

**Habitats Regulations Appraisal of the South
Ayrshire Draft Rural Housing Supplementary
Guidance**

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1. Introduction and Context

Background

- 1.1 Article 6(3) of EC Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive), and regulations 48 and 85 of the Habitats Regulations (The Conservation (Natural Habitats & c.) Regulations 1994 (as amended)) require that any plan or project, which is not directly connected with or necessary to the management of a European site, but would likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives.
- 1.2 Regulation 85 of the Habitats Regulations also sets out that in light of the conclusions of that assessment, and subject to the provisions of Article 6(4) of the Habitats Directive, the competent authority (i.e. in this instance South Ayrshire Council) shall agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, having obtained the opinion of the general public. If this cannot be ascertained then the plan or project can only be consented if there are no alternative solutions and there are imperative reasons of overriding public interest. Article 6(4) provides that if, in spite of a negative assessment of the implications for the site, and in the absence of alternative solutions, the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, the Member State (in this case Scottish Ministers) shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.
- 1.3 The requirements of the Directive have been transposed into domestic legislation in Scotland through a combination of the Habitats Regulation 2010 (in relation to reserved matters) and the 1994 Regulations.

2. Habitats Regulations Appraisal

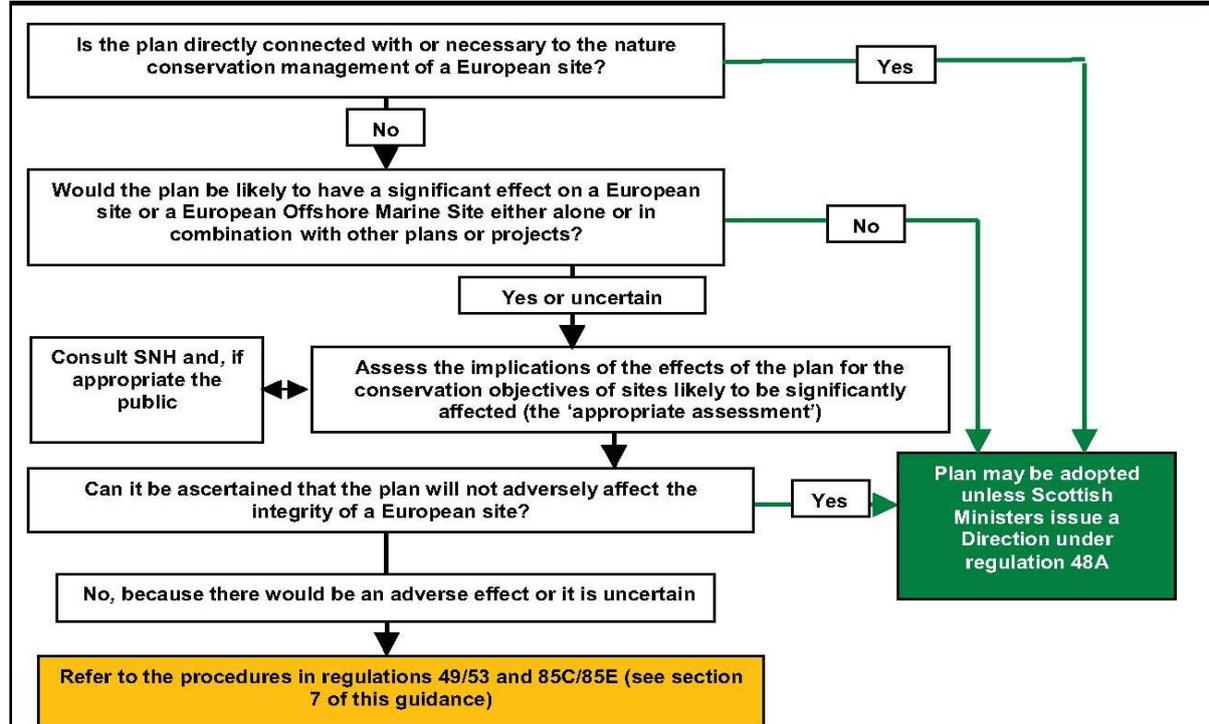
- 2.1 The term 'Habitats Regulations Appraisal' encompasses the decision on whether the South Ayrshire Draft Rural Housing SG (RHSG) should be subject to appraisal, the 'screening' process for determining whether an 'appropriate assessment' is required, as well as any 'appropriate assessment' that may be required. An appropriate assessment is only required where it is determined that a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and the plan or project is not directly connected with or necessary to the management of the site.
- 2.2 The purpose of this document is therefore to consider whether the RHSG, including in-combination effects, are likely to have significant effects on Natura 2000 sites; and if there are any likely significant effects, to ascertain whether the RHSG would adversely affect the integrity of these sites or otherwise. Certainty that the RHSG would not adversely affect the integrity is required if the RHSG is to be adopted in all but exceptional circumstances, where there are no alternative solutions and imperative reasons of overriding public interest¹. In doing this, cognisance must be given to the qualifying interests and their conservation objectives of the Natura 2000 sites. Where there is a possibility of such adverse effects on site integrity, it may be possible for these to be avoided through mitigation.
- 2.3 The subjective nature of determining the significance of potential effects is often challenging; however, guidance is offered from the Waddenzee case in which the European Court of

¹ Regulation 85C of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Justice ruled that a plan or project should be subject to appropriate assessment “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site, either individually or in combination with other plans and projects”².

