

**Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Structure and Local Plans)  
(Scotland) Regulations 1983**

**South Ayrshire Council**

**Report of Public Local Inquiry into Objections to the  
Finalised South Ayrshire Local Plan  
Part 3: Retail, Industrial and Other Matters**

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# ABBREVIATIONS

AOD	Above Ordnance Datum
ASP	Ayrshire Joint Structure Plan
ASP&TC	Ayrshire Joint Structure Plan and Transportation Committee
CDASP	Consultative Draft Ayrshire Joint Structure Plan
CDSALP	Consultative Draft South Ayrshire Local Plan
DETR	Department of Environment, Transport and the Regions
FRLtd	Fordham Research Limited
GROforS	General Register Office for Scotland
HAG	Housing Association Grant
HforS	Homes for Scotland
HHLtd	Hope Homes Ltd
M&M	MacTaggart & Mickel
NET	North East Troon
NPPG	National Planning Policy Guideline
PAN	Planning Advice Note
RSL	Registered Social Landlord
SAC	South Ayrshire Council
SALP	Finalised South Ayrshire Local Plan
SE	Scottish Executive
SEA	South East Ayr
SEAC	South East Ayr Consortium
SEPA	Scottish Environment Protection Agency
SMH	Stewart Milne Holdings
SMs	Scottish Ministers
SNH	Scottish Natural Heritage
SofSS	Secretary of State for Scotland
SPG	Supplementary Planning Guidance
SPP	Scottish Planning Policy
1997 T&CPA	Town and Country Planning (Scotland) Act 1997

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# **8. Retail, Commercial and Related Uses**

## 8.1. HEATHFIELD: RETAIL

### Representation nos:

296, 387, 422, 433, 434, 447 and 454

### Objectors appearing at Inquiry:

Axa Re-im  
Macdonald Estates plc and Alexander Sawmills Ltd  
(+ Writtent submissions)

### Objecting to:

Strategic Policy RET2  
Proposals Map

### 1. BACKGROUND

1.1 Heathfield, and its vicinity, straddles the border between the built up areas of Ayr and Prestwick. Within SALP, the Heathfield Strategy covers an irregularly shaped area which stretches from Prestwick Airport in the north to the built up area of Whitletts in the south. To the west are residential components of Ayr and Prestwick, and to the east is agricultural land contained within the A77 trunk road beyond which is open countryside. The Heathfield Strategy area is generally flat without distinctive topographical features. It accommodates a mix of land uses and sources of employment. Traditional industries include a sawmill, an abattoir, and a cement plant and more recent developments include car showrooms, leisure uses, a retail warehouse park, a supermarket, and fast food outlets. Heathfield Road runs through the area acting as a spine which links Whitletts Roundabout on the A77 to the east with the A79 Ayr Road to the west. The area is well served by bus transport. Although a freight railway runs east to west across the southern portion of the Strategy Area, the nearest passenger station is located to the south west of Heathfield on the Glasgow to Ayr line at Newton-on-Ayr.

1.2 The extended area, beyond that which is covered by the Heathfield Strategy, accommodates a further variety of land uses. These include: to the west a number of housing developments of different vintages, layouts, and house types; to the north, a golf course and the secondary runway of Prestwick Airport; to the east, agricultural land and a small, unsightly group of disused fuel tanks sited adjacent to the A77; and, to the south, numerous further elements of the built up area of Ayr. The town centre of Ayr, and the edge of the town centre are about 2.5km and 2km distant respectively.

1.3 In SALP, the Heathfield area is identified as the foremost opportunity for significant economic development in South Ayrshire. Map STR8 sets out in broad terms the preferred allocation of land uses within the area covered by the Heathfield Strategy. The objections lodged refer to various sites within the area covered by the Heathfield Strategy and its immediate vicinity; and they relate almost exclusively to the non-allocation of land for residential, retail, commercial, leisure and other service uses. This chapter is concerned with the objections which relate in whole, or in part, to retail, commercial, leisure and other service uses.

1.4 The objection sites can be described as follows:

**Site 1 (Heathfield Retail Warehouse Park):** The objection site comprises a retail warehouse development of 10 units. Their various footprints amount in total to some

12,500sqm of floor space arranged in an L shape within a site of 10.3 ha. Servicing is from the rear, and there are around 600 parking spaces to the front. At our site inspection we noted that the current range of tenants includes suppliers of: electrical goods; computers and related products; motor accessories; house furnishings; carpets; furniture; and DIY/garden products. Access is taken from Heathfield Road via Liberator Drive, and is shared with the adjacent Asda superstore. Two fast food restaurants form part of the frontage of the park in the vicinity of the junction of Liberator Drive and Heathfield Road. To the south, across Heathfield Road, there is a DIY superstore, and a number of car show rooms and industrial units.

**Site 2 (Heathfield Road [Alexander Sawmills]):** The objection site, of around 6ha, is an L shaped piece of land located on the north side of Heathfield Road and west of Liberator Drive. To the east is an Asda superstore; to the north lies vacant land and a warehouse; to the west there are a number of small units used for retail/wholesale and related purposes; to the south, across Heathfield Road, is a B&Q supercentre. At our accompanied site inspection we noted that the site was occupied by a commercial sawmill and timber yard, a related trade centre, and numerous buildings used for treatment and manufacturing of wood, for storage, and as offices.

**Site 3 (Sanquhar Farm Road):** The objection site is located to the south of Heathfield Road and is accessed from Sanquhar Farm Road. It is occupied by the B&Q supercentre.

**Site 4 (South Sanquhar/Lochside Road):** As identified by the objectors, the site is an irregularly shaped area of largely undeveloped land located on the northern side of the built up area of Ayr. It is bordered by the freight railway to the south, commercial use to the north, and recent residential development to the west. At our site inspection we noted that the site accommodated the former British Bakeries site, an abattoir, a retail showroom and a number of smaller units.

1.5 In the adopted Ayr and Prestwick Local Plan (1989), the north eastern segment of Heathfield lies within the green belt, and the remainder lies within the boundaries of the 2 settlements. CDSALP (published in 1999) provided a strategy for the Heathfield area and included a strategic diagram which set out in broad terms the preferred uses within the area. The strategy identified 2 constraints both of which lay outside the direct control of SAC: the operational safety of Prestwick Airport; and the capacity of the junction of Heathfield Road and the A77 Whitletts Roundabout. The strategy was linked to, and intended to be read within the context of, the Industrial and Employment Land Strategy. CDSALP policy RET2 stated a presumption in favour of large retail developments (over 1,000 sqm) being directed to the existing town centres of Ayr, Prestwick, Troon, Girvan and Maybole. It went on to state that: “Where there is no alternative site firstly in, or secondly, adjacent to town centres, the preference will be to edge of centre sites and then to the Heathfield Retail Park.”

1.5 In SALP (published in 2002), policy RET2 retained the presumption in favour of large retail developments being directed to existing town centres. However, the phrase “and then to Heathfield Retail Park” was deleted. The Industrial and Employment Land Strategy of SALP provides guidance to investors about the types of activities which are likely to be encouraged within the different industrial areas in South Ayrshire. The aim is to assist in the creation of a stable environment for investment while giving reassurance to existing firms about the type of industry which might locate within their vicinity. It is stated that attention has been paid not only to the current demand for land but also to latent and possible future

demands. SAC has undertaken a qualitative (our emphasis) land use assessment of existing and proposed industrial areas. Based on that assessment of the provision of industrial land and premises, 15 industrial/employment estate areas have been identified.

1.6 The Heathfield Strategy covers 5 of the industrial/ employment estate areas as follows: 7-Heathfield, Ayr and Prestwick (General Industry/Distribution); 10-South Sanquhar, Ayr (General Industry/Distribution); 11-Boundary Road, Prestwick (General Industry/Distribution); 12-Heathfield Road, Ayr (Business); and 13- Whitfield Drive, Ayr (Light Industry). Heathfield is recognised as being the subject of intense development pressure for a wide range of high value land uses, including retail, commercial, leisure, and housing. The strategy aims to effectively manage and co-ordinate development in order to provide a mix of land uses that complements the functions of Ayr and Prestwick town centres. It is emphasised that the Heathfield Strategy must not be viewed in isolation from the principles, aims and objectives of SALP. Along with the strategy diagram (map STR8), it is to be read along with the relevant policies of ASP and SALP and the Industrial and Employment Strategy.

1.7 The Industrial and Employment Land Strategy makes provision for ongoing industrial restructuring. It aims to ensure that there are sufficient opportunities for industrial development while at the same time protecting environmental and residential amenity. The circumstances in which industrial sites can be developed for alternative uses are limited to the following:

- the site must be located within a settlement boundary as defined in the local plan; and
- the development of the site should not fragment a larger industrial area; and
- if the proposed use is residential, the amenity of any residents would not be adversely affected by uses in the vicinity; and
- the proposed use must be compatible with other policies in SALP; and
- industrial or business use of the site is unlikely or undesirable.

1.8 There were no alterations of substance in the changes to SALP subsequently promoted by SAC. In CDASP, Heathfield is in the Core Investment Area; and Ayr is identified as a Core Investment Town, and Prestwick is identified as a Service Centre.

## **2. POLICIES SUBJECT OF THE OBJECTIONS**

2.1 The objection relating to site 1 requests that SALP strategic policy RET2 be revised to incorporate the following text after the words “edge of centre sites”: “.....and then to Heathfield Retail Park, identified on the proposals map, provided that development there can be justified against criteria a) –c) below. Other developments...” In essence, the objections to site 2, site 3, and site 4 relate to their suggested removal from the industrial land allocation, and their designation for a variety of retail, commercial and other service uses.

### 3. SUMMARY OF CASE FOR THE OBJECTORS

#### Site 1 (Heathfield Retail Warehouse Park)

3.1 Policy RET2 of CDSALP identified a sequential test for treating applications for large retail developments (over 1000sqm gross floorspace) that stated a preference for development first in town centres, second adjacent to town centres, and then to the Heathfield Retail Park. SAC had failed to produce any substantive evidence to support the deletion of the reference to the Heathfield Retail Park in SALP policy RET2. If there was no suitable site either within town centres or in an edge-of-centre location then a large retail development should be directed, in the first instance, to Heathfield Retail Park. That had been established and developed in accordance with previous structure plans. The absence of an up to date local plan had led to planning by appeal.

3.2 Retail planning policies must conform with, and give effect to, the strategy towards retailing approved by SMs. The terms of NPPG8, the draft revision now in preparation, and the burden of recent research all supported the objectors' position. To leave an established out-of-town centre, such as that at Heathfield, with the same status as an emerging out of town centre was not a proper reflection of national policy towards other relevant matters including transport and sustainable development.

3.3 SAC had previously acknowledged the status of the Heathfield Retail Park as a third choice location not only by the reference to it in CDSALP policy RET2 but also in the approval for Asda and support for a large retail development on land opposite the park in association with the erection of a football stadium. Heathfield Retail Park was a substantial, successful development; and it was readily accessible not only to residents of Ayr but also to those in the wider catchment area served via the A77. It was distinguished from other sites occupied by retailers of bulky goods because of the numbers of outlets clustered in a free standing park. The recent development of the Asda superstore had added to its profile as the premier out of centre retail destination within Ayr. SALP policy RET10 envisaged the possibility of future retail development taking place at Heathfield and SAC had stated a preference for that to be adjoining, or integrated with, the existing park.

3.4 A thorough inspection of all the other potential out of town centres had not revealed to the objector, and would not reveal to SAC when they undertook their promised review, any sites in the same category, or with the same potential, as Heathfield. In the protracted period it had taken to bring forward SALP, SAC should have done enough work to provide a sound basis for the policies in SALP. In reverting to a position apparently underpinned only by slavish conformity to ASP, SAC had misinterpreted its thrust. They had allowed the local plan making process to become bogged down; and, in violation of the spirit of the plan led approach they were using the review of the structure plan as an excuse for inaction.

3.5 The approach to retailing within the Heathfield Strategy was thoroughly unsatisfactory and the objector considered that a masterplan approach was a preferable way forward. This would enable all land uses in the vicinity to be looked at as a totality taking into account all relevant matters.

3.6 A recent appeal decision in England provided support for the objectors' view that, in the right circumstances, an out of centre location could play an appropriate role in the planning of an area without harming a strategy promoting sequentially preferred locations. A

single retailer should not be expected to split a store into separate sites just because a sufficiently large site was not available in a town or edge of centre location.

## **Site 2 (Heathfield Road [Alexander Sawmills])**

3.7 Alexander Sawmills Ltd provided a service to the building and construction industry in Ayrshire and beyond. The company had been forced to adjust to difficult trading conditions. The present site was far too large, and the company had identified a vacant site in South Ayrshire which was well suited to its future requirements. The move would avoid the need for costly double handling, would take advantage of potential economies of scale and would be achieved without a net loss of the 90 job opportunities now provided by the company. However, if these benefits were to be achieved and the long term viability of the company thereby secured, considerable investment would be required. The release of capital from the sale of the objection site would fund the proposed investment programme and help the transition to a new location within South Ayrshire at Harbour Road, Troon. The move would take place regardless of the outcome of the objection thereby leaving the site vacant. SAC had not made available up to date figures on the industrial land supply in South Ayrshire or the rate of take up. The proposal would bring land into use at Troon, and make productive use of the objection site with no detriment to the overall land supply.

3.8 There was an opportunity to create a destination out of town warehousing centre and retail corridor at Heathfield. In recent years the character of the area had changed from almost solely industrial to mixed uses. Within that context, a development composed of 5574sqm of bulky goods retail warehousing; and an 8361sqm DIY warehouse, with associated garden centre and builders' yard, was proposed for the objection site. Bulky goods would include: DIY, furniture and furnishings, electrical, gardening and motor goods. The outline planning application to be submitted in the near future would not include a proposal for a cinema. The site was close to Heathfield Retail Park and adjacent to the newly constructed Asda Superstore. There would be 500 new employment opportunities and a capital investment of around £30m. Matters had moved on since the dismissal of an application for a mixed retail and leisure development on the objection site in 2000; and SALP policy RET10 provided the opportunity for retail development.

3.9 The town centre of Ayr operated as a sub-regional centre for Ayrshire. It was predominantly a comparison retail destination, and only around 3% of the retail units in the town centre were used for selling bulky goods. Although there was a relatively high vacancy rate in the town centre, the majority of the units were limited in their size and potential for expansion. Following improvements to its townscape and environment, the town centre of Ayr now appeared healthy and strong, and that was reflected in the rental levels which could be achieved. There had been significant new developments at Beresford Terrace, at Damside North, and at Mill Street. Overall, new developments had increased the floorspace in the town centre by 26749sqm and turnover by around £55m (at 2003 prices). The town centre had a vitality and viability index score of 2.87. Other town centres at Girvan, Maybole, Prestwick and Troon were all rather more focussed on their local hinterlands, with more limited provision, and vitality and viability indices varying between 1.6 and 2.95.

3.10 Protecting and enhancing town centres was a key consideration underpinning national policy as set out in NPPG8, and its paragraph 45 set out the requirements to be met. Aspects of SPP1 and NPPG17 were also relevant along with ASP policies L8, L9 and L10. CDASP

indicated a 30% to 40% growth in retail expenditure in the medium term, largely on non-food items, and it proposed that the policy of promoting town centres as the preferred location for retail outlets be continued. SALP policies RET1, RET2, and RET10 were relevant along with policies OPP1, OPP2, IND4, IND5, and HFD1.

3.11 The population of the catchment area was estimated to fall: from 113,658 in 2001; 112,471 in 2006; and 111,335 in 2011. However, retail spend would grow in real terms. The objectors and SAC had prepared comparison retailing capacity studies for South Ayrshire in 2004. They were prepared independently and, although they adopted some differing assumptions, the outcomes after discounting tourist spend were very similar. SAC had estimated the surplus comparison expenditure as £22m in 2006 rising to £82m in 2011. The objectors estimated £23m in 2006 rising to £80m in 2011. On the basis of these calculations there was no disagreement with SAC that there would be a significant surplus of comparison goods expenditure over the plan period. However, within the total comparison expenditure there were differences as far as bulky goods were concerned. SAC estimated a surplus of £17m at 2006 rising to £36m at 2011 compared with the objectors' estimate of £26m and £47m respectively.

3.12 In reaching those figures it was estimated that in 2006, some £90m of general comparison expenditure would be imported into the catchment area and that £20m of that would be bulky goods. In 2011 these figures would rise to £119m and £25m respectively. The export figures for general comparison expenditure would be £44m in 2006 and £18m for bulky goods, rising to £57m and £23m respectively in 2011. Taking into account the effect of import and export expenditure flows on capacity, it was estimated that there would be a surplus of expenditure over turnover of £22m in 2006, due to imported expenditure from other Ayrshire areas (mainly East Ayrshire), and that for bulky goods the expenditure surplus would amount to around £25m. In 2011, the surpluses would be £79m and £46m respectively, explained not only by the growth of expenditure predicted between 2006 and 2011 but also from the increased estimate of imported expenditure.

3.13 On the basis that the store would be fully operational by 2006 it was estimated that its total comparison turnover would be £33m in 2006 with £31m drawn from the catchment area (5% being imported). In 2011, the figures would be £36m and £34m. Within that, the figures for bulky goods would be £16m and £18m respectively.

3.14 It was to be expected that the proposal for the objection site would divert trade from other outlets. Modelling and sensitivity testing had demonstrated that the greatest impact would be on Heathfield Retail Park and on other nearby retail warehouses. SAC's 1998 capacity assessment and the 2003 Shopping Survey showed a leakage of bulky goods expenditure from the catchment area and the proposal would improve choice and variety, and would claw back the leakage. Circumstances had changed since 2000, and the impact of the proposed development would not undermine either the vitality or the viability of Ayr town centre particularly when account was taken of its turnover as a whole. The impact on the town centres at Girvan, Maybole, Prestwick and Troon would not be significant.

3.15 Regarding the sequential test, a thorough survey and analysis had been made using all available information including specialist maps, and extensive drive-by and pedestrian inspections of the area. In Ayr, the sites at Mill Street and Beresford Terrace had been developed already. Neither the Kyle Centre, nor Damside, nor Afflecks, nor the former Asda, nor the site in Troon at Academy/Portland Street, presented a realistic alternative

opportunity. There were no vacant units or sites either of the right size or capable of amalgamation within the catchment area. In the absence of a suitable town centre or an edge of centre site, it was entirely appropriate to consider this out of centre site which related well to the adjacent Asda store and to Heathfield Retail Park.

3.16 The proposal was compatible with the terms of NPPG8 including all of the criteria set out in its paragraph 45. Public transport to Heathfield had been greatly improved thanks to the introduction of a new bus service and further measures including pedestrian links; and additional bus stops could promote more use of alternative transport modes to the car. There was an opportunity for multi-purpose trips linked to the adjoining retail developments. The designs of the existing buildings on the site were out of tune with those more recently constructed and the proposed development could further improve the environmental quality and attractiveness of the Heathfield area. Asda had confirmed that they would be agreeable in principle to the establishment of pedestrian linkage between the objection site and their adjacent development and the service road separating them was a dedicated bus service route. A traffic impact study had shown that, taking account of the proposed improvements to the Whitletts roundabout and with some mitigation, the proposal for the objection site could be accommodated on the road network up to the design year of 2017. The proposal would support sustainable travel patterns and comply with NPPG17.

3.17 ASP policy L8 was met because a sequential analysis had been undertaken. The 7 criteria in policy L9 were satisfied and, the proposal would comply with policy L10. SALP policy RET2 confirmed that retail development might be acceptable in out of centre locations providing that there were no alternatives in, or adjacent to town centres. The 8 criteria in policy RET2 could all be met. The proposal could meet all the requirements of policy RET10. While the proposal might appear to run contrary to the detailed wording of the industrial and business policies, it would be in line with SALP's aims and objectives, including those relating to employment generation and economic development.

