construction of associated access path.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Five Members voted for the Motion and one Member voted against the Motion and the Panel,

Decided: to approve the application.

List of Determined Plans:

Location Plan (Drawing No. 5901-C-101 Rev B);
Proposed Plan and Elevations (Drawing No. 5901-C-103); and
Proposed Site Plan (Drawing No. 5901-F-102).

Reason for Decision:

The siting and design of the retained building and the associated path are considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land or the surrounding environment and landscape.

- (9) [22/00242/APP](#) – STRAITON – Knockcronal, U4 from C1 junction near Craig via Balbeg and Dalmorton to Palmullan Bridge – Erection of a temporary 140m high meteorological mast.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved plans(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;
- (b) that the approval for the proposed use is limited to 3 years at which date the use of the meteorological mast shall be terminated and the meteorological mast shall be removed from site. Furthermore, the site shall be 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 and implemented as approved;

- (c) that prior to the meteorological mast hereby approved becoming operational, bird divertors/line markings in accordance with the criteria as set out in NatureScot's Guidance 'Assessment and Mitigation of Impacts of Power Lines and Guyed Meteorological Masts on Birds' (dated 2016) shall be installed on all of the guy wires supporting the meteorological mast. These bird divertors/line markings once installed shall thereafter be maintained for the lifetime of the development (e.g. 3 years from the date of this consent) unless otherwise agreed in writing by the Planning Authority.
- (d) that prior to the commencement of development (including the deployment of any construction equipment or temporal structures 15.2 metres or more in height above ground level), an aviation lighting scheme shall be submitted to and approved in writing by the Planning Authority (in consultation with the Ministry of Defence). The aviation lighting scheme shall include details and information relating to the following:

- details of any construction equipment and temporal structures with a total height of 15.2 metres or greater (above ground level) that will be deployed during the construction of the meteorological mast and details of any aviation warning lighting that they will be fitted with;
- the location and height of the meteorological mast identifying the position of the lights on the mast, the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used. These details shall show the meteorological mast shall be fitted with a minimum intensity 25 candela omnidirectional flashing red light or equivalent infrared light aviation lighting at the highest practicable point of the structure; and
- Details of how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

Thereafter, the approved infrared light aviation lighting and associated measures shall be installed and operated in strict accordance with the approved layout and specifications of the aviation lighting scheme. The lighting and associated features once installed shall be retained in situ in an effective operating condition for the lifetime of the development (e.g. 3 years from the date of this consent), unless otherwise agreed in writing by the Planning Authority; and

- (e) that the developer shall notify UK DVOF and Powerlines at the Defence Geographic Centre with the following information prior to development commencing:
- Precise location of development;
 - Date of commencement of construction;
 - Date of completion of construction;
 - The height above ground level of the tallest structure;
 - The maximum extension height of any construction equipment; and
 - Details of any aviation warning lighting fitted to the structure(s).

This information can be sent by e-mail to UK DVOF & Powerlines at icgdgc-prodaisafdb@mod.uk, or posted to:

D-UKDVOF & Power Lines
Air Information Centre
Defence Geographic Centre
DGIA
Elmwood Avenue
Feltham
Middlesex
TW13 7AH

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (c) in the interests of reducing bird strike and collision;
- (d) in the interest of maintaining aviation safety; and
- (e) to ensure that the Ministry of Defence (MoD) is aware of the details of the development, in the interests of aviation safety.

Advisory Notes:

- **NATS Safeguarding:** The consultation response provided applies specifically to the consultation request issued and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.
- **Ministry of Defence (MoD):** The MoD emphasise that the advice provided in their consultation response is in response to the information detailed in the developer's document titled 'Supporting Information' dated 14/03/22. Any variations of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered materials or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

- Glasgow Prestwick Airport: The IFP Assessment undertaken did not assess the turbines which is a separate application (Scottish Ministers reference: ECU00002181). On this basis, the outcome of the IFP Assessment has no bearing on the separate Section 36 application for a windfarm development at Knockcronal.

List of Determined Plans:

- Figure 1 - Mast Location Plan;
- Figure 2 – Mast Layout Plan;
- Figure 3 – Met Mast Elevation Drawing;
- Figure 4 – Block Plan;
- Figure A – Met Mast ZTV with Viewpoints;
- Figure B – Viewpoint 1: Minor Road near Craig;
- Figure C – Viewpoint 2: Minor Road near Stinchar Bridge;
- Figure D – Viewpoint 3: NCN7 near Palmullan Bridge;
- Figure E – Viewpoint 4: Craigengower Monument (wireline);
- Figure F – Viewpoint 4: Craigengower Monument (photomontage);
- Figure G – Viewpoint 5: B741 near Largs Farm; and
- Supporting information (ITP Energised, Dated 14/03/22)

Reason for Decision:

The siting and design of the meteorological mast 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.

3. Consultation under Section 36 of the Electricity Act 1989 - Application under Section 36 of Electricity Act 1989 (as amended) for construction and operation of Knockcronal Windfarm. (Ref: 21/00993/DEEM).