Figure 2-1: Procedural Requirements for HRA

Taken from SNH: *Habitats Regulations Appraisal of Plans: Guidance for Plan-Making bodies in Scotland*



Establishing the need for Habitats Regulations Appraisal

- 2.4 The first stage in the process is to establish whether the RHSG qualifies in terms of its need for assessment. Regulation 85B of the Habitats Regulations and Article 6(3) of the Habitats Directive provides guidance in this respect. Article 6(3) states:
- 2.5 “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.”
- 2.6 It can be concluded that the RHSG is not directly connected with or necessary to the management of any Natura 2000 sites. A determination must therefore be made as to whether the RHSG would result in likely significant effects upon any such sites, either individually or in combination with other plans or projects. This is the ‘screening’ stage of the process.
- 2.7 The RHSG will be used to supplement the South Ayrshire Local Development Plan, once adopted. The SALDP contains a policy relating to rural housing which will be supplemented by information contained within the RHSG. Essentially the RHSG will provide a greater level of detail relating to rural housing than that set out within the SALDP, ensuring that prospective applicants are more aware of what the Council would consider to be acceptable. This, in turn, will provide for greater certainty in the planning application process. The SG will not operate outwith the scope of the Rural Housing policy within the LDP.

² See paragraph 45 of European Court of Justice case C-127/02 dated 7th September 2004, ‘the Waddenzee ruling’

3. Draft Rural Housing Supplementary Guidance

3.1 The SG will give specific consideration to: replacement houses, extensions, conversions, houses related to rural businesses and additions to existing clusters.

3.2 The Rural Housing Policy is set out below:

LDP policy: rural housing

In countryside areas, including green belt, we may accept the following proposals for new housing.

- a. The replacement of an existing house, as long as the development is sympathetic to the scale and character of the local area.
- b. An extension to an existing house, as long as it is sympathetic to the scale, character and proportions of the original house, which should remain the main feature.
- c. The conversion and reuse of a genuinely redundant building of traditional or local character and domestic scale for residential use if the building is largely intact, structurally sound or can be repaired or restored. The original building must remain the main feature.
- d. A home that is essential to a rural business. The developer must satisfy us, through a sound business plan, that the business is economically viable and could not be run without residential accommodation.

In countryside areas outwith the green belt we may accept proposals for new housing that are:

- limited extensions to an existing clearly defined and nucleated housing cluster;
- a group of four or more houses; or
- a small settlement;

as long as they do not negatively affect the existing form and character of the cluster. We would particularly encourage sensitive infilling of gap sites that would consolidate existing dwellings within the group.

All proposals must comply with the policy guidance set out in the rural housing supplementary guidance.

We will aim to make sure that gardens at new or converted properties are in proportion to the size of the property.

3.3 The RHSG essentially forms part of the SALDP. The SALDP contains a number of policies which are designed to ensure that there is an appropriate context for managing development proposals within South Ayrshire. Part of the SALDP contains policies relating to the natural environment. Of particular relevance to this appraisal is the Natural Heritage Policy which highlights the need to protect Natura 2000 sites. It is therefore apparent that the Plan provides a context for ensuring that impacts upon Natura 2000 sites are taken into account in the consideration of all development proposals. Nonetheless, it is recognised that under the terms of the legislation that the impacts of the RHSG must be considered on their own.

3.4 Scottish Planning Policy provides guidance on how the Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning. The guidance states that development which could have a significant effect on a Natura site can only be permitted where:

- an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or,
- there are no alternative solutions; and,

- there are imperative reasons of overriding public interest, including those of a social or economic nature.

3.5 It should be noted that the SAPLDP (of which the RHSG forms a part) is consistent with Scottish Planning Policy(SPP). The SAPLDP contains a policy which is reflective of SPP guidance (Natural Heritage policy detailed in Figure 3-1) and protects Natura 2000 sites from adverse effects upon their integrity; and ensures that Natura 2000 sites are protected in all instances unless there are no alternative solutions and imperative reasons of overriding public interest.