### **Site 3 (Sanquhar Farm Road)**

3.18 The inclusion of the objection site within the area identified for business uses constrained the opportunity to extend the existing B&Q superstore. The text on pages 19 and 20 of SALP headed "Town Centres and Retailing" should be deleted so as not to prejudice the assessment of planning applications particularly those considered under SALP policy RET2(b). SALP policy RET2 (g) was inappropriate because it restricted the range of goods permitted to be sold in out-of-centre retail warehouses in advance of a consideration of the merits of each individual proposal. SALP policy RET10(a) should be deleted as redundant because a proposal for a retail development within the Heathfield area assessed as being in accord with SALP policy RET2 would have demonstrated that the site was already "well located for existing, regular, frequent and convenient bus services, or other public transport."

### **Site 4 (South Sanquhar/Lochside Road)**

3.19 One objector stated that the site had been part of the available marketable land supply for almost 20 years without attracting significant interest in developing it for industrial purposes. Only commercial or retail use could absorb the cost of remedial action directed at rectifying the ground conditions. The designation of the land for heavy industrial purposes was inconsistent with the surrounding uses and previous SAC decisions. A second objector

also considered that some of the land south of Heathfield Road should be designated for commercial development.

#### 4. SUMMARY OF CASE FOR SAC

4.1 SAC made it clear that they were not against Heathfield as a retail location. The basis of their case was the need to gain time to consider the proper approach to an emerging comparison goods expenditure surplus and various proposals for out of centre retail warehouses. SAC were of the view that modifications should not be made to SALP solely on the basis of the merits of individual proposals. Resolution of the issues presented by the expenditure surplus should be informed by the process leading to the production of the emerging structure plan. They could be formalised either by the preparation of an alteration to SALP or by the issue of a policy statement to support decisions on individual planning applications.

##### **Policy matters**

4.2 NPPG8 had set out a range of provisions that sought to protect and enhance the vitality and viability of town centres. Particular attention was drawn to the terms of paragraphs 84-87 which, it was stated, should be read in the context of paragraphs 88 and 89 which set out the roles of the structure plan and the local plan. It was the role of structure plans to assess whether there was scope for retail developments out of centre and the obligations of local plans related to the provision of local detail such as the identification of sites. Even where there was a surplus of projected expenditure relative to floor space it was not the role of local plans to determine a framework of preferred sites. They should only identify sites within the framework set by structure plans.

4.3 ASP had concluded that directing future investment to town centres provided the most appropriate framework for investment in South Ayrshire and ASP policies L7, L8, L9 and L10 had been devised with that in mind. The proper interpretation of ASP was that all out of centre locations should be considered equally, and preference should be given to those easily accessible by a choice of means of transport. Any proposal for a development over 1500sqm gross floor space at an out of centre site, even if it complied with ASP policy L9, would be contrary to ASP policy L8. That remained the position even where additional capacity had been identified over and above that assessed in ASP.

4.4 CDSALP policy RET2 had identified Heathfield Retail Park as a preferred location to be considered after all town centre and edge of centre sites had been exhausted. It had been identified in order to provide a policy context for the integration of the largest provision of out of centre retail floor space in South Ayrshire. The retail park and the adjacent Asda shared transport facilities, and they were planned in a co-ordinated manner which could be improved by further functional and physical integration.

4.5 Consultation had revealed that neither ASP nor CDASP provided an adequate strategic policy context for CDSALP policy RET2. The change in text between the CDSALP and SALP was made because SAC now considered that they had misunderstood the relevant policies of ASP; and because they recognised that a systematic assessment of the relative merits of alternative locations, particularly in terms of relative accessibility was required. At

the inquiry, it was confirmed that even at that late stage in the preparation of the local plan the reappraisal of relative accessibility had not been completed; it would be incorporated as a part of the up date to the Local Transport Strategy.

### **Retail capacity and impact**

4.6 Preparatory work for SALP had included a review of projected expenditure and floor space provisions. It was found that there was sufficient emerging capacity to provide for additional town centre floor space. Although the town centre was in relative decline for much of the nineties, circumstances had changed for the better especially since the turn of the century. The review had concluded that, although the Ayr town centre was now relatively healthy, it remained vulnerable to the impact on turnover of additional out of centre floor space.

4.7 SAC acknowledged that there was an emerging surplus in comparison goods expenditure in South Ayrshire. SAC's capacity study had indicated that for comparison goods expenditure excluding tourist spend there was a projected surplus of £22m in 2006 and £82m in 2011. The surplus was greater when tourist expenditure was taken into account. It was acknowledged that even if the import and export expenditure flows were reduced by 20%, there would remain a significant surplus of comparison goods expenditure.

4.8 SAC estimated a bulky goods expenditure surplus of £17m at 2006 rising to 35m at 2011 compared with the objector's £26m and £47m respectively. SAC's estimate on bulky goods expenditure should be relied upon for the following reasons. The key driver underlying the need for additional floorspace was the growth in locally generated and imported expenditure rather than the need to capture expenditure on bulky goods spent at centres outwith South Ayrshire. The SAC figures were more robust because they took account of bulky goods sales in mixed goods stores in Ayr town centre while the calculations of the objectors were based on stores that sold only bulky goods. SAC's estimate of the volume of bulky goods sales in large food stores was based on those of Asda's consultants in their retail assessment for the extension of the Asda superstore at Heathfield; and it was thought very unlikely that the consultants would have over estimated bulky goods turnover.

### **Sequential analysis**

4.9 Given that SAC was advised of the emerging surplus of comparison goods expenditure only in June/July 2004, it was reasonable that all of the possible development opportunities should be examined within the context of the sequential test. This would allow for proper consideration of any new opportunities in Ayr town centre, and on the edge of the town centre, as well as out of centre opportunities at Heathfield and elsewhere. At the time of the inquiry, of the 7 town centre sites identified as opportunity sites for development, 5 were either complete or at an advanced stage of construction. Of the others, the Affleck's site was difficult of access, and the other one was in Girvan. Before identifying suitable sites for new floor space, SAC would have to review all of the available options and take account of the requirements of the national, strategic and local policy framework to support existing centres. It would not be possible to make a firm judgement about the impact on the vitality and viability of Ayr town centre until the review of all potentially suitable sites, including the objection sites, had been completed.

4.10 In answer to questions about the current situation in Ayr town centre, it was confirmed that not all of the newly developed floor space in Ayr had been let; and, in the light of the unusual length of the main shopping thoroughfare, the town centre was potentially vulnerable to increased retail provision elsewhere in the catchment area. Shops in the town centre would mop up a proportion of additional expenditure on comparison and bulky goods; and additional provision elsewhere was unlikely to seriously affect town centre trading, except in the event that that new floor space was taken up by the relocation of a bulky goods retailer. There were a number of actual and potential changes in the provision of floor space which should be taken into account including: the Kyle Street/Mill Street development outside the core retail area in Ayr; the closure of the Asda store in Ayr; the current proposal for site 2; and a proposal for retail warehousing also at Heathfield. SAC remained concerned that the relatively small cinema in the town centre might close if a multiplex cinema were to be developed at Heathfield. The recent application for a mixed use development at Ayr Racecourse included a cinema and a retail element. It would be prudent to allow the town centre to adjust to the changes now taking place, and which might emerge, before making any alteration to the provisions of SALP.

### **Retail policy in SALP**

4.11 SALP policy RET10 provided a tailored policy towards the clustering and integration of retail provision within the Heathfield area. Nowhere was it stated that Heathfield was a preferred location for additional out of centre floor space over other locations in South Ayrshire. CDASP would address the issue of surplus capacity, a review of all available options would be required, and a judgement would be taken about how much of the surplus should be absorbed by conventional floor space and how much by retail warehouses with goods restrictions. It would be premature to suppose that the CDASP would either identify surplus capacity, or that there would be a role for out of centre provision. However, if CDASP were to identify a role for out of centre provision, the options available for dealing with that eventuality included an alteration to SALP.

### **Industrial and business land**

4.12 The aim of the Heathfield Strategy was to effectively manage and co-ordinate development in order to ensure an appropriate mix of land uses. The intention was to complement the retail and associated functions of Ayr and Prestwick town centres rather than to compete with them. The strategy recognised the presence of the retail park and, where circumstances permitted, preference would be given to proposals which integrated with it rather than other possible locations at Heathfield. That preference was reiterated in SALP policy RET10.

4.13 The Industrial and Employment Land Strategy provided a qualitative and quantitative choice of industrial sites in a range of locations throughout South Ayrshire. Heathfield was one of the few areas in Ayr suitable for industrial and business uses. The objection sites were covered by SALP policies IND1, IND4 and IND5 and these precluded their use for retail and associated commercial purposes. The Heathfield area was being promoted in SALP for a wide range of business uses and gateway businesses, and SAC had allocated a new strategic industrial site of some 34ha in the vicinity. Some 11.7ha of land had been developed at Heathfield in the last 3 years; and the land at sites 1, 2 and 4 continued to provide opportunities for general industrial development within the SALP period. They formed an integral part of a hierarchy of sites within South Ayrshire. Land that was unattractive for

business investment had been identified; and, thereafter, sites at McCalls Avenue and West Sanquhar Road in Ayr had been allocated for housing.

4.14 The objectors had not provided any specific information on the level of interest in developing the land at the objection sites for purposes other than industry, nor was there any substantive evidence of marketing exercises undertaken for their sale, lease or development. It was suggested that land owners had been slow to bring sites forward for industrial development because they hoped that permission might be granted at sometime in the future for uses, such as retailing, commercial, leisure, and other purposes which would command a higher price. That speculation undermined investor confidence that Heathfield would continue as a focal point for investment in industrial activities. There was anecdotal evidence that suitable land was not being made available in small parcels and that this paucity was creating difficulties for some smaller companies. Land at Whitfield Drive, where smaller parcels of land were available, was the most comprehensively developed part of the Heathfield Area.

### **Transport and Traffic**

4.15 It was acknowledged that the objection sites were now readily accessible by public transport because of improvements to the bus service provided along Heathfield Road and which served the Asda retail outlet on the adjacent site. As far as roads matters were concerned, the main cause for concern was that a retail use would generate more traffic than an industrial one. The upgrade at Whittleys roundabout would do little to alleviate the existing traffic congestion on Heathfield Road. There were particular problems of safety and performance at the junctions at Heathfield Road/Hunters Avenue and Hunters Avenue/Seaforth Road. Other detailed matters of access and parking could be dealt with at the design stage and any difficulties related to these were not necessarily insurmountable.

### **Other matters**

4.16 With specific reference to site 3, the land on which B&Q was developed at Sanquhar Farm Road lay outside the Heathfield Retail Park and formed part of a wider business area. Any proposed expansion of the store would be considered in terms of policy RET9. The limitation of goods to be sold in out of town locations set out in SALP was in accordance with ASP. Public transport should be guaranteed to serve out of town retail or other development. SAC's approach facilitated proper provision within a commercial context which offered no direct control over the routes or timetables offered by bus companies.

4.17 The circumstances in which SAC were prepared to support a bulky goods retail park at site 4 were unique: it was regarded as an integral element of a package which included a new football stadium. Although the development was contrary to ASP, the adopted local plan and NPPG8, SAC considered that the benefits associated with the relocation of the football ground outweighed any other concerns. The retail element of the proposed development was rejected by SE because, at the time, Ayr town centre had experienced difficult trading conditions. Retail development in the Heathfield Area continued to be assessed in terms of the sequential approach and potential impacts on the vitality and viability of existing town centres.

## 5. CONCLUSIONS

### Site 1 (Heathfield Retail Warehouse Park)

5.1 NPPG8 sets out national policy towards town centres and retail developments. SAC consider that paragraphs 84-87 of NPPG8 should be read in the context of its paragraphs 88 and 89. We disagree and take the conventional view: that the paragraphs should be read in sequence. Paragraphs 84-87 refer to the role of development plan (i.e. the structure plan and local plans). Paragraphs 84 and 85 explain the approach to be adopted in devising policies to be applicable to town centres. Paragraph 86 sets out the basis of the sequential approach which indicates that the order of search for a suitable site for a retail development should be: town centres, followed by edge of centre locations and only then out of centre sites accessible by a choice of means of transport. It requires those charged with determining the overall provision to give consideration to whether there is a requirement for out of centre developments. The scope for any such development should satisfy the considerations in paragraph 45 of NPPG8 and should be incorporated within the development plan. Paragraph 87 requires that plan makers use the most up to date information possible. Specifically, it states that they should take account of the existing stock of recently developed floor space and the likelihood of other approved proposals being developed. We find that it is within that general context, which applies to both elements of the development plan, that paragraphs 88 and 89 should be read.

5.2 There is no dispute that ASP follows the general requirements of paragraph 88; and we see that ASP policies L7-L10 deal with town centres and retailing. Paragraph 88 advises that, as part of the sequential approach, the strategic framework in structure plans should indicate whether there is scope for retail developments outwith town centres. If so, they should indicate their scale and general location, ensuring co-ordination with expected housing, employment, or other planned developments, including transport infrastructure. Because there are specific references to out of centre developments in the text which accompanies ASP policies L8, L9, and L10 and there are explicit references to out of centre developments in ASP policy L8 and ASP policy L10, we are in no doubt that ASP does, indeed, conclude that there is scope for retail development outwith town centres in South Ayrshire. While we recognise that ASP is silent on the details of the scope of that development, ASP was approved by SMs in that form. Accordingly, we find that in South Ayrshire it was left to those who are progressing the development planning process through the preparation of local plans to provide the appropriate level of local detail and any sharper focus to the structure plan framework which might be appropriate. We note in passing that, with the above reasoning in mind, we cannot agree that, even if a proposal for a development over 1500sqm gross floor space at an out of centre site complied with ASP policy L9 it would be contrary to ASP policy L8.

5.3 CDSALP policy RET2 identified Heathfield Retail Park as a preferred location for large retail developments once all town centre and edge of centre sites had been exhausted. We have no quarrel with the stance adopted by SAC at that time and the reasoning behind their position. We also agree with SAC that the proper interpretation of the structure plan is that, as a starting point, all out of centre locations should be considered equally and, related to that, preference should be given to those easily accessible by a choice of means of transport. However, that is only the starting point. It is clear that there has been considerable developer interest in out of centre locations for retailing and commercial leisure uses in Ayr; and that, in the absence of a lead from an up to date local plan, approvals have been secured by

application or appeal. We find that it is perverse not to include within the preparation of the local plan adequate consideration of the existing retailing hierarchy, including the evolution of facilities at Heathfield, as these have emerged over recent years.

5.4 SAC acknowledged at the inquiry that, at the time of issue of CDSALP, insufficient survey work had been completed to sustain its position on out of centre retail provision. We consider that, as planning authority, SAC should not have been deterred by the terms of ASP from going ahead with considerable urgency to remedy that deficiency and to identify a hierarchy of preferred sites within that “third choice” category within the sequential test as required by paragraph 12 of NPPG8. Given the policy guidance for land use planning contained in paragraph 87 of NPPG8, it is difficult to understand why an assessment of the relative accessibility of sites has been so long delayed and now, apparently, delegated to those preparing the Local Transport Strategy.

5.5 There is now undisputed evidence that there is an emerging surplus of considerable proportions in comparison expenditure in South Ayrshire. There are applications for retail development at out of centre locations in Ayr before SAC, as planning authority, and at appeal before SMs. By acceding to the thrust of the proposed change in the wording of SALP policy RET2, SAC would recognise the reality of current circumstances as they affect site 1. They would provide a clear indication to prospective investors in the retail sector of what will, and will not, be allowed and where; and they would provide a helpful transition from one structure plan to another and, in that process, secure the relevance of the development plan, as a whole, in the face of changing circumstances.

5.6 Drawing these matters together we conclude that SALP strategic policy RET2 should be revised to incorporate after the words “edge of centre sites” the following text: “and then to Heathfield Retail Park, identified on the Proposals Map...” We are not persuaded that a large retail development at Heathfield should not be assessed against all the criteria in strategic policy RET2. This remains the case even taking into account the terms of SALP policy RET10, which provides details of further criteria to be applied to retail development in the Heathfield area.

## **Site 2 (Heathfield Road [Alexander Sawmills])**

5.7 We turn now to the proposal that site 2 be allocated for retailing and, in particular, for bulky goods retail warehousing along with a DIY warehouse with associated garden centre and builders yard. There is no dispute that there will be a significant growth in retail expenditure in the SALP period, including that on comparison and bulky goods. It would be unrealistic to plan on the basis that the 5 town centres would absorb all of that. The objection site, which is currently allocated for industrial and business use, has been presented as well placed to meet a forecast deficiency in floor space for the retailing of comparison goods including bulky goods. It falls to consider the proposed reallocation under ASP policy G8. This sets out 11 general principles which should guide the allocation of land for development within SALP (chapter 4.1 above). When we consider site 2 against each of these we find that D, G, H, I, J and K do not apply.

5.8 Taking criterion A, there was no dispute between the parties that there would be a significant surplus of comparison expenditure in South Ayrshire over the SALP period. SAC had estimated that in 2006 there would be a surplus of £22m and that this would be likely to increase to £81m by 2011. However, there were differences on the estimates of bulky goods

expenditure, with SAC calculating that there would be a surplus of £16m in 2006 growing to £35m at 2011, and the site 2 objectors putting forward figures of £25m and £46m. The level of bulky goods sales in mixed goods stores in the town centres is a difficult figure to calculate with any degree of certainty, and it was acknowledged at the inquiry that estimates with which we have been provided could be subject to error. This being so, we believe that both sets of figures should be treated with caution.

5.9 On the basis that proposed development would be fully operational by 2006 it was estimated by the objectors that its total turnover in comparison goods would be £33m in 2006 with £31m drawn from the catchment area (5% being imported). On the same basis, in 2011 the turnover would be £36m and £34m. Within that, the figures for bulky goods turnover would be £16.4 and £18.0m respectively. It now seems highly unlikely that, even on the most optimistic of timetables, the proposed development could be built and trading as forecast much before late 2008. Accordingly, if we accept the proposition that the rather more conservative estimates of bulky goods turnover produced by SAC are to be preferred to those of the objectors then there should be a surplus of around £25m available for expenditure on bulky goods in South Ayrshire. Of that only around £17m would be taken up at the proposed development. Drawing these matters together we find that there is adequate comparison expenditure and, within that, bulky goods expenditure, to support the proposed development.

5.10 On the basis of the persuasive evidence brought to the inquiry by the objectors, in the absence of any definitive survey material produced by SAC, and drawing on our own observations, we accept that there is no town centre or edge of centre site in Ayr immediately available and capable of accommodating a retail development of over 1000sqm gross floor space. No site closer to these vicinities than Heathfield has been drawn to our attention. NPPG8 explains that retailers should show flexibility to achieve town centre locations, including the possibility of sub-dividing larger proposals. However, it also indicates that planning authorities should be responsive to retailers' needs. To offer no realistic alternative for the type of bulky goods proposed by the objectors other than the possibility of a sub-divided site in, or on the edge of, the town centre, would be likely to reduce the attractiveness of the area for investment, and result in less choice and fewer benefits for consumers. When we review our findings, in all the circumstances, we conclude that the objection site satisfies the sequential approach.

5.11 The new development would be in competition with outlets within the Heathfield Retail Park but it would also have consequences for stores located in Ayr town centre whose offer includes, in whole or part, comparison goods including bulky goods. There is no dispute that, in recent years, there has been a welcome improvement in the vitality and viability of the town centre of Ayr. Although the current situation remains fragile there is much that can yet be achieved through refurbishment and related initiatives to consolidate the position. We find from a comparison of the array of goods retailed in Ayr town centre and those available at Heathfield Retail Park that the offer at Heathfield co-exists with and complements that in the town centre. Bearing in mind all of the changes that are in progress and are envisaged, we find that additional retailing floor space of the sort envisaged by the objector would not affect adversely, either on its own or in association with existing developments, the strategy set out in SALP for Ayr town centre; and the addition would not compete with the town centre to the extent that there would be a significant threat to its vitality, viability or character.