There was submitted a [report](#) (issued) of June 2022 by the Director – Place advising

- (1) that this Council was consulted by the Scottish Government on 1 December 2021, under Section 36 of the Electricity Act 1989, on an application by “Knockcronal Wind Farm Ltd” for the erection of a windfarm and associated ancillary development at Knockcronal, U4 from C1 junction near Craig via Balbeg and Dalmorton to Palmullan Bridge, Straiton, South Ayrshire;
- (2) that the Council was not the determining authority for this proposal; and
- (3) that the Planning Service currently had delegated authority to respond to these consultations, but typically chose not to do so without first referring the matter to Regulatory Panel due to the large-scale nature of the proposals and the community interest.

The Panel

Decided:

- (a) to submit an objection to the Scottish Government for the reasons (i) to (v) as undernoted and that comment (vi) below also be submitted to the Scottish Government; and
- (b) to note that in the event that a Planning Authority objected to a Section 36 application, and did not withdraw its objection, a public inquiry must be held before the Scottish Ministers decide whether to grant consent (Refer to Paragraph 2, Schedule 8 of the Electricity Act 1989).

Reasons For Objection:

(i) 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 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 other proposed/application stage wind farms in the surrounding area. It is not 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, with the location being inappropriate given the sensitivity of nearby landscapes and designations. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

(ii) 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 Lighting Pollution' and the Supplementary Guidance: Dark Sky Lighting by reason that the applicant has not demonstrated that aviation lighting associated with the turbines would not introduce intrusive and prominent lights both on their own and in combination with other proposed/application stage wind farms into an area important for dark skies, thus adversely impacting upon views from the Merrick Wild Land Area and the Galloway Dark Sky Park. The required aviation lighting will extend the adverse landscape and visual effects into the darker hours and whilst mitigation for aviation lighting is proposed, only limited weight can be attached to the particular solution proposed in the application due to the lack of endorsement by the relevant aviation authority. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

(iii) Landscape and Visual – Tourism and Recreation Resources

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, High Carrick Hills Local Landscape Area, the Water of Girvan Valley Local Landscape Area and important viewpoints including views from roads and footpaths within the upper Girvan valley between Straiton and Tairlaw (where this proposal would form a dominant and highly feature) and views from the popular ridges and summits of the high Carrick Hills, including from the Corbett of Shalloch on Minnoch and Cornish Hill and also from Craigengower Hill (Colonel Hunter Blair monument) near Straiton. This proposal would also be seen together with the operational Dersalloch Windfarm in views from settlement and from Core Path SA47 Bennan Walk which is aligned in this valley as well as views from more informal unpromoted but popular walking routes around Rowantree and Pinbreck Hills which lie on the southern edge of the Stinchar valley which would also be significantly affected. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

(iv) Landscape and Visual – Residential Visual Amenity Impact

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion c)', 'Sustainable Development' and South Ayrshire Council Supplementary Guidance on Wind Energy by reason that the proposed development would have a significant and overbearing impact upon the residential visual amenity of a nearby residential dwelling at Tairlaw Toll Cottage. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy; and

(v) 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 at the time of consideration of the application and finalising the Council's recommendation 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.

Comment to Scottish Government

(vi) 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 the permission. In addition to the mitigation measures identified within the EIA Report that require to be conditioned alongside those conditions sought by consultees in response to the ECU, the following additional matters have been identified through the Council's internal assessment and consultation process. From a Council perspective, it is fundamental that these matters are considered and attached given that in most cases, the acceptability of the proposed development as set out by consultees in their response is predicated on the understanding that the conditions they have stipulated, would be included as mitigation. The topic areas which will require to be addressed through conditions are summarised in the following paragraph:

In relation to core paths and rights of way, conditions which include specific measures to ensure that the ones which pass directly through the site are not obstructed for the duration of construction period of the development would require to be included. In addition to this, the Council would also seek to ensure that signage improvements on these recreational routes are secured in line with the requests and recommendations of the Council's Outdoor Access Officer. With regards to PWS, the Council's Environmental Health Service advise that conditions will need to be in place to secure additional safeguarding measures to protect the water supply to the property of Glenalla should the 'Western Access' be progressed for the proposed development. The Council's Environmental Health Service have also requested conditions relating to shadow flicker and dust mitigation during the construction stage and these would also need to be attached. On the subject of noise impacts; there will be a need for conditions which cover the relevant mitigation set out by ACCON UK Limited which seeks to govern controls on construction and operational noise limits, the control of amplitude modulation and also vibration and air over-pressure from blasting. West of Scotland Archaeological Service (WoSAS) have requested a condition relating to providing a programme of archaeological works and a written scheme of investigation to be agreed with them. The Council's Biodiversity and Ranger Services have requested specific conditions in the interests of curlews and ground nesting upland waders including a requirement for mitigation where the development affects their territory/habitat. Finally, the Council's Road Authority, Ayrshire Roads Alliance have requested a suite of conditions relating to access construction, limitations on abnormal load and construction traffic movements, inter-visible passing places (U27 and U31 respectively), visibility splays, discharge of water, positioning of turbines from the public road, Construction Traffic Management Plan, swept path analysis, structural assessments, and inspections to be attached.