Figure 3-1: SAPLDP Natural Heritage Policy

LDP Policy

International Designations

Development, either individually or in combination with other plans or projects, which is likely to have a significant effect on a designated or proposed Natura 2000 site (SPA, SAC) will be subject to an appropriate assessment of the implications for the site in view of the site's conservation objectives. Development proposals will only be supported where the assessment concludes that:

- it will not adversely affect the integrity of the site; or,
- there are no alternative solutions, and there exist imperative reason of overriding public interest, including those of a social or economic nature.

Where such a site hosts a priority habitat and/ or priority species as defined by the Habitats Directive (92/43/EC), the imperative reasons of overriding public interest must relate to human health, public safety or beneficial consequences of primary importance to the environment. Other allowable exceptions are subject to the views of the European Commission (via Scottish Ministers).

National Designations

Development, either individually or in conjunction with other proposals, which would affect a designated or proposed National Nature Reserve or a Site of Special Scientific Interest will only be permitted where ecological appraisals have demonstrated to the satisfaction of the Council as planning authority that:

- the overall objectives of designation and the overall integrity of the designated area would not be compromised; or,
- any adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

Local Designations

Development, either individually or in conjunction with other proposals, which would affect the following local heritage designations, will be supported when demonstrated that the integrity of the locale are not compromised.

- Local Nature reserves;
- Sites containing species protected by the Habitats Directive, Wildlife and Countryside Act 1981 or the Badgers Act 1992;
- Wildlife sites;
- Tree Preservation Orders;
- Forrest Parks
- Wildlife corridors
- Ornithological sites.

In all instances, the Council will require development proposals to have regard to safeguarding features of nature conservation value including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors.

- 3.6 An appendix to Planning Circular 1 2009 was published in August 2010 which provides guidance on the application of the Habitats Regulations. It states that when submitting a piece of supplementary guidance to the Scottish Ministers, a SDPA or planning authority should include a Habitats Regulation Appraisal Record setting out:
- how the authority has determined that there is not likely to be a significant effect on a European site (if that is the case);
 - where a likely significant effect has been determined and an Appropriate Assessment has been undertaken, the conclusions reached and what action is proposed or has been undertaken to comply with the Habitats Regulations; and
 - a copy of any relevant correspondence from SNH.
- 3.7 The Circular states that further advice on the methodology of carrying out Habitats Regulations Appraisal can be found in Scottish Natural Heritage's Guidance for Plan-Making Bodies in Scotland. The document prepared by David Tyldesley and Associates provides detailed guidance on the separate stages of carrying out an appraisal, and the considerations that will need to be taken into account. Figure 4.1, taken from the guidance shows the key stages of a Habitats Regulations Appraisal.
- 3.8 In line with the SNH guidance, the RHSG needs to be Natura-compliant by ensuring that the SG will not adversely affect the integrity of a Natura 2000 site. As stated above, the RHSG will essentially deal with 5 different policy areas. The guidance offered within each of these policy areas must be Natura-compliant. Although all of the information contained within the SG will sit alongside the policies of the LDP, it is not enough to rely upon an overarching policy to provide the necessary level of protection (i.e. the Natural Heritage Policy set out within Figure 3-1).