5.12 Looking at B, the site lies in a predominantly industrial area characterised by brownfield land. Regarding C, NPPG8 points out that a new retail warehouse which cannot be accommodated in a town centre or on an edge of centre site should, wherever possible, be developed as part of an existing or expanded retail park. It adds that, because of their visual impact, the sporadic siting of free standing retail warehouses along major road corridors should be avoided. The objection site is located adjacent to the existing Asda store which itself is linked to the Heathfield Retail Park. We see no reason why a well designed scheme of development should not maximise the use of existing service infrastructure and produce a sustainable form of development.

5.13 Under E and F, we recognise that retail development at the objection site would increase the use of the private car in the vicinity. Nonetheless, on the evidence before the inquiry, this would be a manageable increment on existing levels of traffic. From our daily experience of the A77 over several months and at various times, including the morning and evening peaks, we consider that the impact of this level of development on the nature and extent of traffic congestion on Heathfield Road, junctions nearby, and on Whitletts Roundabout should not be overstated. Although we recognise that the roads and their junctions in the vicinity have elements which merit improvement, we are not persuaded that an allocation of the objection site for retailing would be undermined by its contribution to congestion on the road network. In relation to public transport, while the existing routings and interchanges may not be ideal for all potential travellers, there have been considerable improvements recently to the bus services serving the Heathfield area. We also believe that pedestrian and cycle integration can be achieved without undue difficulty. The Newton-on-Ayr Railway Station is less than 20 minutes walk away.

5.14 Drawing these matters together, we find that, on balance, the development of site 2 for retailing would be compatible ASP policy G8 and comply with the intentions of NPPG8, NPPG17 and Consultation Draft SPP17.

5.15 The Industrial and Employment Land Strategy sets out 5 criteria against which proposals for alternative uses for industrial sites must be assessed. Judged against these we find that site 2 is located within the settlement boundary of Ayr as defined in SALP; the site is adjacent to the areas identified for retailing and would not fragment the land identified for industrial and business development; no part of the site would be used for residential development; and the proposed use would be compatible with the other policies in SALP including the suite of policies which relate to retailing. For reasons set out in some detail elsewhere in this report we are in no doubt that SAC has allocated more than sufficient land for industry and business use in SALP. In the current, and likely future, market conditions industrial or business use of site 2 is unlikely within the SALP period.

### **Site 3 (Sanquhar Farm Road)**

5.16 We believe that it is inappropriate to exclude a retail warehouse from the designated retail area and allocate it under policies IND1, IND4 and IND5. It operates primarily as a retail outlet and forms a part of the package of retail facilities on offer at Heathfield. To designate the objection site for retail purposes would be to accurately reflect the existing use. To exclude it from such a designation is to artificially and misleadingly reduce the extent of the retail facilities which are to be found at Heathfield. In our view, the B&Q store on site 3 has more in common with the retail uses found in Heathfield Retail Park, than with uses normally found in industry and business designated areas. Given these factors, we find that

the objection site should be covered by a retail designation. We are not persuaded that there is any need to recommend the changes to policy RET2 and RET10 or the associated text as advocated by the objectors.

#### **Site 4 (South Sanquhar/Lochside Road)**

5.17 There was insufficient evidence brought to the inquiry by the objector for us to make an informed judgement on whether the proposed alteration to the preferred use identified in the Heathfield Strategy can be justified.

#### **Other matters**

5.18 SAC made it clear that they were not against Heathfield as a retail location. The basis of their case was the need to spend time and resources considering the proper approach to the emerging comparison goods expenditure surplus and to various proposals for out of centre retail warehouses. However, we are not convinced that the emerging expenditure surplus should have come as a surprise to SAC. It is disappointing that SAC apparently have no mechanism in place to monitor on going trends trends in retail expenditure in South Ayrshire and the land required to accommodate that. We consider that such a mechanism should have been a part of the SALP plan making process. We cannot agree that resolution of the issues presented by the expenditure surplus must await the production of the emerging structure plan. CDASP is at an early stage of preparation; and promoting modifications to SALP once it had been adopted seems to us to be a rather uncertain way to proceed. In the absence of an appropriate allocation of land in SALP the result will be planning by appeal.

5.19 We note that SAC are keen to see developments in the Heathfield area considered as a whole. Faced with fragmented land ownership and the disparate aspirations of prospective developers, the provision of a strategy to guide development was seen as the way forward. We suggest that to achieve in full what SAC wish for the area and its surroundings in terms of retailing, industrial, business and other uses, the next step should be the preparation of a masterplan. A masterplan approach would enable all land uses in the vicinity to be looked at in the round taking all relevant matters fully into account including the details of access, public transport, landscaping and design.

5.20 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## **6. RECOMMENDATIONS**

6.1 Accordingly, we recommend:

(i) that strategic policy RET2 be amended as follows (change in italics):

“There shall be a presumption in favour of large retail developments (over 1000sqm gross floorspace) being directed to the defined town centres of Ayr, Prestwick, Troon, Girvan, and Maybole. Where there is no alternative site firstly in, or secondly, adjacent to town centres, the preference will be to edge of centre sites *and then to Heathfield Retail Park, identified on the Proposals Map*. Developments outwith existing centres but still within settlements may be acceptable provided they can be justified against the following criteria....;”

(ii) that the industrial and business allocations covering site 2 (Heathfield Road [Alexander Sawmills]) be removed, and that the site be identified as a retail opportunity for bulky goods and covered by appropriate retail allocations;

(iii) that the industrial and business allocation covering site 3 (Sanquhar Farm Road) be removed, and that the site be identified for retail purposes to reflect the existing use and covered by appropriate retail allocations; and

(iv) that no other alterations be made to SALP in respect of these objections.

## 8.2

# GIRVAN: RETAIL

**Representation no:**  
376

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Proposals Map

### 1. BACKGROUND

1.1 The objection relates to an extensive piece of land located at Lagenwhilly on the northern edge of the built up area of Girvan. Octagonal in shape, it amounts to more than 2.3ha and accommodates a number of existing buildings, most in rather poor condition, along with a miscellany of other land uses including the remains of part of a dismantled railway line. Access is taken from the frontage on Vicarton Street. The Ailsa Craig Hotel is located on the south eastern corner of the land to which the objection refers. At our unaccompanied site inspection we noted that the exterior of that property would benefit considerably from general care and maintenance.

### 2. POLICIES SUBJECT OF THE OBJECTION

2.1 In essence, the objectors sought the inclusion of further land within the area identified as OPP2 at Lagenwhilly, Girvan.

### 3. SUMMARY OF CASE FOR THE OBJECTOR

3.1 The objector stated that the Development Opportunities Brochure issued by SAC identified a large area of land at Vicarton Street for possible retail, business, leisure and residential uses. An application submitted for a retail development covered much of that area but some was outwith it. A further planning application at the adjacent Ailsa Hotel had also been submitted. The objector requested that the redevelopment opportunity site at Vicarton Street be redefined to include the land covered by both of these applications.

### 4. SUMMARY OF CASE FOR SAC

4.1 SAC pointed out that the Development Opportunities Brochure did not form part of SALP, and that it was intended only as guidance. The extensive opportunity site at Vicarton Street identified in SALP was slightly larger than that identified in the brochure. The Schedule of Proposed Changes dated April 2004 altered its boundaries and, as the objector had requested, they now conformed to the site which had been granted planning permission for retail development. Regarding the Ailsa Craig Hotel, planning permission had been granted in October 2002 for a change of use of the listed building to form a public house and restaurant and was not for general retail, business, leisure, or residential use. It was not

appropriate to include this property within the wider opportunity area which was likely to result in demolition and new build.

## 5. **CONCLUSIONS**

5.1 The Schedule of Proposed Changes to SALP defined a new policy area OPP2 at Lagenwhilly, Girvan. Figure 15 of the Schedule shows the redefined area as covered also by SALP policy IND4 and policy IND5. The objector has not presented any argument at all which would lead us to recommend that the area be further extended to include the Ailsa Craig Hotel within the new policy area.

5.2 We have taken account of all the other matters, including the evidence that the Ailsa Craig Hotel is a category C(S) listed building, but find none that outweigh the considerations on which our conclusions are based.

## 6. **RECOMMENDATION**

6.1 Accordingly, we recommend:

(i) that no alteration be made to SALP, as changed, in respect of this objection.

## 8.3 FUNERAL PARLOURS

**Representation no:**  
298

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Treatment of funeral parlours in SALP

### 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 The Use Classes Order (Scotland) includes funeral directors within Class 1 (Shops). The objector suggested that SAC should try to have funeral parlours excluded from Class 1. It was also suggested that, notwithstanding the provisions of the Use Classes Order, funeral parlours should be directed to sites outside of core shopping areas.

### 2. SUMMARY OF CASE FOR SAC

2.1 SAC did not consider it appropriate within SALP to try to either alter, or circumvent, the provisions of the Use Classes Order. Annex 1 of PAN 49 noted that, Article 4 Directions could be sought in order to bring under planning control certain types of development with permitted development rights. However, there was no evidence that within the SALP period there would be sufficient numbers of funeral parlours within the core shopping areas of South Ayrshire to justify the introduction of a Direction restricting changes between the types of shops listed as falling into Class 1.

### 3. CONCLUSIONS

3.1 An inquiry into objections to a local plan is not an appropriate forum within which to debate the content of the Use Classes Order. There is no evidence to support the view that either the number or the siting of funeral parlours presents a problem in South Ayrshire which should be addressed by SALP.

3.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

### 4. RECOMMENDATION

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

## 8.4 ALLOWAY & DOONFOOT: AMENITIES

**Representation no:**  
336

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Lack of amenities at Alloway and Doonfoot

### 1. SUMMARY OF CASE FOR THE OBJECTORS

1.1 The Alloway and Doonfoot Community Council were concerned about the lack of amenities, particularly for younger and older people in Alloway and Doonfoot. There was only one shop and no petrol station at Doonfoot. The lack of facilities for young people had contributed to mindless acts of vandalism. The Community Council supported the establishment of a new church building on a greenfield site within Doonfoot, and they proposed that a site be allocated in SALP for that purpose. They believed that pressure should be brought to bear on developers to provide relevant services and infrastructure. They stated that SAC had adequate powers to ensure this; and they drew particular attention to the benefits of applying appropriate conditions to planning permissions.

### 2. SUMMARY OF CASE FOR SAC

2.1 SAC stated that SALP could only create an environment within which development could take place. It would not be appropriate to identify specific sites in SALP for the uses suggested by the objectors. The terms of SALP were flexible enough to allow the consideration of proposed developments such as a petrol filling station. The provision of community facilities for the young and old, as requested by the objectors, was a function of other sections of SAC, but they were not aware of any deficiencies in these areas. It was not the function of a local plan to identify individual sites for uses for which no need had been established and for which no funding was in place to ensure implementation.

### 3. CONCLUSIONS

3.1 The statutory development plan for an area consists of the structure plan and the local plan. The local plan sets out detailed policies and proposals for the development and use of land that should guide day to day planning decisions. Taken together, the plans provide a policy framework devised to assist in guiding individual proposals for development of the right type and quality, to the right place, at the right time. The Community Council have not objected to the policies of SALP as they apply to Alloway and Doonfoot, and we agree that, taken as a whole, these provide a useful framework within which to consider the merits of a proposal for the development of a particular site for a particular use. It would not be appropriate to reserve specific sites within Alloway and Doonfoot for a petrol station, for individual shops, or for a church to the exclusion of other possibilities. That approach would

run the risk of sterilising a plot of land for which there might be a worthwhile alternative use. The preferable way forward is to test the acceptability of any proposal at a site by the submission of a planning application. We note in passing that SALP can deal only with land uses. The policies of the plan can facilitate, but not determine, matters which are the responsibility of other component sections of SAC.

3.2 We can well understand the concern of the Community Council that SAC should exercise to the full their powers as planning authority in the interests of the residents of South Ayrshire including those residing in Alloway and Doonfoot. Applications for the development of a specific site for a particular use can be dealt with through the SAC's well established development management process. Planning Agreements entered into under section 75 of the Town and Country Planning (Scotland) Act 1997 can be used to overcome obstacles to the grant of planning permission, although Circular 12 /1996 makes it clear that planning authorities must not use an applicant's need for planning permission to obtain a benefit which is unrelated in nature, scale or kind to the proposed development. Conditions imposed on a grant of planning permission can also enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, although Circular 4/1998 makes it clear that planning conditions can only be imposed where they are: relevant to planning, relevant to the development to be permitted, enforceable, precise, reasonable, and necessary.

3.3 Drawing these matters together, we understand and sympathise with the concerns of the Community Council as they seek to address the perceived problems and potentials of their area. SAC as planning authority has an array of powers at their disposal to address land use planning matters. As far as the emerging local plan is concerned, we find that there is no need to introduce further policies into SALP which identify particular plots of ground in Alloway and Doonfoot as suitable sites for particular purposes.

3.4 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

# **9. Industrial and Related Uses**

## 9.1 MONKTON: FAIRFIELD

**Representation no:**  
450

**Objectors appearing at Inquiry:**  
Acrewalk Ltd

**Objecting to:**  
Policy IND1  
Policy AIR2  
Proposals Map

### 1. BACKGROUND

1.1 The objection site at Fairfield is located to the north west of the village of Monkton. It amounts to 11.4ha in area and is very roughly triangular in shape. The Monktonhill Roundabout is at the apex of the triangle. From that the A78 leads north to Kilmarnock and east to the Dutch House Roundabout, while the A79 runs south west towards Prestwick Airport. The north western boundary of the objection site follows the line of the A79, and beyond that is countryside within which is set the substantial property known as the White House. The base of the triangle follows an irregular series of field boundaries and a line of trees beyond which, to the south, is the landscaped Prestwick Aerospace Park. A large, readily visible industrial building has been constructed on the northern part of that site. The north eastern boundary of the site follows the line of the B739, which is an extension to Monkton Main Street, and beyond that is Monktonhead Farm, its farm house and some agricultural land. The north eastern and north western boundaries of the site are lined by hedges and some mature trees. The improvements to the stretch of the A79 running from the Monktonhill Roundabout to Prestwick Airport and the development of the Aerospace Park have left the site below the line of that road. However, it is set above the contoured platforms on which the Aerospace Park is being developed and from which it is separated by bunding and some tree planting.

1.2 The site has no strong landscape features and comprises gently undulating agricultural land. It formerly accommodated the now demolished Fairfield House. The Fairfield Burial Ground, a category C(S) listed building, is situated within the site adjacent to, and readily seen from, stretches of the A79. At our site inspection we saw: evidence of another derelict structure; that the site was in grass and used for grazing; and that, following rainfall, there was ponding of water in some parts.

### 2. POLICIES SUBJECT OF THE OBJECTION(S)

2.1 In essence, the objectors seek the designation of the objection site as a high quality business park, most likely as an extension to the Aerospace Park, or as hotel facilities (Use Class 7) associated with the Aerospace Park and/or Prestwick Airport.

### 3. SUMMARY OF CASE FOR THE OBJECTOR

3.1 Prestwick Airport already served a large passenger market and all reputable forecasts looked to further growth to 2030 and, perhaps, beyond. In addition, the forecasts suggested that Prestwick would retain its role as Scotland's "heavy" freight airport. SE had issued Scotland's Transport Future in 2004, and this had noted, amongst other things, that the aircraft maintenance, repair and overhaul sector would grow over the next 30 years. That document was in tune with United Kingdom wide policy towards aviation, and also with the Scottish Aerospace Strategy as developed by Scottish Enterprise. It was acknowledged that, under SALP policy AIR2, a reasonable amount of land in total had been allocated for airport related use. However, within that, there was a general shortage of high quality amenity sites for the aerospace sector and only 16.7ha of developable land at the Aerospace Park. The objection site could provide an environment similar to that in quality; and, in so doing, it could cater for the longer term requirements of the industry.

3.2 In March 1999, the Strategic Development Framework for the Airport and its Environs had examined the need for development at, and around, the airport. It had identified a requirement in the longer term for additional runway related and/or airport related developments. It had gone on to note that the land available for these purposes should be protected from loss to other uses. The economics of that important sector of the Scottish economy dictated that, in order to achieve fully the potential benefits of synergy, its constituent firms should have the opportunity to cluster close to the airport. In the light of this authoritative information, the objection site at Fairfield should be safeguarded for suitable airport related/aerospace uses. With appropriate landscaping, it could be developed as a logical extension to the Aerospace Park. It was acknowledged that the objectors had not identified any organisation with an interest in conducting their operations from the objection site.

3.3 The methodology adopted by SAC to identify the extent of the greenbelt was seriously flawed. It had also been rendered out of date by the erection of the substantial industrial building on the Aerospace Park, by the associated tree planting, and the urbanisation of a previously predominantly rural character. The inclusion of the objection site within the green belt ran contrary to the provisions of SDD Circular 24/1985. It could be removed from the greenbelt without risking coalescence between Prestwick and Troon. A boundary drawn to follow the A79 could provide a strong, defensible inner edge for the greenbelt in this vicinity. Appropriate schemes of planting could reinforce and extend existing landscape features in such a way that the boundary of the green belt in this vicinity could be strengthened. The site lay at a point between 2 distinct landscape areas: the northerly dominated by natural forms and the southerly characterised by industrial structures reinforced by formal planting and the entrance to the Aerospace Park. The future appearance of the site at Fairfield would be associated with the arrival sequence to Prestwick Airport rather than to the settlement of Monkton. It could be removed from the greenbelt without detriment to the amenity of the approach to the airport, or an impact on the setting of Monkton.

3.4 The objection site provided no public recreational opportunities or links to the countryside. Any proposed development would be sufficiently far from the Monkton Conservation Area that its impact would be within acceptable margins. The site did not form part of a viable agricultural unit. The Fairfield Burial Ground would receive careful treatment in order that its setting would not be affected.

3.5 It was submitted that, given the delays in proceeding to adoption, SALP would cover the period at least until 2012. CDASP had been published for some months and SALP must be in conformity with its terms. The primary function of the greenbelt around Prestwick Airport, including the objection site, had been revealed to be the reservation of land for airport expansion. It was a misuse of the planning system to use a greenbelt policy for that purpose and the designation should be set aside at Fairfield as it had been at Heathfield. Development of the site as proposed by the objector would be in accordance with ASP policies W1 and W2. There was no need for any development to satisfy all of the criteria set out in ASP policy G8.

#### 4. SUMMARY OF CASE FOR SAC

4.1 Following application of the methodology adopted elsewhere in SALP, the objection site at Fairfield was placed within the proposed greenbelt and outside the settlement boundary of Monkton. Its inclusion in the greenbelt was in accordance with the terms of SDD Circular 24/1985 and the aims set out in the glossary of terms attached to ASP. The site was an integral part of the wider greenbelt as identified in the vicinity of Prestwick, Monkton and Troon. Its retention within the greenbelt would assist in safeguarding the land in the vicinity of Prestwick Airport for future airport related development; its removal would encourage pressure for inappropriate development on other sites nearby. Neither ASP policy G4, nor SALP policy STRAT2, placed an embargo on appropriate development. However, the proposals for an extension to the Aerospace Park and/or a hotel were speculative and neither could be justified as providing exceptional economic benefit or having a specific locational need. No weight should be accorded to the provisions of CDASP as far as this objection was concerned.

4.2 The importance of the setting and approaches to Monkton and to Prestwick Airport had been recognised in the designation of green belt around Prestwick since 1965. The development of the objection site would create the impression of visual, although not physical, coalescence between Monkton and Prestwick as viewed from the A79 and A78. Although the Aerospace Park lay within the green belt it was being developed as a strategic industrial site in accordance with ASP policy W1. The landscape character around the airport was that of open countryside with long distance views out over the Firth of Clyde. The masterplan for the Park took this into account by placing much of the current and expected development within its curtilage on platforms cut into the sloping ground thereby reducing the visual impact. If the site were to be developed as proposed by the objectors, the open landscape character, the roofscape of Prestwick, and the open setting around Prestwick would be lost.