4. **Consultation under Section 36 of the Electricity Act 1989 - Application under Section 36 of Electricity Act 1989 (as amended) for construction and operation of Carrick Wind Farm (22/00094/DEEM).**

There was submitted a [report](#) (issued) of June 2022 by the Director - Place advising

- (1) that this Council has been consulted by the Scottish Government, under Section 36 of the Electricity Act 1989, on an application by Scottish Power Renewables UK Ltd for the erection of a windfarm and associated ancillary development at Carrick Wind Farm, Carrick Forest, South Ayrshire;
- (2) that this Council was not the determining authority for this proposal; and
- (3) that the Planning Service currently had delegated authority to respond to these consultations, but typically chose not to do so without first referring the matter to Regulatory Panel due to the large scale of the proposals and the community interest.

The Panel

Decided:

- (a) to note that this report had been submitted as an objection to the Scottish Government, for the reasons (i) to (vi) listed below and that comment (vii) below had also been submitted to the Scottish Government;
- (b) to also advise the Scottish Government of the Panel's concern that Barr Community Council had not properly been consulted with; and
- (c) 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:

Landscape and Visual Impact

- (i) 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 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 other proposed/application stage wind farms in the surrounding area. It is not 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, with the location being inappropriate given the sensitivity of nearby landscapes and designations. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

Landscape and Visual Impact – Aviation Lighting

- (ii) 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 Lighting 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 dark skies, thus adversely impacting upon views from the Merrick Wild Land Area and the Galloway Dark Sky Park. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

Landscape and Visual Impact – Tourism and Recreation Resources

- (iii) 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, Galloway and Southern Ayrshire Biosphere, High Carrick Hills Local Landscape Area, the Water of Girvan Valley Local Landscape Area and important viewpoints from the Straiton to Newton Stewart road, Core Path SA47 and Craigenhower Hill (Colonel Hunter Blair monument) in the Upper Girvan Valley; the public road between Milton Bridge and South Balloch within the Upper Stinchar Valley and from the summits of Cornish Hill and Shalloch on Minnoch and the interior of the Merrick Wild Land Area and the informal walking routes on the Pinbreck and Rowantree group of hills within the High Carrick Hills. The required aviation lighting will extend the adverse landscape and visual effects into the darker hours. Whilst mitigation for aviation lighting is proposed, only limited weight can be attached to the particular solution proposed in the application due to the lack of endorsement by the relevant aviation authority;

Landscape and Visual Impact – Residential Visual Amenity Impact

- (iv) that the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion C), 'Sustainable Development' and South Ayrshire Council Supplementary Guidance on Wind Energy by reason that the proposed development would have a significant and overbearing impact upon the residential visual amenity of a nearby residential dwelling at Tairlaw Toll Cottage. Furthermore, the proposed development, in combination with the application stage Craiginmoddie Wind Farm, will have a significant and overbearing impact upon the residential amenity of the nearby dwelling at Glenalla. There is no over-riding reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy;

Glasgow Prestwick Airport

- (v) 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 at the time of consideration of the application and finalising the Council's recommendation 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;

Peat Resources

- (vi) having regard to the holding objection issued by SEPA it is not considered that the proposals have sufficiently demonstrated that the excavation of peat of depth greater than one metre has been minimised, as required by Scottish Planning Policy and Criterion H of the Council's Supplementary Guidance. The proposal is therefore contrary to South Ayrshire Council Local Development Plan policies 'Wind Energy – criterion H', 'Sustainable Development' and South Ayrshire Local Development Plan Supplementary Guidance on Wind Energy; and

Comment To Scottish Government

- (vii) 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 the permission. In addition to the mitigation measures identified within the EIA Report that require to be conditioned alongside those conditions sought by consultees in response to the ECU, the following additional matters have been identified through the Council's internal assessment and consultation process. From a Council perspective, it fundamental that these matters are considered and attached given that in most cases, the acceptability of the proposed development as set out by consultees in their response is predicated on the understanding that the conditions they have stipulated, would be included as mitigation. The topic areas which will require to be addressed through conditions are summarised below:-

Roads and Transportation

- agreement of standard of access junction construction onto public road;
 - prior approval of access route for Abnormal Indivisible Loads and works required to facilitate passage of abnormal loads;
 - provision and maintenance of junction visibility splays;
- prevention of discharge of water onto public roads;
- minimum distance between turbines and edge of public road;
 - responsibility and standards for any road widening required for passage of abnormal loads;

- inspection of public structures including Tairlaw Bridge; and
- Construction Traffic Management Plan.

The meeting ended at 3.35 p.m.