4. Methodology

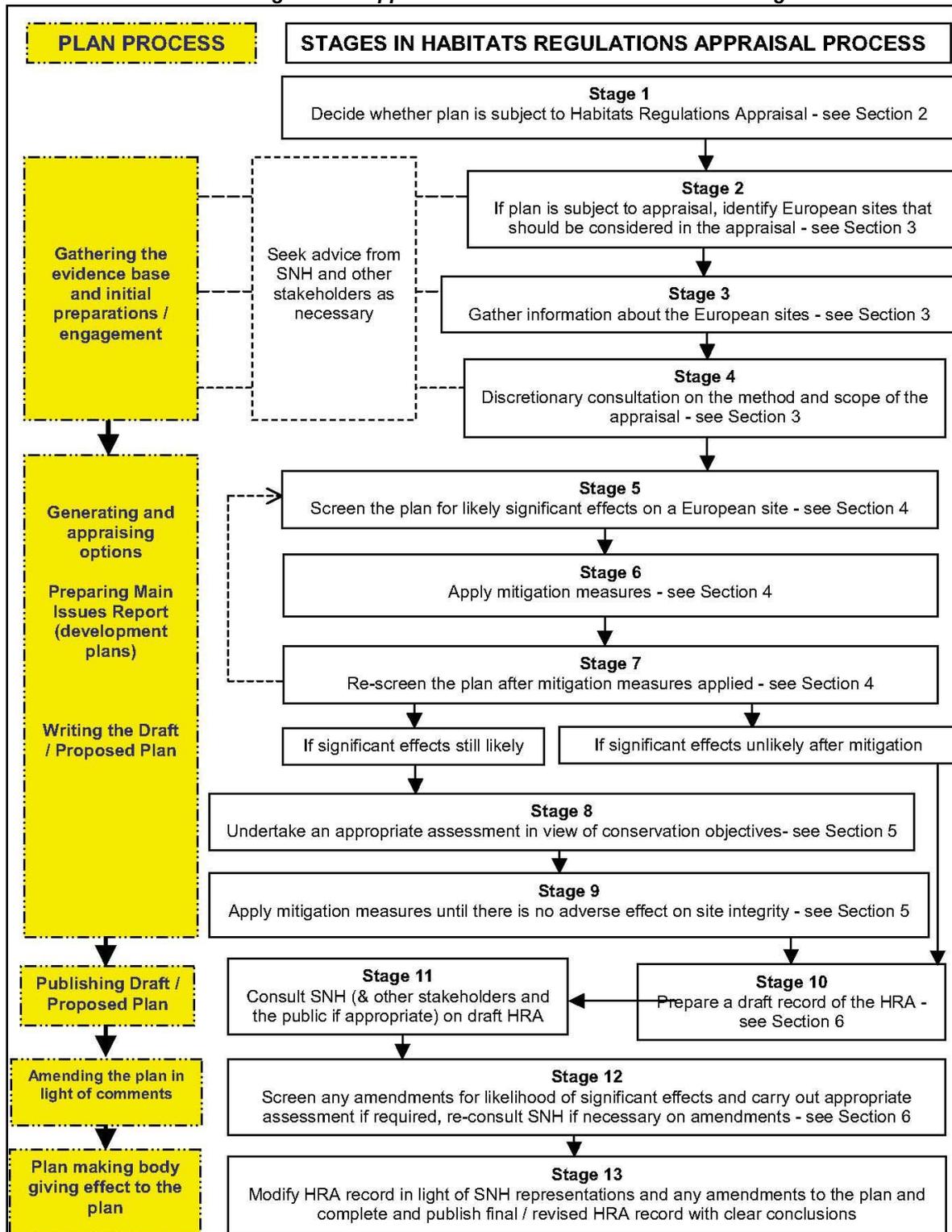
- 4.1 The Scottish Habitat Regulations do not prescribe a particular methodology for carrying out the appraisal; however, SNH produced a guidance document in August 2010 which has been used to form the basic methodology for this appraisal. This guidance is entitled *Habitats Regulations Appraisal of Plans: Guidance for Plan-Making bodies in Scotland*. The guidance outlines a number of key stages to the process which are outlined in Figure 4-1. These key stages are broadly used to inform the process of the appraisal.

5. Identifying the European sites to be included in the appraisal

- 5.1 There are four Natura 2000 sites located within South Ayrshire (see Appendix 1). These are:
- Glen App and Galloway Moors SPA
 - Ailsa Craig SPA
 - Lendalfoot Hills Complex SAC
 - Merrick Kells SAC
- 5.2 All of the aforementioned Natura 2000 sites are included within the appraisal. However, it is important to stress that all European sites which could potentially be significantly affected by the RHSG are included within the assessment, including sites outwith the plan area.
- 5.3 Utilising the criteria set out within SNH's guidance on the 'Habitats Regulations Appraisal of Plans', it is evident that there are two sites outwith the plan area which require to be included within the appraisal. Both sites are located within Dumfries and Galloway and are known as the River Bladnoch SAC and Kirkcowan Flow SAC. This River Bladnoch flows from Loch Maberry which is partly located within the boundary of South Ayrshire and therefore could be affected by the contents of the Plan. Kirkcowan Flow is directly connected to the River Bladnoch.

Figure 4-1: Key stages of the Habitats Regulations Appraisal Process

Taken from SNH: Habitats Regulations Appraisal of Plans: Guidance for Plan-Making bodies in Scotland



6. Gathering information about the European sites

- 6.1 This section outlines each of the Natura 2000 sites that are included within the appraisal and provides details of their qualifying interests, conservation objectives and site conditions to ensure that the appraisal focuses on the most relevant aspects of each site.
- 6.2 The qualifying interests potentially affected will vary between the different European sites, but effects should relate to these interests for the site's classification (SPAs) or designation (SACs).
- 6.3 Table 6-1 provides details of each site included within the appraisal.

7. Screening the Historic Environment Supplementary Guidance for its potential effects

- 7.1 As stated above, there are 5 key policy areas which will be addressed within RHSG; replacement houses, extensions, conversions, houses related to rural businesses and additions to existing clusters. The policies relating to each of these topics are often several paragraphs long, making them more difficult to readily assess. Each of the policies relating to these specific issues are set out within Appendix 2.
- 7.2 The SG provides a framework for assessing small-scale residential development within rural areas. It is designed to ensure that there are adequate controls in place to prevent sporadic residential development within rural areas whilst recognising that there will be circumstances under which the need for residential development is reasonable and necessary. It is immediately obvious from reading the SG that the scale of development that would be considered acceptable under the terms of the policies contained within the document would be extremely small and unlikely to result in the development of more than one or two residential units.
- 7.3 Table 7-1 contains details of the screening exercise that has been undertaken, detailing the policies which have been screened out and the reasons why. The screening process has considered each of the policies in their entirety (as set out within Appendix 2), ensuring that the process has considered all of the potential implications of the policies.