4.3 SAC had made the following assessment of the site against the terms of ASP policy G8. A: although the site could accommodate development which would generate job opportunities, there were alternative sites elsewhere, and the community interest would be better served by directing prospective developers to brownfield land within the urban areas notably within the Heathfield Strategy Area. B: Although there was evidence of previous development on the site, it was greenfield and could not be described properly as either vacant or derelict. C: although service infrastructure might be available for the site, development on land elsewhere, including Heathfield, would offer a more sustainable form of development than the greenfield land at the objection site. D: the site was prime agricultural

land. E and F: the site was relatively near to the railway station that served the airport but, given the uses proposed for the site by the objectors, it was inevitable that there would be an increase, rather than a reduction, in travel by private car. G: the site was neither recreational nor amenity open space. H: although the Fairfield Burial Ground might be revealed as being of archaeological interest, there were no natural environment or built heritage interests on the site. I: in addition to the landscape matters detailed above, the additional industrial /commercial development would be to the detriment of the character of the settlement of Monkton. J and K: these criteria did not present any insuperable difficulties.

4.4 The Aerospace Park had been identified under ASP policy W2. The site was divided into 8 plots but only one of these had been fully developed. An additional strategic site had been allocated within SALP at Heathfield; and there was no need to identify additional land for industrial or business development either in the vicinity of the airport or elsewhere in South Ayrshire. A study into the future development of the airport had revealed that a site suitable for a hotel and additional car parking needs could be accommodated in the vicinity.

4.5 It was submitted that the objectors had relied over heavily on the highest of 3 scenarios for the future growth of air traffic at Prestwick up to 2030: that was well beyond the lifetime of SALP. None of the scenarios relied upon showed a significant impact on terminal or apron capacity before 2015, and there was no link made between the forecast growth of air traffic and a demand for aerospace and airport related premises.

## 5. CONCLUSIONS

5.1 In the **Ayrshire Landscape Assessment**, the site is identified as falling within the Lowland Coast Landscape Character Area at the boundary with the Ayrshire Lowlands Landscape Character Area. The objection site is within the area covered by SAC's green belt survey, and it is in the proposed greenbelt. Notwithstanding our recommendation in chapter 3.3 that the inner boundaries of the green belt should be the A77, A78 and A79, in order to ensure consistency in the way we have dealt with greenfield sites in the area covered by the green belt survey, we have used the framework provided by **SDD Circular 24/1985**. In particular, we have applied those principles outlined in the Annexe which relate to maintaining the identity and landscape setting of towns, preventing coalescence, and providing countryside for recreation (chapter 2.1 above).

5.2 In this case, there are no issues of **coalescence**. The A79 runs along the north western boundary to the site. With, or without, further structural planting that would form a strong, easily recognisable and defensible **physical boundary** to the inner edge of a redrawn green belt in this vicinity. While the site is not used for **countryside recreation**, it contributes passively to the countryside scene at this location for people living and working in the area, and those using the road network in the vicinity. However, we are not satisfied that this, in itself, would justify rejecting an allocation for development on the objection site.

5.3 Turning to **landscape setting**, our reservations about the conclusions of SAC's green belt study are outlined in chapter 3.3, and we have therefore put little weight on the findings of the study as they relate to the "vulnerability", "merit", "contribution" and "sensitivity" of the site. From our accompanied site inspection, and numerous drive pasts on our way to sessions of the inquiry, we were able to confirm that the site is readily visible from a number of viewpoints on the A78 and the A79. We also noted that the area has been the subject of

considerable man made change and the most recent example of this is the Aerospace Park. We acknowledge that the site has a role to play in maintaining the landscape setting of the built up area to the south. However, we are satisfied that this role is not so critical that the objection site could not accommodate development of the nature proposed, provided landscaping and planting were carried out to an appropriate standard which recognised the site's sensitive positioning on an ambassadorial route to, and from, Prestwick Airport. With these arrangements in place, we find that the site could be removed from the green belt without significant detriment to the approach to the Aerospace Park, Prestwick Airport, or the built up area of Prestwick, or to the setting of Monkton and its conservation area.

5.4 **ASP** policy G8 of ASP sets out 11 general principles which should guide the release of new development land within SALP (chapter 4.1 above). When we consider the objection site against each of these we find that G and K do not apply, and the relevant matters concerning I have been dealt with above. In relation to A, we can readily accept that all reputable forecasts show a continued rapid increase in passenger and air freight movements through Prestwick Airport. We also recognise that the constituent firms of the aerospace and related industries in South Ayrshire would benefit from development on a site close to the airport. However, the Aerospace Park is far from being fully built out; and the objector has not identified any firms likely to take up land on the adjacent objection site. There may well be a requirement for land to accommodate additional runway related and/or airport related developments sometime in the future but there is no demonstrable need for the objection site to be allocated for that purpose within SALP. We are also aware from other sessions of the inquiry, that the evidence points to there being an over supply of industrial land in South Ayrshire. In short, to allocate the site for development of any description would be premature and, therefore, contrary to the aim of maximising the opportunity for community benefit.

5.5 Under B, the objection site cannot be described properly as being vacant or derelict. Under C, the development of the adjacent Aerospace Park demonstrates that the site can be serviced in an acceptable fashion. Regarding D, the objection site is prime agricultural land. However, despite this and the strategic and local policy context, we do not believe that this general principle, which seeks to protect good quality agricultural land, would be sufficient on its own to undermine an industrial allocation on the site. Under E and F, any development of the site would increase the volume of movements on the A79 but we have no reason to suppose that they could not be accommodated without difficulty on the road network in the vicinity. The site is located quite near to the railway station which provides Prestwick Airport with numerous, regular services; and there are bus services serving Prestwick Airport and the built up areas of Prestwick and Monkton which are capable of extension to Fairfield. Development at the objection site would be compatible with the thrust of NPPG17 and Consultation Draft SPP17. Under H, the protection of the setting of the category C(S) listed Fairfield Burial Ground does not present an insuperable obstacle to the development of the rest of the site. Under J, while we have noted ponding on the site, we are unaware of any known risk of flooding at the site or of any other problem relevant under this general principle.

5.6 Although 7 purposes of the green belt are identified in ASP, they are to a large extent reflected in those identified in SDD Circular 24/1985 and in the principles covered by policy G8. The greenfield nature of the objection site and its location means that it serves to control the growth of the built up area and complements the process of urban renewal. The site also contributes to preserving the character of Monkton and Prestwick, and it has a role in

contributing to the protection of the land around Prestwick Airport. Notwithstanding the fact that the site may fulfil some green belt purposes, we do not believe that the inner boundaries of the green belt, at this location, should be drawn too tightly as explained in chapter 3.3. We therefore do not believe that the land between Monkton and the A77, A78 and A79 (including the objection site), should be covered by a green belt designation.

5.7 **CDASP** envisages that Prestwick Airport will be one of Ayrshire’s main engines of growth. It suggests that all land bounded on the north and east by the A79 and A77, including the objection site, should be protected. However, in light of the conclusions set out above, we do not consider that there is sufficient justification to allocate the objection site for industrial and airport related uses at this time. We note that a lot of the land around Monkton and the objection site has been the subject of objections made to SALP for various development proposals. Although a number of these objections were withdrawn, they are indicative of the development pressure being exerted in the area. Given that the objection site and the surrounding area are in a “gateway” location to Ayr and Prestwick, this pressure is likely to continue. While we believe that there is potentially scope to accommodate further development in this vicinity, we believe that it is important that both the character and setting of the built up area, including that of Monkton, Prestwick and Prestwick Airport are retained. This could be achieved through a co-ordinated and properly planned approach to development in the area, based on working in partnership with all interested parties.

5.8 In **conclusion**, we do not consider that the allocation of the site for industrial and airport related uses would be consistent with strategic guidance.

5.9 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 6. **RECOMMENDATION**

6.1 Accordingly, we recommend:

(i) that the objection site be not allocated for industry and airport related uses in SALP, and that it remains covered by countryside designations; and

(ii) that the green belt designation on the objection site be reconsidered as a part of the green belt review recommended in chapter 3.3, and that the interim policy position outlined in that chapter be adopted in the interim.

## 9.2

# FALKLAND YARD

**Representation no:**  
422

**Objector appearing at Inquiry:**  
Written submission

**Objecting to:**  
Policy ENV5

### 1. BACKGROUND

1.1 Associated British Ports have objected to the application of SALP policy ENV5 to a piece of ground adjacent to Falkland Yard. The land is rectangular in shape and is currently maintained in rough grass. To the south of the site are buildings and hard standing currently used as a bus terminal, and beyond that is the complex of facilities at Ayr Harbour; to the west the site is bounded by the Promenade from which access can be taken; to the north is the Prestwick St Nicholas Golf Course; and to the east there is the Falkland Rail Yard. At our unaccompanied site inspection, we noted the proximity of the objection site to the built up area of Newton-on-Ayr, and the panoramic views across the Firth of Clyde afforded to visitors.

### 2. POLICIES SUBJECT OF THE OBJECTION

2.1 In essence, the objectors seek the reallocation of the objection site from policy ENV5 to coverage by policies IND1 and PORT1

### 3. SUMMARY OF CASE FOR THE OBJECTOR

3.1 Associated British Ports considered that the objection site was important for the future development of the Port of Ayr. Reference was made to the potential for an inter modal loading site related to the adjacent Falkland Yard railway sidings or, alternatively, for port related industrial activity such as warehousing, sawmilling or wind turbine blade manufacturing. They proposed that the objection site be covered by SALP policy IND1 and policy PORT1 because this reallocation would offer benefits to local industry and the prospect of more inward investment and employment.

### 4. SUMMARY OF CASE FOR SAC

4.1 An analysis of the main urban areas of South Ayrshire conducted by SAC in 2001 had revealed that the Newton area of Ayr was deficient in the provision of public parks. The objection site was identified as maintained open space and, in the absence of other areas of similar characteristics and quality in the vicinity, it was identified as a valuable asset which should be retained in its current use as an amenity and recreational green space. Accordingly, the objection site was designated under Policy ENV5 as land where there was a presumption in favour of safeguarding from development.

## 5. CONCLUSIONS

5.1 We recognise the importance of job creation and inward investment at the Port of Ayr for the local economy of Ayr and, indeed, South Ayrshire as a whole. However, there is no evidence before us which shows that the availability of land and buildings at the Port of Ayr is insufficient to meet current and likely future needs. We can appreciate that the objectors might find it convenient to have a land bank readily available to meet all foreseeable contingencies. However, no evidence was brought to the inquiry that, as yet, there has been commercial interest shown in any of the possibilities identified by them. On the other hand, SAC have demonstrated that there is a deficiency of park and open space provision in the local area. That deficiency would be rendered more acute if the objection site were to be lost. Drawing these matters together, we can understand the decision by SAC to safeguard this site and find no reason to support the objection.

5.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 6. RECOMMENDATION

6.1 Accordingly, we recommend:

(i) that the objection site continue to be covered by an appropriate open space policy in SALP.

## 9.3

# TROON MARINA

**Representation no:**  
464

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Proposals Map

### 1. BACKGROUND

1.1 The objector operates a car sales and yacht chartering business from the Troon Yacht Haven. Accessed from Harbour Road, it is sited within the area of Troon Harbour to the west of the main built up area of Troon. At our unaccompanied site inspection, we noted 8 motor vehicles of various types and vintages offered for sale and parked immediately in front of the main office building.

### 2. SUMMARY OF CASE FOR THE OBJECTOR

2.1 SALP policies PORT1, OPP1 and IND1 should be framed such that they neither ruled out, nor were prejudicial to, proposals for minor development made by existing businesses operating within the area of Troon Harbour. Applications from the objector for planning permission for the display of a small number of vehicles on a restricted area of ground in front of the main office building had been refused on policy grounds. These refusals had caused significant difficulties in running his business in an efficient and customer friendly manner.

### 3. SUMMARY OF CASE FOR SAC

3.1 The application of SALP policies PORT1, OPP1 and IND1 at Troon Harbour would achieve appropriate outcomes. Within the general context provided by that suite of policies, there was no reason to change the well established approach that the Troon Yacht Haven should be reserved for yachting and associated activities. The available land was limited and uses, including car sales, unrelated to the specific functions of the harbour and port should not be encouraged.

### 4. CONCLUSIONS

4.1 We are not fully familiar with the applications to which the objector refers and, accordingly, we have no observations to make on them. However, each application, including that for the sale of motor vehicles at the Troon Yacht Haven, must be treated on its merits according to the particular circumstances of the proposed development. ASP policy T6 indicates that local plans should include policies for the development and promotion of strategic ports including Girvan, Ayr and Troon. There is no evidence before us that

persuades us that the terms of SALP policies PORT1, OPP1 or IND1 either rule out, or are prejudicial to, minor development proposals appropriate for any of these locations.

4.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

5. **RECOMMENDATION**

5.1 Accordingly, we recommend:

(i) that no change be to SALP in respect of this objection.

## 9.4

# RAILWAY MATTERS

**Representation nos:**  
335 and 453

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Miscellaneous Rail Matters

### 1. BACKGROUND

1.1 Pinwherry and Pinmore Community Council (453) were concerned, inter alia, about the approach of SAC to the railway network in the area of South Carrick.

1.2 Railtrack PLC Property Division (335) lodged representations to SALP in December 2002. Of the 5 that were maintained, the objections to SALP policy H3A and policy H3B have been dealt with elsewhere in this report.

### 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 Pinwherry and Pinmore Community Council (453) considered that SAC should adopt a more proactive approach to the revitalisation of the railway network in South Carrick. It was suggested that this could become a very profitable venture.

2.2 Railtrack plc Property Division (335) noted the reference in SALP policy IND3 to the potential for rail links to the industrial site at Grangestone. An application had been made by a company for grant aid for a rail freight facility but the rail solum was not in the ownership of Railtrack. It was requested that a designation be placed on the Proposals Map through extension of the land I/4 & 5/OPPI allocation or through a policy SERV7 designation. The land allocated under policy SERV7 in Maybole was not quite correct at the Kirkoswald Road Bridge. The policy SERV7 boundary should be amended at this point to remove the pinch point shown on the Maybole Inset to the Proposals Map. Land at the Harbour Branch, Ayr was leased to EWS Railways and was operational railway land. It should not be limited to port related uses but should come under policy SERV7.

### 3. SUMMARY OF CASE FOR SAC

3.1 In response to Pinwherry and Pinmore Community Council it was stated that SAC recognised the value of the rail network in South Ayrshire and was supportive of its use and further development. However, service delivery on the network was outwith its control. SAC had adopted a pragmatic approach to encouraging the use of sustainable transport. Within that context, the SAC Integrated Transport Strategy encouraged the use of public transport and rail freight facilities. In SALP, land uses which typically generated large numbers of trips were directed to locations where public transport was, or would be, readily available. The profitability of a rail business was not a consideration which should influence the land use policies of SALP.

3.2 In response to Railtrack, it was stated that the solum at Grangestone should be protected. It was not appropriate to protect in SALP land outwith the ownership or control of Railtrack for the possible future use of the company. The boundary at Kirkoswald Bridge, Maybole, as drawn on the Inset Map, was appropriate given the adjacent residential property being served from this location. Policy SERV7 was concerned with land in operational public transport uses. Policies IND1 and PORT1 were considered to be the most appropriate for the land at Harbour Branch, Ayr.

#### 4. CONCLUSIONS

4.1 Taking first the concerns of Pinwherry and Pinmore Community Council, we note that NPPG17 recognises the importance of the rail network in terms of access, sustainable transport and the possible benefits rail transport can have for economic development. ASP policy ADS8 promotes the implementation of a balanced and integrated transport strategy which seeks to improve accessibility for all and to give priority to transport proposals which encourage economic development. Policy19 of the SAC Integrated Local Transport Strategy (2001) states that: “South Ayrshire Council will work with Strathclyde Passenger Transport and operating companies to upgrade and maintain station facilities to a high standard and to provide rail infrastructure where appropriate.” SALP policy SERV4 states that SAC will review the transport network with the relevant controlling authority, to identify and implement, or encourage implementation of appropriate solutions to any problems on the transport network which may arise.

4.2 When we review the suite of land use planning policies at the national, strategic and local level, we find that they are in tune with the objectives of the Community Council. They are generally supportive of the rail network as a mode of travel for persons and freight. As SAC point out, service delivery is a matter over which they have no direct control. Nevertheless, policy SERV4 offers a clear commitment that SAC will use its best efforts to co-ordinate its policies on land use with those of others and, thereafter, proceed in partnership towards their implementation. Drawing these matters together, as far as this objection is concerned, we find no reason to recommend any amendment to SALP.

4.3 Turning to the maintained objections from Railtrack plc, these present what is hoped for by the company. Although we understand what is proposed, the various positions are not underpinned with hard evidence of sufficient weight to persuade us that SALP should be amended to accommodate them.

4.4 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 5. RECOMMENDATION

5.1 Accordingly, we recommend:

(i) that no changes be made to SALP in respect of these objections.

## 9.5 WASTE TRANSFER SITE

**Representation no:**  
25, 298 and 1125

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Failure to identify a second waste transfer site

### 1. BACKGROUND

1.1 The Schedule of Proposed Changes to SALP issued by SAC included a change to policy SERV14. A reference to a site near Holmston Toll as a possible waste transfer station was removed because that had been overtaken by the development of the site as a Garden Centre. The disused fuel storage depot to which one of the objectors makes reference is located outwith the settlement boundary of Ayr and within the Rural Protection Area. It lies adjacent to the area covered by the Heathfield Strategy and west of the A77 trunk road from which it is clearly visible.

### 2. POLICIES SUBJECT OF THE OBJECTIONS

2.1 In essence, the objectors seek the identification of a site for a waste transfer station.

### 3. SUMMARY OF CASE FOR THE OBJECTORS

3.1 Heritage Scotland Ltd suggested that a waste transfer station might be situated either on, or adjacent to, the disused fuel storage depot to the north of the Heathfield retail park. That land was remote from residential areas and relatively easily accessible. Another objector proposed that a further site suitable for use as a waste transfer station be identified but made no specific proposal.

### 4. SUMMARY OF CASE FOR SAC

4.1 The Area Waste Plan, published in March 2003, provided an overview of the waste management issues within Ayrshire, Dumfries and Galloway. Although no additional waste transfer sites were listed for South Ayrshire, the Waste Management Section of SAC considered that an additional waste transfer station in the Heathfield area of Ayr would be beneficial. However, as yet, no site search or survey work had been carried out to establish the most suitable location for such a facility. A waste transfer station might be acceptable at, or near, the former fuel storage depot on the periphery of the area covered by the Heathfield Strategy. Any proposal would have to be assessed against the relevant policy framework, and also take into account the proximity of the site to Prestwick Airport.

## 5. CONCLUSIONS

5.1 NPPG10 and the associated advice contained in PAN63, taken together, provide the most up to date statement of the SE position on waste. ASP policy E17 requires the 3 Ayrshire Councils to make provision for sites for the management and disposal of domestic and industrial waste as close as possible to the point at which waste is generated. SALP policy SERV15 states that, should additional waste management or disposal facilities be needed, proposals for their location and operation will be assessed in terms of: the proximity of the site to the source of the waste, demonstrated local need, and community benefits outweighing any environmental or amenity concerns.

5.2 We recognise that the former fuel depot on the edge of the area covered by the Heathfield Strategy is now disused and unsightly, especially as viewed from vehicles travelling north on the busy A77 trunk road. However, by itself, these factors are not a sufficient justification for the allocation of that site for a waste transfer station. It would not be appropriate to identify a site for that use in SALP until a rigorous site search has been carried out in consultation with all relevant parties, including SEPA, and bearing in mind SE policy and its advice on best practice. In the meantime, we find that the policies of the development plan, including SALP policy SERV15, provide an adequate framework within which to assess the acceptability of a planning application for a waste transfer station either in the Heathfield area or elsewhere in South Ayrshire.