Table 6-1: Summary of European sites to be included within the appraisal

Summary of the European sites included within the appraisal						
Information	Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
Site name	Glen App and Galloway Moors	Ailsa Craig	Lendalfoot hills Complex	Merrick Kells	River Bladnoch	Kirkcowan Flow
Designation Status	SPA	SPA	SAC	SAC	SAC	SAC
Date of designation	03/2003	04/1990	17/03/05	17/03/05	17/03/05	17/03/2005
Qualifying interests	<ul style="list-style-type: none"> Hen Harrier 	<ul style="list-style-type: none"> Gannet Guillemot * Herring Gull * Kittiwake * Lesser black-backed gull 	<ul style="list-style-type: none"> Base-rich fens Grasslands on soils rich in heavy metals Dry heaths Wet heathland with cross-leaved heath Very wet mires often identified by an unstable 'quaking' surface <p>Priority habitat:</p> <ul style="list-style-type: none"> Species-rich grassland with mat-grass in upland areas 	<ul style="list-style-type: none"> Acidic scree Plants in crevices on acid rocks Montane acid grasslands Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels Wet heathland with cross-leaved heath Acid peat-stained lakes and ponds Otter Dry heaths Depressions on peat substrates <p>Priority habitat:</p> <ul style="list-style-type: none"> Blanket bog 	<ul style="list-style-type: none"> Atlantic salmon 	<ul style="list-style-type: none"> Depressions on peat substrates <p>Priority habitat:</p> <ul style="list-style-type: none"> Blanket bog
Conservation objectives	<ul style="list-style-type: none"> To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	<ul style="list-style-type: none"> To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and To ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	<ul style="list-style-type: none"> To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term: <ul style="list-style-type: none"> Extent of the habitat on site Distribution of the habitat within site Structure and function of the habitat Processes supporting the habitat Distribution of typical species of the habitat Viability of typical species as components of the habitat No significant disturbance of typical species of the habitat 	<ul style="list-style-type: none"> To avoid deterioration of the qualifying habitats thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term: <ul style="list-style-type: none"> Extent of the habitat on site Distribution of the habitat within site Structure and function of the habitat Processes supporting the habitat Distribution of typical species of the habitat Viability of typical species as components of the habitat No significant disturbance of typical species of the habitat 	<ul style="list-style-type: none"> To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying species that the following are maintained in the long term: <ul style="list-style-type: none"> Population of the species, including range of generic types, as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting processes of habitats supporting the species No significant disturbance of the species 	<ul style="list-style-type: none"> To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats that the following are maintained in the long term: <ul style="list-style-type: none"> Extent of the habitat on site Distribution of the habitat within site Structure and function of the habitat Processes supporting the habitat Distribution of typical species of the habitat Viability of typical species as components of the habitat No significant disturbance of typical species of the habitat
Site condition	<ul style="list-style-type: none"> Hen Harrier, breeding favourable 	<ul style="list-style-type: none"> Gannet, breeding favourable Guillemot, breeding favourable Herring gull, breeding unfavourable Kittiwake, breeding unfavourable Lesser black backed gull, breeding unfavourable Seabird assemblage, breeding favourable 	<ul style="list-style-type: none"> Fen, marsh and swamp (upland) unfavourable Dwarf shrub heath (upland) unfavourable Inland rock unfavourable Calcareous grassland (upland) unfavourable Fen, marsh and swamp (upland) unfavourable Dwarf shrub heath (upland) unfavourable 	<ul style="list-style-type: none"> Acid peat-stained lakes and ponds favourable Acidic scree favourable Blanket bog unfavourable Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels favourable Depressions on peat substrates unfavourable Dry heaths unfavourable Montane acidic grasslands unfavourable Otter favourable Plants on crevices in acidic rocks favourable Wet heathland and cross leaved heath unfavourable 	<ul style="list-style-type: none"> Atlantic salmon unfavourable 	<ul style="list-style-type: none"> Blanket bog, unfavourable, no change Depressions on peat substrates, favourable, maintained
Factors currently influencing the site	<ul style="list-style-type: none"> Agricultural practices Renewable activities 	<ul style="list-style-type: none"> Fishery Recreation disturbance Control of rat population 	<ul style="list-style-type: none"> Agricultural practices Renewable or other development leading to alteration of drainage 	<ul style="list-style-type: none"> Agricultural and forestry activities 	<ul style="list-style-type: none"> Fishing Forestry Water quality Risk from North American signal crayfish Artificial barriers 	<ul style="list-style-type: none"> Agricultural practices Water management Renewable activities – Kilgallioch (Section 36 application) is located within close proximity of the SAC designation.
Vulnerabilities to change / potential effects of the Plan	<p>It is composed of moorland with acid grassland and blanket bog mosaics. Much of the heather habitat has become fragmented, with acidic grassland becoming a more common feature due to overgrazing. This area has been identified for its wind resources, making it a desirable location for wind farm developments. Such developments could have significant issues for the SAC in terms of disturbance.</p>	<p>There is not significant threat to the interest at present. The site is subject to a Management Agreement to reduce and control the brown rat population which currently discourage ground-nesting birds.</p> <p>SNH have been in discussion with the landowners regarding Management Undertakings to protect biological, geological and landscape features of the site.</p>	<p>The complex mosaic of interest features fall within agricultural holdings and their maintenance is dependent on different grazing and management regimes. Approximately 50% of the site is covered by management agreements which permit SNH to monitor the condition of the habitat and recommend adjustments if necessary to the level and intensity of grazing and the application of artificial fertilisers. Consideration is being given to similar management agreements for the remainder of the site.</p>	<p>Grazing levels on this large upland site are generally low, though there are some localised overgrazed areas, and existing grazing tenancies are under review. A small part of the site is a National Nature Reserve (NNR), but SNH's NNR review has recommended expansion of this to cover a larger part of the SAC under Forest Enterprise Ownership.</p>	<p>Salmon numbers have declined in recent years, raising concerns about water quality in the headwaters of the river. Sources of pollution will continue to be monitored so that action can be taken where necessary.</p>	<p>This large peatland site is covered by a Management Agreement to conserve the active blanket bog. The Agreement controls grazing, drainage and muirburn. Controlled muirburn is acceptable to maintenance of the site interests. The establishment or permanent fire-breaks on the site or the use of mechanical swiping rather than burning will be considered.</p>

Table 7-1: Aspects of the SAPLDP not likely to have a significant effect (LSE) alone

Aspect of the RHSG which would not be likely to have a significant effect (LSE) on a European site alone	Relevant part of the SG	Reasons for screening out
Aspects which are too general so that it is not known where, when or how the aspect of the Plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected.	<ul style="list-style-type: none"> • Replacement Houses • Extensions • Conversions • Houses related to rural businesses 	These policies are so general that it is impossible, in some circumstances to predict where, when and how any effects may occur. In relation to all of these policies, it is considered that any impacts upon European sites are extremely unlikely due to the location of the European sites.
Aspects of which there are more detailed proposals that allow the competent authority to deal with the specific and identifiable risk to the Natura 2000 site/s.	<ul style="list-style-type: none"> • Additions to existing clusters 	The only area where there is locational information which could be applied is in relation to existing settlements. Residential development associated with existing settlements was assessed as part of the HRA of the SALDP. It is therefore concluded that this aspect of the SG can be screened out on the basis that the risks have been assessed elsewhere and in greater detail.

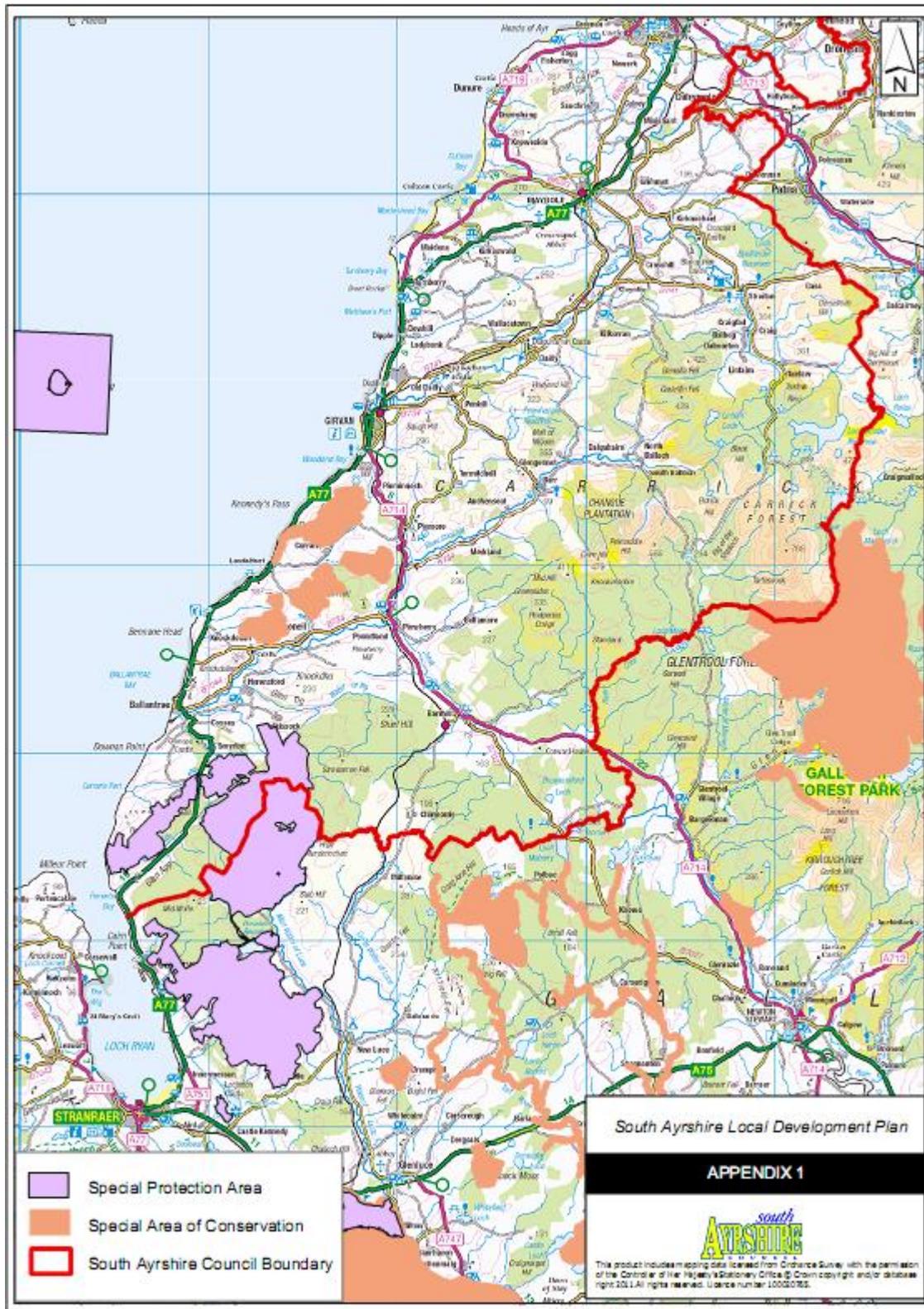
8. Screening Outcomes

- 8.1 Table 7-1 shows that none of the policies contained within the RHSG will have LSE upon any Natura 2000 sites and have therefore been screened out. The reason for screening out the majority of the policies is because it is not known where, when or how any potential effects may occur. The issues raised by the 'additions to existing clusters' policy have been fully addressed through the HRA of the SALDP.
- 8.2 Given that it has been identified that the policies will have no impact upon Natura 2000 sites, there is no need to conduct an in-combination assessment.

9. Conclusions

- 9.1 The screening process has concluded that there will be no likely significant effects upon any Natura 2000 sites as a result of the policies contained within the RHSG. It can therefore be concluded that, pending the comments of SNH, the adoption of the Historic Environment Supplementary Guidance will result in no adverse impacts upon the integrity of any Natura 2000 sites.