5.3 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 6. RECOMMENDATION

6.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of these objections.

## 9.6

# MINERALS

**Representation no:**  
297

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Policies RE3-RE8

### 1. POLICIES SUBJECT OF THE OBJECTION

1.1 In essence, the objectors were concerned about a number of elements within the suite of policies which, taken together, set out the SAC approach to Mineral Extraction.

### 2. SUMMARY OF CASE FOR THE OBJECTOR

2.1 **MEGA Mining & Environment Group** suggested that, given SAC's commitment to maintaining the quality of the environment, there should be an additional policy containing a presumption against the mining of coal by opencast methods in South Ayrshire. That method of mineral extraction was inherently unsustainable; and the policy framework did not afford adequate protection for the amenity of local residents or for the environment in general. There was no definition of what amounted to a "community" for this purpose; and it was proposed that SALP policy RE6 should state that open cast mining would only be acceptable if the site boundary was at least 500m from occupied dwellings.

2.2 Policy RE5(c) was ambiguous. Large vehicles might minimise the number of trips required but there would be a disproportionate increase in, for instance, noise and vibration. Adequate attention should be paid to the routing of road haulage vehicles not only when loaded but also when unloaded: the latter typically caused even more dust and nuisance than the former. The cumulative impacts of traffic generated by open cast mining were not dealt with elsewhere in SALP. There should be a preference for the use of conveyors at mineral extraction sites. SAC should be proactive in seeking out strategic railheads: these could be used not only for the transport of minerals but also for waste; and once their use for these purposes is finished they could be of benefit to local communities and the tourist trade.

2.3 The note below the main text of policy RE7 should be amended to delete the phrase "...indicating the markets to be served." That should be replaced with a new sentence reading: "The developer should also indicate the market to be served in order to assess traffic impact."

### 3. SUMMARY OF CASE FOR SAC

3.1 ASP policy ENV14 set out the strategic policy towards open cast coal mining with which SALP must conform; and the suite of policies dealing with mineral extraction conformed to NPPG16. A strict definition of what constituted a "community" would restrict SAC in their consideration of impacts. Depending on the circumstances, a formally defined settlement, a group of houses, or a scattering of houses in the countryside might each be

defined as a “community”. As far as the distance from site boundaries was concerned, the merits of the proposal and the actual workings within the site boundary should determine what was acceptable in terms of impacts and the amenity of nearby communities.

3.2 The identification of the market to be served was an important element in determining not only whether there was a specific locational need for a particular mineral but also in resolving specific transport issues. The requirement in SALP also conformed to ASP policy E15. SAC would encourage the use of conveyors and alternatives to road transport where these were justified by the merits of the case. The potential for strategic freight handling facilities was being examined by the ASP&TC. Note 2 of policy RE6 referred to the assessment of the cumulative impact of proposals.

#### 4. CONCLUSIONS

4.1 We can readily understand the concern of the objectors that there should be an adequate policy framework for the consideration of applications for the extraction of minerals. The policies of SE are set out in Land for Mineral Working and NPPG16. Whilst acknowledging that minerals can only be worked where they are found, the guideline recognises that need must be reconciled with care for the environment particularly in relation to the natural and built heritage, and communities. The national policy framework is supplemented by the considerable body of advice contained in PAN50 and its Annexes A-D. ASP provides a strategic policy framework for mineral resources in general, open cast coal, aggregates and other minerals in its policies E12-E16. It is within those contexts that we have considered whether SALP policies RE3 to RE8 should incorporate more detail along the lines proposed by the objector.

4.2 There has been no specific objection to policy RE3. Moving on to the other matters raised, we note in passing that policy RE4 requires that, where a proposal falls within the scope of the Environmental Assessment (Scotland) Regulations 1998, SAC must require the applicant to submit a formal Environmental Statement in association with a planning application. That, together with the Transport Assessment which is routinely required, provides an additional safeguard for those nearby that adequate attention will be paid to mitigating and controlling the cumulative effects of surface mineral workings including, for example, those emanating as noise, dust, and increased traffic. Planning authorities have wide ranging powers to attach appropriate conditions to planning permissions. Local communities rightly expect that conditions will be observed by operators and monitored effectively by planning authorities and, where necessary, appropriate enforcement action taken.

4.3 There is no national guidance on what amounts to a “community” in this context. For our part, we are attracted to the dictionary definition of: “a group who have an interest in common” and find that this corresponds well with the approach adopted by SAC. In the case of mineral workings what defines a “community” is not its size or its geographical distance from the site boundary but whether the impact of the workings might have an unacceptable impact on their residences and amenity. The nature and intensity of the threat will differ from case to case and, accordingly, all the relevant matters can best be investigated at the planning application stage.

4.4 Turning to policy RE5, which deals with minerals other than opencast coal, we can appreciate the objectors' concern to keep to a minimum the loss of amenity to those living close to public roads used by vehicles going to, and from, sites from which minerals are being extracted. SE policy seeks the use of rail transport wherever possible; and we note that there is consideration being given to freight handling at the strategic level in Ayrshire. However, from evidence given elsewhere at the inquiry, we understand that the siting of, and securing funding for, new rail facilities is a time consuming and costly business. We think it inevitable, if unfortunate, that a major proportion of offsite carriage of minerals will be undertaken by goods vehicles using public roads. It may be that, on occasion, traffic minimisation may be furthered by the use of on site conveyors. However, depending on the particular circumstances, these may have operational disadvantages which outweigh the benefits of their adoption. While we have no quarrel with the decision by SAC to include Note 2, we find that for simplicity and clarity it might usefully be redrafted to read: "The cumulative impact of proposals will be given due consideration." Drawing these matters together, we have no difficulty with SAC's policy stance that, bearing in mind all the other material considerations, the transport of the mineral by road should be minimised thereby minimising by extension the numerous deleterious impacts which, if not mitigated, might unacceptably threaten the amenity of the local communities through which the vehicles pass.

4.5 Policy RE6 is concerned with opencast coal. On sustainability, paragraph 1 of NPPG16 states that it "...does not envisage a prohibition on the working of opencast coal but, consistent with putting concern for the environment at the heart of policy, seeks to apply a sustainable approach in determining where it may take place." We note that none of the 3 areas identified as "Preferred Areas of Search" by the 3 Ayrshire Councils lies within South Ayrshire. ASP policy E14B states that, in South Ayrshire, opencast coal working will not conform to ASP except where there is a clearly demonstrated environmental benefit achieved through the removal of existing areas of dereliction, and there is an overall benefit for communities affected, including employment. Even in these circumstances only proposals for less than 25ha in total will be supported with extraction and restoration to be completed within 2 years. Our observations on the reference to road transport and to communities in policy RE5 and to Note 2 also apply here. We suggest the following minor changes in the interest of clarity: line 1 delete "method", insert "methods"; a) delete "outweigh", insert, "outweighs"; c) delete "overall", insert "net". Drawing these matters together, we are not persuaded that there is any need to reinforce the commitment by SAC to the environment by introducing an additional policy into SALP which presumes against the winning of coal by opencast methods.

4.6 Policy RE7 deals with extensions to active mineral extraction workings. For the avoidance of doubt, we suggest that in line 1 after "workings", insert "including opencast coal". We recognise that even for small extensions, SAC will wish to be assured that alternative supplies are not available (Policy RE5) and therefore we do not support the objectors' suggested modification.

4.7 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 5. RECOMMENDATION

5.1 Accordingly, apart from the minor changes in text noted above, we recommend that no change be made to SALP policies RE3-RE8 in respect of these objections.

# 10. Other Matters

# **A. Site Related**

# 10.1

# LOW GREEN

**Representation nos:**

6, 12, 14, 15, 119, 120, 134, 135, 136, 137, 138  
139, 140, 141, 142, 143, 144, 194, 195, 196, 197,  
198, 199, 200, 201, 202, 203, 204, 205, 206, 207,  
208, 209, 210, 211, 212, 221, 262, 263, 264, 265  
266, 267, 268, 269, 270, 271, 272, 273, 274, 275,  
276, 277, 278, 279, 280, 348, 349, 350, 351, 352,  
353, 354, 355, 356, 357, 401, 402, 403, 404, 405,  
406, 407, 408, 409, 410, 411, 412, 458, 469, 472,  
473, 481, 482, 537, 1004, 1006, 1102, 1125, 7, 19,  
124, 221, 343, 344, 346, 364, 365, 392, 471, 474,  
490, 491 and 428

**Objectors appearing at Inquiry:**

Mr K Wilson  
(+Written submissions)

**Objecting to:**

Proposals Map

## 1. BACKGROUND

1.1 Low Green is a large flat area of public open space laid to grass. The Ayr Central Conservation Area and the Ayr ii Conservation Area lie adjacent. Over its extensive history Low Green has been variously defined. As far as SALP is concerned, it is the area bounded to the north by a number of imposing listed buildings including the Sheriff Court, the County Buildings and the Italianate Pavilion; to the east is a stone wall beyond which is a row of substantial commercial and residential properties many with mature gardens looking out onto Low Green; and to the west is a roadway and promenade beyond which is the beach which offers spectacular unimpeded views across the Firth of Clyde towards Arran. The southern boundary is drawn at Blackburn Drive beyond which is an extensive area of open space stretching south to the River Doon. Low Green is used extensively throughout the year for informal recreation and, occasionally, as a venue for special events. Within Low Green there are some small shelters and kiosks from which refreshments can be sold. A notable feature is a well equipped children's adventure play area at the north-west corner.

1.2 In preparation for the Draft Plan a review of Conservation Areas in South Ayrshire was undertaken. An extension to the Ayr ii Conservation Area was proposed which included additional residential areas in the vicinity of Low Green. However, Low Green itself was not included within a Conservation Area; and the proposals attracted 218 comments including a petition with 650 signatures.

1.3 SAC maintained its position in the SALP: the open space along the seafront at Ayr was covered by policy ENV5, policy ENV6 and policy TOUR3; and Low Green was not proposed to be designated either as part of an existing or proposed Conservation Area. This stance attracted 85 objections. The principle concerns were: Low Green, and perhaps the area beyond, should be afforded further protection from development by its inclusion within the Ayr ii Conservation Area; or, alternatively, a completely new Conservation Area should be designated to cover all of the open space along the shore front from the River Ayr in the north to the River Doon in the south and incorporating the area of Low Green.

1.4 SAC reviewed its position and, in the changes proposed to SALP, decided to include Low Green in the Ayr Central Conservation area which is considered outstanding by Historic Scotland for grant purposes. However, the designation was not extended beyond Low Green to include the open space which runs from Blackburn Drive along the seafront towards Greenan Castle to the south. As a result of the changes, 36 of the remaining 85 objections were withdrawn

## 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 For **Low Green & Ayr Seafront Trust Ltd** (LAST), representing numerous of the objectors, it was stated that successive generations had seen the area of land between the River Ayr and the River Doon as worthy of protection from inappropriate development; and, to that end, and by a variety of means, it had been retained within the control of the citizens of Ayr. Although the coastline had evolved over the centuries the littoral remained largely undeveloped. While the seafront could not fairly be described as a “designed landscape” neither was it entirely “natural” in the purest of senses. A critical factor in determining the extent and current appearance of the present seafront, especially to the north, had been the stabilisation, planting and containment of the sands. These interventions had saved the area from the fate of the village of Culbin in Moray which was overwhelmed by “marching sands” in the nineteenth century.

2.2 The land between the River Ayr and the River Doon was not only an area with a common physical character, it also shared a history worthy of note. This could be traced back to 1175 when King William the Lion of Scotland invaded England. His capture encouraged Fergus, the ruler of Galloway (not then a part of the Kingdom of Scotland), to enter into an alliance with William’s captors. Fergus gave the portion of Galloway known as Carrick to his younger heir. On his return from captivity, William recognised the division and created the young man his own Lord of Carrick. Later, in the thirteenth century, the succeeding Lord of Carrick was given the life rent of all property of the King of Scots between the River Ayr and the River Doon. The seafront lands were all that is left undeveloped of that. It was argued that had matters turned out differently- say William had not escaped and Fergus had pursued his alliance with England- then the border between Scotland and England might well have run along the River Doon rather than taking its present line.

2.3 Ayr itself had a long and distinguished history starting as a centre of power for the Kings of Scotland as they sought to establish an independent identity for the emerging nation. Attention was drawn to a sequence of significant events including: 1197-the first castle at the mouth of the River Ayr built as a defensive fortification against invasion from the south; 1205- founding of Newcastle-upon-Ayr to the north across the Ayr; 1652-Cromwell’s Citadel which assisted in stabilising the sands which then frequently blocked the streets of the emerging port; 1680 to 1725 levelling of dunes and the creation of grazings at the Laigh Sands (extending from Blackburn Bents to the River Ayr); 1725 to 1735-stabilisation and reclamation of ground by Cathcart and Nugent thereby allowing the creation, in due course, of Low Green, Washing Green, High Green (1816) and Gas Works Green (1824). During that period, a large area of grassland extending as far as the River Doon was created.

2.4 Low Green evolved from the Laigh Sands (1725); and, at the end of the Napoleonic wars, parts of High and Low Green were built upon to form Wellington Square, the Sheriff

Court, County Buildings and the gaol. Low Green was further sub-divided to form Washing Green (now accommodating a putting green and a bowling green) and Gaol Green (now Place St Germain en Laye). The current Municipal Buildings were built on the site of the former gaol (1928/9). Until the late nineteenth century, contemporary observers noted that the residual of Low Green was little more than grass covered sand dunes. Then the promenade west of the Citadel was created from spoil from the new graving dock at the port and later extended south towards the River Doon (completed 1893). In the 1930's Butlins proposed a major development subsequently built at the Heads of Ayr. Current landmarks built to serve Ayr's role as a place of resort included the fountain (1892), the Pavilion Theatre (1911), the now abandoned Peter Pan Playground, and the adventure playground (1995).

2.5 The policy of the former Burgh from the mid-nineteenth century onwards was to reacquire seafront lands that had been lost over the centuries. Thus, for instance, in 1927 all the foreshore lying within what were then the Burgh boundaries was acquired. The result was that by mid-twentieth century the Burgh controlled, with minor exception, all of the land between the River Doon and the River Ayr.

2.6 The position adopted by LAST was supported by current national policy and advice. Specific reference was made to: NPPG 11 (paragraphs 42 and 43); NPPG13 (paragraphs 3, 11, 12 and 16); NPPG18: (.paragraph 13) and PAN 65 (paragraphs 3, 9, and 13).

2.7 In the past decade there had been numerous threats to the integrity of Low Green. These had included: a consultant's report on its potential for major development; proposals for a road to connect Wellington Square with Blackburn Drive and associated car parking; and successive proposals for the creation of a permanent fair ground and other amusements. The most recent matter for concern was the Seafront Regeneration Project 2000 which, once again, made proposals for major developments. These pressures for development were unlikely to diminish. All of the proposals for development were wholly unacceptable for an area valued for its open space and general amenity. LAST was formed in 2000 as a direct result of a public meeting called after the publication of the report. Its purpose was to preserve for the common good the seafront lands and other open spaces of Ayr and surrounding areas. It currently had a membership of around 450. The objectors feared that the resistance put up by the elected members to unacceptable development proposals might falter with disastrous consequences. The elected members of SAC had been entrusted with the legacy of Low Green. They were stewards of that inheritance; and they should afford it as much protection as was open to them through the planning system. They should not give way to any prospect of short term gain which would sacrifice the quality of life for this or future generations.

### 3. **SUMMARY OF CASE FOR SAC**

3.1 For the SAC it was stated that policy ENV5 protected areas of amenity and open space and provided a robust protection for the open space along the sea front at Ayr. Although small scale development might be permitted in exceptional circumstances, even this would only be acceptable where there was no individual or cumulative impact. Policy ENV6 was framed to protect open spaces but it did allow for recreational and sporting use. Taken together, policy ENV5 and policy ENV6 presumed in favour of protecting the open space along the seafront of Ayr; and this was fully in accord with the terms of SE as set out in NPPG11 including its paragraphs 29, 34, and 42. It was emphasised that policy TOUR3

stated a presumption in favour of only existing leisure, recreation and tourist facilities; and the policy was intended to reinforce rather than run contrary to policy ENV5 and policy ENV6.

3.2 In support of its revised position -that Low Green should be included within the Ayr Central Conservation Area- SAC drew attention to the functional links which had developed in the nineteenth century between that area and the Burgh of Ayr. The town plans of 1818 and 1833 showed that Low Green was even then an integral part of the life of the residents of the Historic Burgh of Ayr. In modern times the Ayr Conservation Area was enhanced by the proximity of Low Green which provided a setting for a number of prominent listed buildings. NPPG18 and the associated PAN65 both recognised that a conservation area could include the built and natural environments. The inter-relationships between these components could reinforce one another in establishing the character of an area of historic importance. With all this in mind, SAC had concluded that the area now known as Low Green should be included within the adjacent Ayr Central Conservation Area. Enhancement schemes could be tailored to distinctive characteristics of particular areas. However, SAC could not accept that this open space should be identified as a third conservation area to stand beside the Ayr Central and Ayr ii Conservation Areas. It was noted that if Low Green were to be designated as a conservation area in its own right it would lose any advantage of being part of a conservation area identified as outstanding by Historic Scotland for grant purposes.

3.3 There was no historical justification for extending the conservation area further south. To do so would be to dilute the reasoning which had been applied to the inclusion of Low Green within the Ayr Central Conservation Area.

#### 4. CONCLUSIONS

4.1 We take as our starting point that SAC and the objectors are at one in their desire to provide adequate protection for the areas of open space comprised of Low Green and beyond. However, given their location close to the built up areas of Ayr and the undisputed evidence that they are the subject of a continuing stream of proposals from developers, we can readily sympathise with the concerns of LAST and other objectors that the planning system should afford appropriate protection to Low Green and the other sea front open spaces in its vicinity. In SALP, these areas are covered by policy ENV5, policy ENV6 and policy TOUR3. We agree with SAC that an appropriate suite of policies should provide a clear indication of what forms of development will, and will not, be allowed. It provides a considerable degree of protection from inappropriate development in the areas to which they apply.

4.2 Within that general context we find that the objectors have put 3 particular propositions: does Low Green merit conservation status in its own right; should Low Green be incorporated into the Ayr Central Conservation Area; and should the open space stretching out towards the River Doon be incorporated into a conservation area. In approaching these matters we note that section 61(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that every planning authority shall from time to time determine which areas are of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and it should designate these areas as Conservation Areas. NPPG18 confirms that the setting of these areas can also be included within the designation. The Memorandum of Guidance on Listed Buildings and Conservation Areas points out, at paragraph 4.2, that it is the character or historic interest of

an area created by individual buildings and open spaces and their relationship one with another which the legislation covering Conservation Areas seeks to preserve. It confirms that there can be no standard specification for such areas and Conservation Areas will inevitably be of many different kinds. It goes on to identify 4 principles of selection as a conservation area. Of these, 2 are of particular relevance to the objections under consideration: areas of significant architectural or historic interest in terms of building groupings, which may or may not include listed buildings and/or ancient monuments, and open spaces which they abut; and other areas of distinctive architectural and historic character.

4.3 With that as our preface, we can turn to the first proposition. We find that a strict interpretation of the principles of selection identified in the Memorandum would allow for an open space with a particular historic character to be designated as a Conservation Area. However, further inspection of the Memorandum at its paragraph 4.4 reveals that Conservation Areas will normally be centred on listed buildings but other feature including open spaces may *contribute* (our emphasis) to the special character of an area. In our experience it would be very unusual, if not unique, to have an open space adjacent to a built up area designated as a Conservation Area in its own right. For the foregoing reasons we must reject the first of the propositions before us.

4.4 Moving on to the second proposition, we note that there appears to be no dispute between the objectors and SAC that Low Green should be incorporated into the Ayr Central Conservation Area. Low Green abuts the Ayr Central Conservation Area and provides an attractive setting for the building groups of historic interest, many listed, which are covered by the designation. In addition, when we review the array of evidence before us we are in no doubt that the open space which represents the residual of the historic Low Green is of considerable interest in its own right. It is of particular importance in this case that its history is firmly integrated with the evolution of the Burgh of Ayr notably, but not exclusively, as the built environment evolved in the nineteenth century. We have considered whether it would be more appropriate that Low Green be included within the Ayr ii Conservation area which it also abuts, and to whose setting it also makes a contribution. However, we are persuaded by the evidence brought to the inquiry by the objectors and by SAC, and by what we saw on our extensive accompanied and unaccompanied site inspections, that the historical links are lengthier and stronger with the buildings, street patterns and other open spaces in the Ayr Central Conservation Area. Drawing these matters together, we accept the second proposition and find that Low Green should be incorporated within the area currently designated as the Ayr Central Conservation Area.

4.5 Looking at the third proposition, we recognise that the open spaces along the seafront at Ayr, which are the focus of objection, have a physical unity. In part, this has been the consequence of coastal erosion and deposition; and, in part, it has been the result of man made interventions along this stretch of the littoral. The current attractions of this open space and the associated amenity values have been recognised by SAC in the application of their package of policy ENV5 and ENV6 and TOUR3. We accept that the area also has some historical echoes which should not be obliterated by rash development. However, there are no buildings of architectural or historic interest within the open space; and we have explained above our reluctance to recommend an open space for designation as a Conservation Area even were the distinctive historic character to be thoroughly persuasive which in this case it is not. Although there is a clear historical justification for the inclusion of Low Green within the Ayr Central Conservation Area there is no such justification for an extension of that designation to the south. While recognising that the largely undeveloped sea front has an

interesting history, we find that it is not of such obvious importance that it justifies the designation of the land south of Blackburn Drive either within an existing conservation area or as a Conservation Area in its own right.

4.6 We have taken account of all the other matters, including those in the written submissions, but find none that outweigh our conclusions.

4.7 In **conclusion**, when we review our findings above, we conclude that: Low Green does not merit conservation status in its own right; Low Green should be incorporated into the Ayr Central Conservation Area; and the open space stretching out towards the River Doon south of Blackburn Drive should not be incorporated into a conservation area.

## 5. **RECOMMENDATION**

Accordingly, we recommend:

(i) that no alteration be made to SALP, as changed, in respect of these objections.

## 10.2 MONKTON: STATION ROAD

**Representation no:**  
451

**Objectors appearing at Inquiry:**  
CG Property

**Objecting to:**  
Policy OPP1  
Proposals Map

### 1. BACKGROUND

1.1 Monkton is a relatively compact settlement, located to the north of Prestwick and to the south of the A78 and A79. The site is at Station Road/Main Street and extends to over 2ha. While it is on the southern edge of the village, it extends to a point close to the centre. The site is essentially a triangular shaped piece of ground which gradually slopes up towards the north and is grassed. To the south of the site, there is Prestwick Airport. To the west and north, there is housing which faces Station Road. To the east, there are the houses and other uses which face Main Street and the cross roads at the centre of the village. The Monkton Conservation Area is adjacent to the eastern boundary of the site. The site is contained by rear boundary walls and fencelines.

1.2 In the adopted Ayr and Prestwick Local Plan, the site lies in the green belt. It was included in the green belt in CDSALP (published in 1999). However, in SALP (published in 2002), the site's designation had changed to Rural Protection Area. It was also covered by policy AIR1 (Runway Related Development). Notwithstanding the change of designation, in SAC's initial response to the objections received to SALP (August 2003), they continued to resist the release of the site for other purposes. CDASP (published in June 2004) includes Monkton within the Core Investment Area. The village is adjacent to Prestwick, which is identified as a Service Centre.

### 2. POLICIES SUBJECT OF THE OBJECTIONS

2.1 In essence, the objectors seek the removal of the Rural Protection Area designation covering the site, its inclusion within the settlement boundary of Monkton, and its recognition as a development opportunity, subject to the resolution of any amenity or environmental impacts.

### 3. SUMMARY OF CASE FOR THE OBJECTORS

3.1 The objection site should be identified as an opportunity site within Monkton. The present allocations in SALP did not offer a meaningful opportunity for its development. The site was not within the Inner Horizontal Surface Zone of the airport, but was affected by the Transitional Surface Zone. However, this latter constraint did not preclude development on a large part of the site. The airport operators neither supported nor objected to the allocations proposed by SAC and, in all likelihood, they probably did not consider the site an important part of their operational requirements. SAC could not provide a clear view on a possible

runway related use for the site, which was separated from the terminal building by the main runway. The site had not been identified in the Scottish Enterprise Airport Study as necessary for the airport's operations and needs.

3.2 SAC's noise level data was out of date (1978) and they had used inappropriate noise measurements (noise indexes), which had resulted in the site being wrongly placed in Noise Exposure Category D rather than Noise Exposure Category C. The objectors had provided a new noise assessment (based on a 48 hour period) and that confirmed that the site was capable of being developed for a number of different uses, including those relating to the commercial, services, and community sectors. The Air Transport White Paper also indicated that noise at the airport should reduce over time as older aircraft were replaced by quieter, more modern ones. The site could be developed to deliver improvements for the local community, which would make the best use of land adjacent to the village centre. This would enable local residents to access new facilities and services locally rather than having to travel elsewhere. Such development would have the added benefit of providing a noise buffer between the runway and the housing on Main Street and Station Road, and of reducing the airport's impact on amenity. It was accepted that the site was unlikely to be appropriate for residential purposes.

#### 4. SUMMARY OF CASE FOR SAC

4.1 The objectors were not seeking a residential allocation, but development of uses such as shops or a medical centre. The site was adjacent to the main runway of the airport, had an open aspect over it, and was separated from it only by the perimeter fence. It was directly opposite the main terminal building and was one of only a limited number of locations which could accommodate runway related development. This was the main reason for protecting the site under SALP policy AIR1. While accepting that the site was relatively well contained, SAC did not believe that it was capable of providing an acceptable living and/or working environment, other than for runway related activity. SAC's Environmental Health Officer had indicated that the site was unsuitable for development in terms of noise, and the airport was used by 747 cargo planes. The site also fell within the airport's Transitional Surface Zone and development could compromise the operational function of the airport. The sloping nature of the site would reduce the potential height of the buildings that could be built. SAC had established a positive approach to the site's use through SALP.

#### 5. CONCLUSIONS

5.1 The site is a green space encroaching into the built up area of Monkton, and it is separated from the main areas of countryside lying to the north and east of the village. It is covered by a Rural Protection Area designation. While in the **Ayrshire Landscape Assessment** the general area is identified as being within the Lowland Coast and the Ayrshire Lowlands Landscape Character Areas, the site itself appears to fall outwith the area covered by the Assessment. It also does not appear to have been covered by SAC's green belt survey. Nonetheless, in order to achieve consistency in the way we have dealt with greenfield sites, we believe that there is some merit in using the framework provided by **SDD Circular 24/1985**. In particular, we have applied those principles outlined in the Annexe which relate to maintaining the identity and landscape setting of towns, and preventing coalescence (chapter 2.1 above).

5.2 The development of the site would not result in a materially greater degree of **coalescence** with other settlements, either physically or visually. The new **physical boundary** for Monkton would be a fenceline for the airport at a point close to the main runway of Prestwick Airport. This would not be significantly worse than the existing boundary, and would be defensible. Turning to **landscape setting**, we do not consider that this site makes a material contribution to the landscape setting of Monkton, or that its development would result in a material loss. This is supported by SALP which indicates that runway related development under policy AIR1 would be an appropriate use of the site. In addition, the development of the site would not conflict with SDD Circular 24/1985 in so far as the circular covers development in the countryside (other than housing).

5.3 **ASP** policy G8 sets out 11 general principles (A-K) which should guide the release of new development land within SALP (chapter 4.1 above). When we consider the objection sites against each of these we find that D, G, and K do not appear to apply, and all relevant matters in I have been dealt with above. In relation to A, there was no dispute that the site was unsuitable for housing given its proximity to the airport. The objectors suggested that the site could be developed to deliver improvements for the local community, but did not demonstrate that there was a local shortfall in any facilities, or any interest in using the site for such purposes. We are therefore not persuaded that identifying the site as a development opportunity would result in maximising the opportunity for local community benefit. On B, the site is grassed, and we do not consider that it can be described as vacant and derelict brownfield land. Under C, there is no indication that there would be any difficulties with service infrastructure or considerations of sustainable development. In relation to E and F, while it is unlikely that the development of the site would reduce or, at least, avoid increases in the need to travel by private car, we are satisfied that it is related adequately to public transport provision, as there is a reasonable level of bus service which links Monkton to the main centres. On H, the site is adjacent to the Monkton Conservation Area, which is dealt with below. Regarding J, it is not clear that the site has satisfied this general principle.

5.4 We acknowledge that the site lies in the **Transitional Surface Zone** of Prestwick Airport and not the Inner Horizontal Surface Zone. While the full implications of the former zone may not be entirely clear and would be affected by the slope on site, it appears to us likely that some form of built development could probably be achieved. It is unfortunate that SAC do not appear to have a clearer view of what could be achieved under policy AIR1 and what facilities might be required under this policy in the future. The **noise** information provided by SAC was unhelpful and, given its age, potentially misleading. The noise survey undertaken for the inquiry suggested that measures could be taken which would allow a range of development types, even housing, to be accommodated on site. However, we believe that this survey should be treated with caution given that it was carried out over a limited period. We share SAC's concerns about a whether a suitable environment could be created for the occupiers of the type of facility envisaged by the objectors. In particular, we are concerned that the measures designed to reduce the impact of noise could result in design constraints being imposed upon the appearance of a development, and this could have implications for the amenity of the adjacent Monkton Conservation Area. Overall, we are not persuaded that it has been demonstrated that the site is sufficiently free of constraints to identify it as a reasonable development opportunity in SALP along the lines envisaged by the objectors.

5.5 In **conclusion**, we acknowledge that the site is an awkward shaped, small piece of ground which intrudes into Monkton, and that there would be a certain logic in including it

within the settlement boundary. However, given the concerns we have outlined above, we are not satisfied that identifying it as a development opportunity at this stage would be appropriate or entirely consistent with strategic guidance. Given this, we believe that it should remain covered by policy AIR1, policy IND1 and the Rural Protection Area designations.

5.6 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 6. **RECOMMENDATION**

6.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

## 10.3 TROON: CROSBIE ROAD

**Representation no:**  
390

**Objectors appearing at Inquiry:**  
Sun Court Ltd

**Objecting to:**  
Proposals Map

### 1. BACKGROUND

1.1 Crosbie Road runs south from Craighend Road, Troon and is a continuation of Bentinck Drive. It is a cul-de-sac ending at the southern side of number 19, the Sun Court Nursing Home. On the east side of Crosbie Road are sited the Troon Portland Golf Clubhouse, a Ladies Clubhouse and beyond that imposing mansion houses, some flatted, set in their own garden grounds. A recent gated backland development at 17 Crosbie Road is now known as Crosbie Place. On the west side of Crosbie Road is a newly created entrance to an extensive car park for the Royal Troon Golf Club and, to the south of that is the The Marine Hotel and its associated buildings. There are several listed buildings on Crosbie Road: number 17 is listed as category B; and numbers 11, and 15 are category C(S) as are 19 Crosbie Road and its Real Tennis Court, and The Marine Hotel. The properties on Crosbie Road are bounded to the east and south by the Portland Golf Course; to the west they have unspoiled views towards the Firth of Clyde over the Royal Troon Golf Course across which runs, from east to west, the Gaws Burn. The development is located within the green belt as defined in SALP and within the recently designated Troon and Southwoods Conservation Area. The residential properties are approximately 300m from the junction of Crosbie Road and Craighend Road.

1.2 In the course of the inquiry, the SAC witness was asked a number of questions about the SAC approach to the identification of Crosbie Road as a suitable candidate for inclusion in the green belt rather than within a redrawn settlement boundary for Troon. As a relatively new appointment to SAC she was unable to respond. In order to obtain best evidence on a matter which the objector considered to be of considerable importance to their case we requested that SAC provide an addendum to their evidence in the form of a document to the inquiry and invited the objector to make a response to the content of that addendum.

### 2. POLICIES SUBJECT OF THE OBJECTION

2.1 In essence, the objectors seek the extension of the settlement boundary of Troon and removal of Crosbie Road from the green belt designation.

### 3. SUMMARY OF CASE FOR THE OBJECTOR

3.1 As background, it was stated that the objection to the inclusion of Crosbie Road, in the greenbelt was related to, but separate from, the objection to SALP policy STRAT2. Sun Court Limited was seeking to upgrade and enhance the property and facilities at 19 Crosbie

Road in order to secure the economic viability of the nursing home owned and operated by the company at that location. To date, they had been unable to secure the support of SAC for plans which included demolition of the category C listed real tennis court, removal of the bungalow in the extensive rear garden grounds, and the construction of a number of “very sheltered” houses. It was submitted that any suggestion that the objector was a speculative housing developer should be rejected; and that the Reporters should be careful not to prejudice, in the context of the inquiry, the merits of planning applications currently before SAC.

3.2 It was stated that Crosbie Road comprised a finger of urban development including golf club houses, mansion houses, flats and the Sun Court Nursing Home. Previous Reporters had described Crosbie Road as “...a genuine extension, albeit somewhat incongruous, of the urban area of Troon” and “...a conspicuous finger of urban development which is virtually contiguous to the main built up area of Troon.” Rather than a disjointed entity in the middle of open countryside physically divorced from the rest of the built up area, Crosbie Road was an integral part of Troon. Those living in Crosbie Road were properly considered to be residents of Troon; and the properties on Crosbie Road shared the same postcode (KA10-6) as those on Craighend Road, Bentinck Drive and South Beach.

3.3 The ASP Key Diagram did not include either Crosbie Road or the nearby land which was predominantly open countryside occupied by the golf courses of the Royal Troon and Prestwick Golf Clubs within the green belt. The designation of the extensive swathe of green belt to the south of Craighend Road and to the west of the Ayr-Glasgow railway line was excessive. There was no pressure for development on the land occupied by the golf courses. They provided adequate protection to the urban fabric and setting of Troon.

3.4 The sweep of land from the centre of Troon southwards to the Gaws Burn was a single entity; and the area to the south of Craighend Road was an integral part of the Conservation Area. It was illogical to have Crosbie Road outwith designated boundary of the settlement of Troon but included in the green belt. The built form of Crosbie Road was clearly of a totally different character and appearance from the extensive area of open, undeveloped recreational land occupied by the golf courses to the west, east and south. It was the open expanse of golf links which provided the landscape setting for the southern side of Troon. The alien urban form of Crosbie Road punctured this open vista.

3.5 Crosbie Road was part of the planned development of Troon put in place in the late nineteenth and early twentieth centuries. The road itself was constructed to provide suitable access to the row of substantial mansion houses built in accordance with the vision of the 6<sup>th</sup> Duke of Portland. Thus, for instance, “Lindisfarne”, the original house on the Sun Court site, was built in 1905 with the Real Tennis Court a later addition (1909). The influence of the Royal Troon Golf Club had also been a key factor in shaping the nearby townscape and landscape. The urban nature of Crosbie Road had been reinforced by the granting of planning permission for developments within the curtilages of the established properties with frontages on Crosbie Road. As things now stood, Crosbie Road, the Marine Hotel and the other buildings nearby were an extension of the rest of the built up area of Troon and should be planned for in similar terms to the rest of the town.

3.6 It was submitted that the SAC Addendum did not explain in a convincing manner why Crosbie Road was excluded from the 1997/1998 parcels assessment exercise but subsequently included in the green belt as was now proposed in SALP. SAC had not

explained in a plausible fashion its treatment of Crosbie Road as a special case during the review of the green belt. There was no satisfactory explanation of SAC's position that Crosbie Road and Southwoods should be treated in a similar manner in SALP. The Addendum was a post hoc rationalisation of events, it was disorganised and disjointed, there was no contemporary record on which to rely, and it displayed a lack of detailed command of survey material.

3.7 It was submitted that fears about the impact on Crosbie Road if it were removed from the green belt were exaggerated. If Crosbie Road were to be included within the settlement boundary of Troon, it would be possible to use the suite of policies for the urban area and the Conservation Area to assess proposals for the renewal and modification of the urban form including any proposals for development at the Sun Court Nursing Home. It was further submitted that, notwithstanding its inclusion in the adopted local plan, in the 1990s there was a standing issue about whether Crosbie Road should, or should not, be in the greenbelt. The SAC witness at the hearing sought "to bring to her evidence a new look at what was an old question and which was brought to her as fait accompli".

#### 4. SUMMARY OF CASE FOR SAC

4.1 SAC stated that the settlement boundary for Troon, as defined in SALP, followed the urban edge of the town to form a strong defensible boundary which separates the built up area from the adjacent landscape. The properties on Crosbie Road were physically and functionally isolated; and, as viewed from numerous points to the east, including the bridge over the Ayr-Glasgow railway line at Craigend Road, they were visually separate from the rest of Troon. Crosbie Road was not an integral part of Troon, and it was properly placed in SALP outwith the settlement boundary. The inclusion of Crosbie Road within the Troon and Southwoods Conservation Area did not justify its inclusion within the settlement boundary of Troon. The inclusion of existing properties in areas identified as green belt as a "wash over" was not unusual. There were numerous examples in nearby Southwoods, and no objection had been taken to the inclusion of that area within the green belt.

4.2 ASP provided, in its key diagram, a broad indication of the boundary of the greenbelt in the vicinity of Crosbie Road. However, Policy ADS6 made it clear that it was for SALP to bring forward policies for the identification, protection, management and development of the greenbelt. SAC had concluded that an extensive area to the south of Troon should be identified as greenbelt; and the inclusion of Crosbie Road had been assessed against the terms of Circular 25/1985. The exclusion of Crosbie Road from the settlement of Troon assisted in the identification of a clearly defined boundary at Craigend Road. The open aspects seen through the properties on Crosbie Road made a contribution to the recreational enjoyment of the surrounding golf courses. Its inclusion in the greenbelt would help to protect its integrity in this vicinity by restricting development which might have an adverse effect on its landscape setting. It was pointed out that SALP policy SRAT2 recognised circumstances in which development in the green belt might be acceptable.

4.3 In the Addendum to the evidence heard at the inquiry, SAC confirmed that Crosbie Road was not included in the 1997/98 survey of land for potential inclusion in the green belt. However, Crosbie Road and Southwoods were surveyed in 1996, and they were reappraised in 1999, and again in 2002. The Addendum set out at some length the reasons for their separate assessment; and it acknowledged that Crosbie Road was dealt with as a special case

requiring individual attention. However, each time Crosbie Road had come under scrutiny it was concluded that it merited inclusion in the green belt. While there was some record of the deliberations regarding Southwoods, the addendum otherwise relied on the best recollection of SAC officials of events some of which had occurred almost a decade before.

## 5. CONCLUSIONS

5.1 There are 2 **preliminary matters** to which we must refer. First, this objection is related to, but separate from, the objection to SALP policy STRAT2. The mass of evidence and related documentation concerning difficulties encountered in having their proposals determined to their satisfaction was brought to our attention only by Sun Court Limited. Contrary to the objectors' fears, transmitted to us through submissions, we have no difficulty in recognising that planning applications, as yet not dealt with by SAC, are not before us. We have given current planning applications no weight in reaching our conclusions on this, or any other, objection dealt with in this report. Second, we are not concerned with the motives of these, or any other objectors, in lodging and maintaining, an objection to SALP. In reaching our conclusions we are concerned only with the merits of the objection itself.