Appendix 1



Appendix 2

1. Guidance on replacement houses:

Replacement houses will only be acceptable where: -

- a) The existing house is not located within the greenbelt.
- b) the existing house is habitable.
 - If the existing house is not habitable due to fire, flood or other similar occurrence, a replacement house may be acceptable where a planning application is received within 3 years of such occurrence.
- c) the proposed new house is sympathetic to the scale, character and proportions of original house.
- d) the proposed house is sited on the same plot as existing house (i.e. land within the curtilage of the house). If not, justification for alternative site is required. Any new site must achieve a good fit within the landscape. Where possible, the proposed house should be located on the footprint of the existing building.
- e) the existing dwelling is not the result of a temporary or series of temporary permissions and has been in use as a dwelling for at least 10 years.

Design Considerations

- If the above criteria are met and the proposed design solution accords with the design guidance in this policy, the application can be approved and demolition of the original building should be secured. The demolition of the existing house will be expected to be completed before the construction of a new house.

2. Guidance on house extensions

Extensions to dwellinghouses in the countryside will normally be permitted where the proposal:

- a) would not result in the creation of an additional independent dwelling;
- b) is sympathetic to the scale, character and proportions of the original house, which should remain the dominant feature; and
- c) complies with the design guidance in this supplementary guidance.

3. Guidance on conversions

In all instances, the original building should be: -

- a) a genuinely redundant building of traditional or local character, which is worthy of retention; and,
- b) substantially intact and structurally sound or capable of being repaired/restored while retaining the existing building as the dominant feature; and,
- c) of residential scale and form.