5.2 With these preliminary matters out of the way, we can move on to the substance of the objection. The essential question which we must address is whether the **settlement boundary of Troon** should be extended to include Crosbie Road and, perhaps, as the objector suggests also to include some land in its immediate vicinity. We recognise that it could be administratively convenient for both SAC and prospective applicants for planning permission to have the boundaries of the Conservation Area and the settlement boundary co-terminous in the vicinity of Crosbie Road. There has been no objection to the delineation of the Troon Conservation Area which includes Crosbie Road and Southwoods; and it would certainly be a tidy solution to the difficult and complex problems which were ventilated at the inquiry and in the subsequent correspondence. However, there is no reason why a Conservation Area cannot spill over a settlement boundary into the area beyond. One example is to be found at Crosshill, another at Barr, and there are numerous examples elsewhere in Scotland. Of even greater importance, in reaching our conclusions we must give appropriate weight to the terms of ASP and the policy of SE towards green belts.

5.3 ASP policy ADS6 requires, inter alia, that there shall be a green belt at Ayr/Prestwick and Troon and that the local plan shall bring forward specific policies for its identification, protection, management and development. A location within the green belt does not place an embargo on development, and SALP policy SRAT2 sets out the sorts of development that would be acceptable. Although the ASP Key Diagram provides a visual representation of what is intended by ASP policy ADS6 this is indicative only, and reference to Circular 24/1985 confirms that it is for SALP to define its precise boundaries of the green belt in South Ayrshire. The SAC position is to be found in Map 27 which is associated with the SALP Proposals Map.

5.4 There was a considerable debate at the inquiry, which was carried through into the subsequent correspondence, on the approach adopted by SAC in moving to the decision that Crosbie Road should be included in the green belt. In chapter 3.3 of this report, we comment on the methodology adopted by SAC as it moved through various stages to define its proposals for precise boundaries for the green belt. We recommend that the green belt as a whole should be the subject of a review. If that recommendation finds favour, we expect the

review to encompass Crosbie Road and its vicinity and not to exclude it as a “special case”. In the meantime, in reaching our recommendation on this particular area specific objection, we are not concerned with the process by which SAC reached its conclusion, or why in the past Crosbie Road has been regarded as a “special case”. It is the outcome of the process that is the subject of this objection; and that must be the focus of our attention here.

5.5 Within that general framework, we agree with SAC that there is merit in treating Southwoods and Crosbie Road in a manner which gives prospective developers clear guidance about what will, and will not, be allowed in these areas. As a result of their topography, tree cover and related characteristics, the 2 areas are considerably different in their appearance. However, they have a similar history of development stretching back to Edwardian times, and they have a similar proximity to the built up area of what is identified in SALP as the settlement of Troon.

5.6 As far as that proximity is concerned, we have no quarrel with the conclusions reached by previous Reporters when they dealt with the matters before them at the previous local plan inquiry and the particular cases at appeal which have been drawn to our attention. Nevertheless, circumstances change, and we are bound to deal with this objection in the light of all the evidence now before us, and as seen at our various site inspections. In respect of the latter, we note that others have found the built up area of Crosbie Road “somewhat incongruous” and “virtually contiguous” with the rest of Troon. In recognition of the likely importance of our own finding on this matter for our recommendation we visited Crosbie Road and its surroundings on several occasions: in the morning, in the afternoon, and in the early evening; and in weathers ranging from clear sunshine, to overcast cloud, to heavy rain. In some long views looking west towards the Firth of Clyde we saw that the roofs and massing of the houses on Crosbie Road form a finger of development. We noted that, in these views, the later addition of the real tennis court now stands out as a minor, but unwelcome, protuberance at the rear of 19 Crosbie Road. Neither does the backland development at 17 Crosbie Road sit comfortably with its neighbours.

5.7 We accept that the cross roads of Craighend and Crosbie Road are a recognisable entry to Troon, and we agree that functionally and visually Crosbie Road is an extension of Bentinck Drive. Whatever may have been the intent of plans drawn up long ago but not built out, we do not accept that the houses on Crosbie Road are now a continuation of the urban form of Troon. Rather, we agree with previous Reporters that Crosbie Road does not sit entirely easily with the rest of the built up area of Troon, and that it is not precisely contiguous with the developments in the vicinity. After careful consideration, we find as a matter of fact and degree that the 300 metres which separate the dwellings on Crosbie Road from those on Craighend Road is sufficient to establish a physical and, from a range of viewpoints to the east and west, a visual separation between Crosbie Road and that part of Troon which is within the settlement boundary. Based on that finding, we are driven to the conclusion that Crosbie Road cannot be considered as integral to the rest of the built up area of Troon. The placing of Crosbie Road outside of the settlement of Troon does not, as was submitted, render the residents a “dispensable outlying minority”. The extent of a postal round does not have any relevance for land use planning; and the number of persons employed in establishments on Crosbie Road does not have any bearing on whether or not that finger of development is physically or visually linked to that part of Troon which is within the settlement boundary.

5.8 We have considered whether the golf courses currently occupied by The Royal Troon and Prestwick Golf Clubs provide adequate protection for the urban fabric and setting of Troon. We readily accept that housing or other developments are not suitable alternative uses for the golf courses; and we recognise that neither of the Clubs would be willing sellers of the land in their ownership. In the face of the opposition certain to emerge, it would be astonishing if even a single planning application to develop the golf courses for housing had been lodged. However, we do not accept that the absence of planning applications is a satisfactory indication that the land is immune from the development pressures which characterise the surrounding area. It is far more plausible that potential developers understand that objectors to their proposals are well able to resist those pressures and, thereby, divert them to sites elsewhere in the vicinity including the properties on Crosbie Road. The recently built pocket of development at Crosbie Place is an example where these pressures were not resisted. An approval for an increase in the footprint and massing of an existing development on Crosbie Road, even if that were acceptable by itself, would make it more difficult for the planning authority to turn away other proposals the cumulative effect of which could be to the detriment of this part of the landscape setting of the settlement of Troon.

5.9 We have considered carefully the alternative proposals for the delineation of the settlement boundary in the vicinity of Crosbie Road and walked the possibilities during accompanied and unaccompanied site inspections. We agree with the objectors that a settlement boundary should be for the long term but, with that in mind, we are not persuaded that a combination of fencelines and the Gaws Burn provides an adequate alternative to the robust, easily recognisable and readily defensible boundary provided by the line of Craigend Road.

5.10 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

5.11 In **conclusion**, drawing together the findings in the above paragraphs, we consider that there is no need to extend the settlement boundary to incorporate Crosbie Road or any of the area in its immediate vicinity thereby withdrawing those locations from the green belt as currently proposed.

## 6. RECOMMENDATION

6.1 Accordingly, we recommend:

- (i) that no change be made to SALP in respect of this objection.

## 10.4 COYLTON: SCENIC AREA

**Representation no:**  
469

**Objectors appearing at Inquiry:**  
Mr K Wilson

**Objecting to:**  
Proposals Map

### 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 The objector stated that it was not clear why the southern boundary of the Scenic Area designation in the vicinity of Coylton followed Castle Drive and Red Road. It would have been logical to extend the designation to follow the Woodhead Road from its junction with the Red Road to the A70 at Coylton/Joppa. As things stood, the field to the south of Sundrum Cottage was not in the Scenic Area. However, the house itself and the nearby development at Sundrum Castle Holiday Park were both covered by the designation.

### 2. SUMMARY OF CASE FOR SAC

2.1 SAC pointed out that ASP policyE2 stated that within Sensitive Landscape Character Areas protection and enhancement of the landscape should be given prime consideration and that local plans should identify boundaries where appropriate. A landscape evaluation report prepared for ASP (1999) had identified areas of high sensitivity; and these locations correlated well with the Ayrshire Landscape Assessment (1998). This work at the strategic level had been carried forward in the preparation of SALP through local surveys. The Sensitive Landscape Character Areas had been named Scenic Areas in CDSALP and SALP; and the boundaries had been refined using strong and readily recognisable features where ever possible. The access road to the Sundrum Estate formed a logical and readily identifiable boundary to that part of the Scenic Area which lay to the north of Castle Drive. SAC could see no merit in extending the boundary southwards towards Coylton because the relevant research had not identified that area as being of a particularly sensitive landscape character.

### 3. CONCLUSIONS

3.1 For the avoidance of doubt the objector is not concerned with the terms of SALP policy ENV8. His focus is confined to the proper identification of the boundary of the Scenic Area in the vicinity of Sundrum and Coylton.

3.2 SAC have drawn to our attention a number of documents which underpin their position that there should be no change to the boundary of the Scenic Area in this vicinity. We have carefully considered the detail of these and note that in the Ayrshire Landscape Assessment SNH warned (at paragraph 5.247) that it is important that assessments undertaken at a regional level are not applied at a locally specific level. It is not clear to us from the Technical Report prepared as part of the Report of Survey for ASP where exactly the boundaries of the Sensitive Landscape Character Areas are to be found. That report

seems to have been the outcome of a desk study and little, if any, detailed field work appears to have been undertaken. ASP policy E2 confirms that the boundaries for Sensitive Landscape Areas are to be identified in local plans; and the areas depicted in the ASP Key Diagram, like all the others there, are no more than indicative. When we pull these strands together, it is clear that it would be a mistake to rely on work undertaken at the strategic scale as anything more than a starting point in assessing where the boundaries of the Scenic Area in SALP should be.

3.3 The focus of our attention must be on the manner in which work undertaken at the strategic scale was carried forward in the preparation of SALP through local surveys and the way in which the boundaries were refined. As far as the latter is concerned we can readily agree that well defined physical boundaries should be used to delineate precisely what has been renamed in SALP as a Scenic Area. We have serious reservations about relying on field boundaries because these can be altered, often without undue difficulty. Roads are more permanent features and they are easily recognisable. We note from the documentation (CD 22) that a field survey was undertaken by a single Council officer to ensure consistency in the process of assessment of sensitive landscape for the purpose of identifying precise boundaries for the land to be designated as Scenic Area. However, no details of the field survey were brought to the hearing; and, at the Coylton session of the inquiry, we were told by the SAC witness that the details could not now be found. It follows that we have been unable to verify that the relevant research undertaken by SAC did, or did not, identify the area to the south of Castle Drive as being of a particularly sensitive landscape character.

3.4 Following the hearing, an extensive accompanied inspection was made of the area to the south of the access road to Sundrum Castle. This enabled us to form a preliminary view of the merits of the objector's proposal. Since then, given the length of the inquiry, we have been able to return unaccompanied to view the area and its wider landscape surroundings in all seasons, at various times of the day, and in a variety of weathers. When we consider what we have seen under these conditions, we are driven to agree with the objector that it is difficult to understand why one side of the valley within which Sundrum sits should be in the Scenic Area and the other not. We understand his preference for, and can see the logic in, continuing the existing designation south up from the valley floor to meet with, and run alongside, boundaries which are readily distinguishable and sufficiently robust to remain for the longer term. Woodhead Road lies along the ridge which defines the northern edge of Coylton/Joppa and it marks the transition between the built up area and the open countryside to the north. Drawing these matters together, we consider that land to the north extending to Castle Drive is worthy of inclusion in the Scenic Area.

#### 4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

- (i) that the southern boundary of the Scenic Area in the vicinity of Coylton be redrawn to run along Woodhead Road from its junction with the Red Road to the A70 at Coylton/Joppa; and
- (ii) that SAC should consider any consequential redrawing of the boundary of the Scenic Area in this vicinity, which they deem appropriate.

# 10.5

# BARR

**Representation nos:**  
379, 486, and 487

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Proposals Map

## 1. BACKGROUND

1.1 Barr is a small, long established village located about 10km east of Girvan on the B734 road at a point where various tributaries join the main course of the River Stinchar. At this stretch, the river flows along a near flat valley floor amidst surrounding hills on its way to its entry to the Firth of Clyde at Ballantrae. In SALP, the settlement boundary is drawn tightly round the built up area. The Barr Conservation Area covers the built up area much as it was in the mid-nineteenth century. The land beyond the settlement boundary lies within the Scenic Area and is covered by the Rural Diversification Area designation. Facilities within the village include a primary school, churches, a hotel, a post office and a shop.

## 2. POLICIES SUBJECT OF THE OBJECTIONS

2.1 In essence, the objectors seek the release of further housing sites in the vicinity of Barr.

## 3. SUMMARY OF CASE FOR THE OBJECTORS

3.1 The objectors pointed out that there were 107 houses within a 4km range of Barr. Of these: 27 were holiday homes; 32 were single occupancy (of which 19 were senior citizens); and 34 housed couples with no children (of which 27 were senior citizens). There were only 14 houses which were homes to families with children under 16. At the same time, SAC were insisting on imposing policies which were unduly restrictive on the development of houses outwith the settlement boundary even when the proposal was for a new dwelling adjacent to a farm on land owned by the farmer. The objectors proposed various solutions to the shortage of housing for local persons and, associated with that, the regeneration of Barr and its immediate hinterland. These included: the relaxation of the policies towards the development of single houses in the countryside around Barr when the particular circumstance could be shown to justify that; and a site search in the area to the south of Barr in the valley of the Stinchar which might reveal a suitable location for a group of houses.

3.2 The rural economy was in a fragile state and, within that unhappy context, the local services provided for the wider community were in a state of decline. The post office, the remaining shop, and the hotel were all struggling for survival. The approval of the nearby wind farm had done nothing to improve the prospects for tourism in the area.

#### 4. **SUMMARY OF CASE FOR SAC**

4.1 Policies for residential development within the Rural Diversification Area should favour the consolidation of existing groups of houses rather than allowing development to take place in isolated locations. This position was reflected in SALP policy STRAT4 which complied fully with the policies of ASP, including policy ADS3.

#### 5. **CONCLUSIONS**

5.1 Our starting point in reaching our conclusions is that none of the objectors has made a specific objection to policy STRAT4; and we are in no doubt that SAC in exercising its development control function will continue to treat each proposal for a dwelling house within the Rural Diversification Area on its individual merits.

5.2 SPP15 reiterates that the overarching aim of SE is to have a more prosperous rural economy, with a stable or rising population that is better balanced in terms of age structure, and to ensure that rural communities have reasonable access to good quality services. Within that overall aim, an objective is to put in place arrangements to accommodate selective, modest growth at suitable locations. However, it is recognised that new development must be carefully planned if the character and quality of the countryside is not to be undermined. SPP15 goes on to point out that there are some parts of rural Scotland which would benefit from economic stimulation and environmental improvement. Development plans can play an important role in this by highlighting the areas needing attention, thereby influencing the wider policy agendas of potential partners.

5.3 The common theme which ties the objections together is a concern that the existing stock of housing in, and around, the settlement of Barr is limited and not readily affordable for local people. We can agree that the only sites which appear to be available for new build are relatively unattractive. We can also understand a concern that an aging population and the transition of residences to holiday homes, if allowed to continue, would exacerbate an unhealthy imbalance in the demographic structure of the community. The lack of close support for services drawn from the immediate hinterland appears to the local population to threaten the viability of the very services which are placed at the root of the judgement by SAC of whether or not a grouping should properly be classed as “a settlement”.

5.4 Drawing the above together, we find that Barr is a suitable case for rural regeneration and we are driven to the conclusion that that the planning system can play a more important part in that process than SAC’s current position suggests. In tune with the approach adopted in SPP15, we recommend that SAC consider the development of a strategy for this small settlement, based on partnership working including most notably the Local Enterprise Company. We do not overestimate what can be achieved by this approach, but we are certain that it can be furthered by involving the community. The SALP process can assist by ensuring that there is sufficient land available for development to support and sustain the community. This can be achieved at Barr by relaxing the tight boundaries proposed in SALP, and within the new settlement boundary identifying a suitable number and choice of housing sites.

5.5 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

6. **RECOMMENDATION**

6.1 Accordingly, we recommend:

(i) that SAC review the settlement boundary of Barr as identified on the Proposals Map and presented in Map 3 of the Small Scale Settlements Inset Maps.

# 10.6

# STRAITON

**Representation no:**  
396

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Proposals Map

## 1. BACKGROUND

1.1 Straiton is a small community of less than 300 persons located some 10km south east of Maybole in rural South Ayrshire at the confluence of the Girvan Water and the Lambdoughty Burn. The core of the settlement was laid out in 1760 and largely rebuilt as a planned village about the beginning of the twentieth century. Although a terrace of modern houses was added in the 1980s, Straiton remains a compact community focussed on a narrow main street which is lined on either side with single storey cottages. At our site inspection we noted that Straiton has a range of facilities which justify its identification as a settlement in the local plan. These include: a primary school, a village shop, St Cuthbert's Church, the McCandish Hall, and the Black Bull Inn. The area to which the objectors refer lies about 500m to the south and east of the settlement boundary. In CDSALP, this countryside was identified as lying within the Rural Diversification Area. However, in SALP it is placed within the Rural Protection Area.

## 2. POLICIES SUBJECT OF THE OBJECTION

2.1 In essence, the objectors seek the inclusion of an area some 500m to the south of Straiton within the Rural Diversification Area.

## 3. SUMMARY OF CASE FOR THE OBJECTORS

3.1 The objectors argued that Straiton was in an area in which some development should be encouraged in order to support the local economy and stabilise population levels. The decision in SALP to reallocate land to the south and east of the settlement of Straiton from the Rural Diversification Area to the Rural Protection Area was of no assistance in this regard. Straiton itself was a small, fragile community which lacked a full range of housing suitable for families. At 21 pupils, the primary school roll was the smallest in South Ayrshire; the village shop had changed hands 4 times since 1993; and only 10-15 people attended regularly the Sunday church service.

3.2 Contrary to the SAC view, Straiton was not now subject to considerable development pressure; and it was not likely to be in the future. Only 3 planning applications were received by SAC in the period 1999 to 2002. Straiton was 22 km from Ayr and the area which was the subject of the objection was 32km away. It took 30 minutes to travel to Ayr, 45 minutes to Kilmarnock or Irvine, and over 60 minutes to Glasgow. There was an infrequent bus service serving Straiton but no scheduled bus route serving the objection area.

#### 4. SUMMARY OF CASE FOR SAC

4.1 The indicative key diagram of ASP indicated broad boundaries for the Rural Protection Area and the Rural Diversification Area. The detail was considered as part of the SALP process. The reclassification from CDSALP to SALP was made to reflect SAC's most recent appraisal of the development pressures in the vicinity of Straiton.

#### 5. CONCLUSIONS

5.1 The objectors have not objected to the criteria adopted to identify either the Rural Protection Area or the Rural Diversification Area. Nor have they objected to the identification of the settlement boundary identified on the Proposals Map as it refers to Straiton. The focus of their concern is part of the countryside to the south and east of Straiton some 500m from the settlement boundary which they seek to have reclassified on the grounds that some development there will enhance the rural economy and provide close support for the various service and facilities which are located in Straiton.

5.2 SAC have designated as Rural Protection Area countryside outside the green belt which they regard as being under pressure for development especially bearing in mind travel times from major towns. That countryside is covered by SALP policy STRAT3. SAC have designated as Rural Diversification Area countryside in which there are lower development pressures than those experienced elsewhere in South Ayrshire. Policies for the Rural Diversification Area are tailored to encouraging some rural housing, but only where there are existing clusters of homes. Those areas are covered by policy STRAT4. Both policy STRAT3 and policy STRAT4 presume against development in the countryside unless there are exceptional circumstances. The economic regeneration and environmental enhancement of small settlements is a separate issue and there is no suggestion in the objection that either of those policies should be relaxed in the vicinity of settlement boundaries as a means of furthering those objectives.

5.3 Given the considerable body of evidence which we heard at the inquiry, we are in no doubt that there is a substantial requirement for housing land in the vicinity of Ayr. Straiton is within commuting distance of Ayr, and this by itself is sufficient for us to find that, within the SALP period, this small, pleasant community and its vicinity will come under development pressures of various types. We can readily accept that where precisely the boundary between the Rural Protection Area and the Rural Diversification Area should be drawn must be a matter of judgement. However, we are not persuaded by the objectors' arguments that SAC's judgement in this case is flawed such that the area to the south of Straiton to which they refer should be allocated as Rural Diversification Area.

5.4 We have taken account of all the other matters, but find none that outweigh our conclusions.

6. **RECOMMENDATION**

6.1 Accordingly, we recommend:

(i) that no change be made in SALP in respect of this objection.