In all instances, the applicant must demonstrate that the proposed design solution is sympathetic to the scale, character and proportions of original building, which should remain the dominant feature. The proposal should comply with design criteria, set out elsewhere in this supplementary guidance.

Where a proposal meets all of the above criteria, including that the building has been demonstrated to be structurally sound, but the existing building does not have a roof or the existing roof requires repair or replacement to make the building habitable, the proposed design solution should contain a roof which matches the profile of the roof of the original building.

Within the Greenbelt, alterations and extensions to the exterior of the building, including a repaired or replacement roof, will be limited to those demonstrated as being essential to the creation of a single dwellinghouse from the original building. Alterations to roof pitch, ridge height or wall-head height or the introduction of new roof features – for example, dormers – will not be permitted.

Non-traditional buildings may be considered suitable for conversion where the building is of particular architectural or historic merit, and otherwise meets the criteria in Section 3.

Permitted development rights may be removed in association with the approval of a conversion, particularly within the greenbelt.

4. Guidance on rural business related houses

The Council may give favourable consideration to the provision of on-site residential accommodation for a worker employed in an existing rural business, or for a worker to be employed in a proposed new rural business, providing that:

- a) It is demonstrated to the satisfaction of the Council that the business cannot operate without continuous on site attendance and that there are no alternative means of operating the business; and
 - b) In the case of an existing business, a business plan is submitted which demonstrates that the business has been operated in a viable manner over a period of at least two years; and, in all instances, that the business will be operated in a viable manner for the foreseeable future; and
 - c) There is no other existing accommodation that could be used to serve the business; and
 - d) No existing dwelling serving or connected to the business or holding has been sold or in some other way separated or alienated from the holding in the previous five years; and
 - e) Any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive.
- In exceptional circumstances where it can be demonstrated to the satisfaction of the Council that an established rural based business cannot continue to operate without additional residential accommodation, the Council may give favourable consideration to the provision of an additional dwelling providing the proposal is in full compliance with criteria 2-5 inclusive above and that it is clearly demonstrated that all other means of operating that business, or providing alternative additional accommodation, have been investigated and proven to be inappropriate for the operation of that business.
 - In all cases, proposals for new residential accommodation in rural areas, including those demonstrated as being required to operate a rural business, must accord with the Council's design guidance, contained in this supplementary guidance.
 - **Guidance on Business Plans:** Business plans will be required to demonstrate that by the third year of operation, the business will employ at least one essential worker per dwelling on a full time basis at a wage of at least 50% of the South Ayrshire average and that the remaining income from the business would support the total equivalent borrowing

cost of creating the business, together with its land, property and residential accommodation assets.

5. Guidance on additions to clusters

Additions to clusters will be acceptable where: -

- a) the proposal is sympathetic to the character and landscape setting of the existing building group.
 - b) the development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the group.
 - c) the development has a clear relationship with the existing cluster by being physically and visually connected with the cluster.
 - d) the proposed design solution is in keeping with the character and built form of the existing building group and otherwise complies with design guidance in the supplementary guidance.
- the principles, above, relating to additions to clusters or small buildings can be applied to some small settlements within South Ayrshire, in recognition that there may be opportunities to add a small number of houses to small settlements in a way that consolidates the form of the settlement at the edge of the settlement. As such, it may be that the addition of a limited number of houses can be acceptable, even where the site (or part thereof) is not within the settlement boundary shown in the LDP. This can also allow a more flexible approach to providing additional housing to meet local needs within some settlements, particularly in remote, rural areas. The settlements this policy applies to are: -
 - Ballantrae
 - Barr
 - Barrhill
 - Colmonell
 - Crosshill
 - Dailly
 - Kirkmichael
 - Kirkoswald
 - Maidens
 - Minishant
 - Straiton
 - Turnberry

Additions to clusters will not be acceptable where: -

- the cluster is located within the greenbelt.
- the development results in the coalescence of settlements.
- the development extends a ribbon of development.
- the development has an unacceptable impact on the character of the existing building group or its landscape setting.

NOTE: Traditional/operational farm steadings will not be considered as a cluster, for the purpose of applying this policy

NOTE: In applying **LDP Policy: Rural Housing**, and this supplementary guidance, a 'cluster' is defined as a building group consisting primarily of houses forming a clearly identifiable nucleus, with strong visual cohesion and sense of place. The group must be physically and visually separate from other settlements.

NOTE: This is a criteria-based policy, which determines the acceptability of small-scale additions to existing building groups in rural areas. It does not restrict the number of additional dwellings that may be added to the group to a specified number. The determining factor in assessing applications will be whether the environmental and physical features of the building group, and its landscape setting, are able to accommodate further buildings, and whether the proposals are acceptable in terms of impact on the cluster. It should be recognised that the physical features of the group could theoretically restrict any additions to a single dwelling, but, equally, they may accommodate a higher number.