## 10.7 CRAIKSLAND FARM

**Representation no:**  
342

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Proposals Map

### 1. BACKGROUND

1.1 Craiksland Farm is a working farm extending to some 80ha located in undulating countryside due east of the village of Loans across the A78 trunk road. It is approached by a narrow road which for some of its length is single track. Planning permission was granted in February 1996 for the development of Lochwoods Community Woodland together with a new access road and associated car parking. At our unaccompanied site inspection, we noted that considerable planting has been undertaken although some of the young trees appeared to be struggling. The objection site, which amounts to some 0.3ha, is located in a hollow at the western corner of the woodland. It is at a distance from the cluster of domestic properties which focus on Craiksland Farm House; and it is reached from them by way of a paved, single track road. In SALP, the farm lies within the Rural Protection Area.

### 2. POLICIES SUBJECT OF THE OBJECTION

2.1 The objector is concerned that SALP policy RE1 restricts the construction of new buildings to those located within a farmstead grouping. He also objects to policy RET13 because it restricts unduly retail development outwith a settlement. The objections are linked because, in addition, the objector is requesting the identification within SALP of the site of Lochwoods Community Woodland Park as a tourist development site. For ease of reference, and because the objections focus on 3 discrete subject matters, we have dealt with them as separate issue.

### 3. SUMMARY OF CASE FOR THE OBJECTOR

3.1 The objector requested that the site of Lochwoods Community Woodland be identified within SALP, and that the plan recognise the potential for the extension of facilities at Lochwoods Community Woodland thereby providing a valuable community and tourist resource. Having granted planning permission for the community woodland and associated car park, SAC had established a precedent for a small scale community leisure facility at Lochwoods Woodland Park. Examples of what might be acceptable were a farm shop, a craft shop, a tea room and toilets all of which could be accommodated within the Woodland Park without detriment to either the agricultural activities or the character and appearance of the area. A facility of this nature within the Rural Protection Area would be compatible with the relevant suite of policies including the terms of policy TOUR 8.

#### 4. **SUMMARY OF CASE FOR SAC**

4.1 SAC pointed out that an application (02/00150/OUT) for a shop, toilets and cafe at the objection site had been refused and that the decision had been upheld at appeal. SAC remained of the view that the sale of goods in the countryside should be restricted to ensure that the growth of such activity did not individually, or cumulatively, have an adverse impact on retail provision or the vitality and viability of existing towns or villages. New buildings required as part of a farm diversification scheme should be directed to the main farmstead grouping in the interests of reducing the potential impact of new buildings in the Rural Protection Area.

#### 5. **CONCLUSIONS**

5.1 We have considered the merits of the objections to SALP policy RE1 elsewhere in our report and, based on the reasoning set out there, we have recommended a change to the wording of this policy. We have no concern about the wording of policy RET13. Only one argument has been set out to support the objector's position on Craiksland Farm: the planning permission for the community woodland and associated car park clearly established a precedent for a small scale community leisure facility at Lochwoods Woodland Park. We cannot agree: granting permission for community woodland and the facilities necessary for its enjoyment cannot by any stretch of the imagination be considered a sufficient justification for allowing tourist and visitor accommodation in its vicinity. If the objector wishes to pursue his proposal for new development at, or near, Lochwoods Community Woodland it is open to him to submit an application for planning permission. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that its determination be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 Drawing these matters together, we are not persuaded that the Lochwoods Community Woodland should be specifically identified within SALP as having special potential to provide further tourist and visitor accommodation.

5.3 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 6. **RECOMMENDATION**

6.1 Accordingly, we recommend:

- (i) that no change be made to SALP in respect of this objection.

## 10.8 GIRVAN: COALPOTS ROAD

**Representation nos:**  
465

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Policy H2A

### 1. BACKGROUND

1.1 Inset MapG1: Girvan, associated with the text of SALP, shows a site at Coalpots Road on the eastern edge of the built up area of Girvan. It is covered by SALP policy H2A and by policy H4; and it is identified as an OPP1 site. The site known as Coalpots Bridge is located to the north of that, also on the eastern edge of the built up area; and it is also covered by policy H2A and by policy H4. In CDSALP, the site at Coalpots Road was proposed for housing and this was continued into SALP. The site at Coalpots Bridge emerged for the first time in SALP. The sites are separated by farm land which lies outwith the settlement boundary and is covered by the Rural Diversification Area and Scenic Area designations.

### 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 The objectors welcomed the allocation of the site at Coalpots Road as a residential allocation in SALP. However, they considered that provision should be made for road access to be made to the rear of the site at Coalpots Bridge in order that, at some future date, access could be taken from that on to the farm land to the north east of it. This would enable the sites at Coalpots Road and Coalpots Bridge to be linked together in the future.

### 3. SUMMARY OF CASE FOR SAC

3.1 The farm land which lies between the Coalpots Road and Coalpots Bridge sites had not been designated for development and, consequently, there was no need to provide for access to it in SALP.

### 4. CONCLUSIONS

4.1 The only issue between the parties is whether provision in SALP should be made for road access to be made to the rear of the site at Coalpots Bridge. It would appear that the objectors are working on the assumption that the land between the sites at Coalpots Road and Coalpots Bridge will at some time in the future be released for housing. We have no evidence to support that assumption. We find that to accede to the objectors' proposal at this stage would be poor planning practice.

4.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

5. **RECOMMENDATION**

5.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

## 10.9 TRAVELLING PEOPLE SITE

**Representation no:**  
298

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Proposals Map

### 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 The objector suggested that consideration be given to the allocation within SALP of a site for Travelling People.

### 2. SUMMARY OF CASE FOR SAC

2.1 SPP3 stated that the need for a site for Gypsies/Travelling People should be identified within the SAC Local Housing Strategy. The SAC Local Housing Strategy 2003-2008, approved in 2003, referred to the existing site near Girvan but did not identify a requirement for a second site. SALP provided a policy framework which was sufficient for the consideration of the merits of proposals for residential caravans and other non-permanent dwellings. The suite of policies included: SALP policy H18 regarding residential development; policy SERV18 for community facilities; and the provisions of policy STRAT5 which had set out the standards which would apply to all development proposals,

### 3. CONCLUSIONS

3.1 We share the objector's concern that the needs of Travelling People should be taken fully into account in the allocation of land within SALP. However, there is already a site at Girvan which is given over to this purpose, and the Local Housing Strategy has not identified a need for a second site within South Ayrshire. In the event that the forthcoming review of the Local Housing Strategy identifies a requirement for a second site we agree with SAC that the current suite of relevant policies provides an adequate framework within which to identify either a suitable site or to deal with a relevant planning application.

3.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

### 4. RECOMMENDATION

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

# 10.10 WILDLIFE CORRIDORS

**Representation no:**  
400

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Proposals Map  
Landscape Corridors  
Wildlife Corridors

## 1. SUMMARY OF CASE FOR THE OBJECTORS

1.1 The Architectural Heritage Society of Scotland (Strathclyde Group) welcomed the identification of the woodland areas on either side of Monument Road, Alloway as a Landscape Corridor. They suggested that, in addition, these should be designated as a Wildlife Corridor. They thought it illogical that a Landscape Corridor should not also be covered by SALP policy ENV8.

## 2. SUMMARY OF CASE FOR SAC

2.1 The Wildlife Corridors identified in the Wildlife Strategy set out in Appendix ii of SALP and illustrated on MapSTR9 were identified by combining the relevant statutory and non-statutory designations to form corridors through the main settlements in South Ayrshire. Additional links were included, as appropriate, to act as “stepping stones” in order to complete the corridor. The wooded areas in the Rozelle and Bellisle Parks did not have statutory or non-statutory designations on them, or near them, and they could not be identified as Wildlife Corridors. Neither the Rozelle nor the Bellisle Park was within a Scenic Area and, therefore, policy ENV8 could not be applied to them.

## 3. CONCLUSIONS

3.1 We have no difficulty with the general approach adopted by SAC to its identification of Landscape Corridors or to its particular application at Monument Road, Alloway. Nor do we have any quarrel with the approach taken to the identification of Wildlife Corridors. The wooded areas in Rozelle and Bellisle Parks do not have any statutory or non-statutory designations on or near them and, accordingly, they cannot qualify for identification as Wildlife Corridors. The Landscape Corridor is not within the Scenic Area and, accordingly, the provisions of policy ENV8 cannot be applied to it.

3.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that no change be made to SALP or its Appendices in respect of this objection.

## 10.11 FORESTRY MATTERS

**Representation no:**  
453 and 488

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
SALP  
Lack of Forestry Policies

### 1. SUMMARY OF CASE FOR THE OBJECTORS

1.1 Pinwherry & Pinmore Community Council (453) pointed out that recent forestry plantings could result in the darkening of the Assel and Stinchar Valley floors. They sought a policy which would allow a community to negotiate some strategic felling if maturing woodland was becoming oppressive or out of control.

1.2 Another objector (488) stated that he worked around 210ha of land at Kirkland Farm in the Stinchar Valley some 3 km south west of Barr. A few years ago he was refused grant assistance from the Environmentally Sensitive Areas Scheme and from the Countryside Premium Scheme. His farm was no longer viable and he wanted to plant trees on a portion of it. He claimed that the Forestry Commission had refused permission for his proposed scheme of planting because, so they claimed, it ran contrary to the provisions of the local plan particularly as these related to the protection of Scenic Areas.

### 2. SUMMARY OF CASE FOR SAC

2.1 SAC was not the determining authority in respect of forestry proposals. However, under agreed procedures, they were consulted by the Forestry Commission on applications that affected certain areas and involved the planting and felling of trees. Although large scale planting might be carried out without the consent of the Forestry Commission, it was unlikely to be commercially viable without grant assistance.

2.2 The SAC Forestry Strategy provided a general context for assessing forestry proposals, but it did not specify where planting would or would not be acceptable. The Forestry Commission determined grant applications having regard to a variety of environmental factors including any comments made by SAC. The records showed that up to March 2005, SAC had been consulted on 2 applications for grant assistance for planting at Kirkland Farm; and, in both cases, they had raised no objection to what was proposed. The second application, to plant 14.9ha of broadleaved woodland, was approved and at March 2005 was at the stage of contract implementation.

### 3. CONCLUSIONS

3.1 The planting of trees does not represent development in terms of the Town and Country Planning (Scotland) Act 1997. In compliance with ASP policyE3 the 3 Ayrshire

Councils have prepared an indicative Forestry Strategy for Ayrshire. Within that context, the Strategy to be found in Appendix ii of SALP sets out a series of principles for guiding new forestry planting in South Ayrshire. SALP policy ENV11 states that SAC will be generally supportive of tree planting/greening schemes which will improve the landscape and provide ecological benefits, especially where these will also offer benefits for public access, recreation, education or will assist in the restoration of despoiled or degraded land. Although SAC has a policy position on certain forestry matters, they have no authority to grant or refuse applications for woodland planting or to require felling at any location.

3.2 It is for the Forestry Commission to determine grant applications after taking into account observations made by SAC in the light of its Forestry Strategy. We accept that SAC has no record of commenting unfavourably on any planting scheme at Kirkland Farm. There has been no objection to the boundaries of the Scenic Area in the vicinity of Kirkland Farm.

3.3 Drawing these matters together, we find no reason for SAC to modify any of the policies of SALP which cover the Assel and Stinchar Valley floors and the land which makes up Kirkland Farm.

3.4 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of these objections.

# 10.12

# BOGEND

**Representation no:**  
38

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Proposals Map

## 1. BACKGROUND

1.1 The area known as Bogend/Damhead Bridge is located some 5km north east of Symington. In SALP it falls within the Rural Protection Area. At our site inspection, we noted the dispersed pattern of residential development in the vicinity and a number of small businesses including an enterprise which has developed into a garden centre with an associated small shop retailing speciality high value items. However, we saw no church, local grocer, post office, public house or school in the vicinity.

## 2. SUMMARY OF CASE FOR THE OBJECTOR

2.1 The objector proposed that the area around Bogend/Damhead Bridge should be identified as a settlement. He pointed out that there were a good number of dwelling houses in the vicinity as well as various non-agricultural rural enterprises. Taken together these features justified the designation of a settlement in this vicinity and an appropriate modification to SALP.

## 3. SUMMARY OF CASE FOR SAC

3.1 In South Ayrshire, the factors taken into account in identifying a settlement included: the number of residents (from the 1991 Census), the character of the built form, and the availability of local services including for example shops, schools, public houses, and churches. Although some settlements accommodating less than 100 residents had been identified in SALP, the Bogend/Damside Bridge area had less than 50 of a population and it did not meet the other necessary criteria. There had been a series of relevant planning appeals all of which had supported the contention that the Bogend/Damside Bridge area did not amount to a settlement. It was properly described as countryside.

## 4. CONCLUSIONS

4.1 ASP policy ADS3 makes it clear that the definition of settlement boundaries in Ayrshire is a matter to be dealt with in the relevant local plans. We are satisfied that SAC has adopted a reasonable and systematic approach to the identification of settlements in South Ayrshire. When this is applied to the Bogside/Damside area we have no difficulty in finding that the existing dwelling houses and rural enterprises can be properly described as isolated

developments within the countryside rather than amounting to a grouping of houses, businesses and other facilities which should be recognised as a settlement.

4.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 5. **RECOMMENDATION**

5.1 Accordingly, we recommend

(i) that no change be made to SALP in respect of this objection.

## 10.13

# SEAFIELD HOSPITAL

**Representation nos:**  
400 and 426

**Written Submissions**

**Objecting to:**  
Policy H2A

### 1. BACKGROUND AND POLICIES SUBJECT OF THE OBJECTIONS

1.1 In essence, the objectors were concerned about the application of policy H2A to Conservation Areas within South Ayrshire and, in particular, at Seafield Hospital in Ayr. That objection site, which comprises 1.3ha, is located about 2km to the south of Ayr town centre within an established residential area. It contains a number of buildings some of which are listed and also some mature trees which are covered by a Tree Preservation Order. The core building is the former Seafield Hospital. A substantial stone built structure constructed in the Italianate style, it is listed category B. The other buildings within the site, including the gatehouse, are less distinguished in appearance and are unlisted.

### 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 The Architectural Heritage Society of Scotland (Strathclyde Group) noted that an objective of SALP was to ensure that new sites selected for residential development should, as far as possible, be accessible by a range of modes of transport. They were concerned that seeking this objective might, on occasion, pose a threat to the integrity of designated Conservation Areas. Referring to policy H2A and the Seafield Hospital site, they considered that the sentence: "There is no requirement to retain unlisted buildings" was negative in its approach. It should be deleted because it was possible that replacement buildings might never match the quality of those unlisted ones which provided an appropriate setting.

2.2 Miller Homes (Scotland West) questioned the viability of a restriction to 30 units on the Seafield Hospital site because of the costs associated with: the conversion of listed buildings; selective demolition; site investigation and remediation of contamination; affordable housing contributions; and tree and woodland management. The 30 dwelling site capability should be replaced by one of 101 housing units.

### 3. SUMMARY OF CASE FOR SAC

3.1 SAC was fully committed to safeguarding the 22 Conservation Areas designated in South Ayrshire from proposed developments which would have an adverse effect on them. SALP policy BE3 and policy BE5, in particular, would ensure that development in Conservation Areas would not diminish their character or setting. In 19 of the 22 designated Conservation Areas these policies were reinforced by Article 4 Directions which enabled control over works that would not normally require planning permission. None of the sites

set out in SALP policy H2A were situated either within the 22 Conservation Areas or in any area currently under consideration for designation.

3.2 Within the Seafield Hospital site, the former hospital was a listed building of quality. Some out of character additions, made in 1952, had enabled the facility to remain operational. The other buildings within the site, including the gatehouse, had no architectural or historical significance and they detracted from the setting of the listed building. The property became the head quarters of the local Health Board in 1991, but more recently the complex of buildings had been vacant for several years.

3.3 The objection site had emerged as suitable for residential development during a search for brownfield sites. Although it could accommodate 30 units, a higher density might be acceptable. It was for the developer to demonstrate that any increased density would not affect adversely the listed building, or its setting, or the trees covered by the Tree Preservation Order.

#### 4. **CONCLUSIONS**

4.1 We agree with the Architectural Heritage Society of Scotland and SAC that the integrity of designated Conservation Areas should be maintained. We are satisfied that the suite of policies which includes ASP policy E20 and SALP policies BE3-BE5 provides an adequate framework within which the objective can be pursued. Policy BE1 and policy BE2 provide the context within which to appraise the merits of a proposal which affects a listed building and/or its setting. We consider the policy framework to be robust and fit for purpose, and we see no reason to delete the guidance to developers that it is not necessary that a proposal keep any of the unlisted buildings.

4.2 As far as the objection on behalf of Miller Homes is concerned, there is no dispute that the site is capable of accommodating at least 30 houses. There is no evidence at all before us to substantiate any of the matters listed by the objectors' agent as supporting the proposed amendment to the note to policy H2A. We are bound to observe that it is misplaced and wasteful of the resources of the objectors, of SAC and, indeed ourselves, for an agent to attempt to pursue through a local plan inquiry matters more appropriately dealt with through the development control process.

4.3 Drawing these matters together we are not persuaded that policy H2A and its related text should be revised in the manner proposed by the objectors.

4.4 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 5. **RECOMMENDATION**

5.1 Accordingly, we recommend

(i) that no change be made to SALP in respect of these objections.

# **B. Policy Related**

# 10.14

# POLICY STRAT2

**Representation nos:**

390, 378 and 449

**Objectors appearing at Inquiry:**

Sun Court Ltd

(+ Written submissions)

**Objecting to:**

Policy STRAT2

## 1. BACKGROUND

1.1 Sun Court Limited (390) owns and operates the care home in the property now known as Sun Court House at 19 Crosbie Road Troon. The property is listed category C(S). It includes, to the rear, a contiguous structure which contains the remnants of a real tennis court which, at our site inspection, appeared to us to be beyond repair. The Sun Court Limited objection is composed of 2 separate but related parts. We deal elsewhere with the exclusion of Crosbie Road from the designated boundary of Troon and its inclusion within the proposed green belt. The element of the objection considered here concerns the nature of the wording of SALP policy STRAT2 as it relates to proposed alterations, extensions and expansions to existing properties within the green belt.

1.2 The Scottish Sports Council (378) is the national body responsible for the promotion and development of sport and physical recreation in Scotland. It is funded by SE and is an advisory body to Scottish Ministers.

1.3 BTplc (449) is a provider of telecommunications services. In the UK, the company serves over 20 million business and residential customers with more than 29 million exchange lines, as well as providing network services to other licensed operators.

## 2. POLICIES SUBJECT OF THE OBJECTIONS

2.1 In essence, the objectors seek modifications to SALP strategic policy STRAT2 under the following criteria: (a); (d); (e); and (f).

## 3. SUMMARY OF CASE FOR THE OBJECTORS

3.1 **Sun Court Limited** did not dispute the principle of the green belt as contained in ASP. However, they objected to the terms of SALP policy STRAT2 which sets out the sorts of development that will be acceptable in the green belt. The company were concerned that the restrictive wording of the policy would be interpreted by officials in an overly strict fashion. Their concern had been reinforced by their experience seeking planning permission for an extension to the main building at 19 Crosbie Road and the erection of sheltered flats in the extensive garden grounds to its rear. That proposal had involved the removal of the category C(S) listed structure which contained the remnants of the real tennis court.

3.2 Sun Court Limited was a well established with a good track record at Crosbie Road and, indeed, elsewhere in Ayrshire. The development proposed in their planning application was intended to secure the future of their operation at Crosbie Road, and the company had no motive other than to improve the facilities and quality of care which it could make available to residents there. Their planning application, and an application for listed building consent, were both lodged in 2002. At the time of our hearing the objectors was still awaiting their determination by SAC. The difficulty experienced in negotiating with SAC, and the lengthy wait for a favourable decision, had created uncertainty in the minds of existing and prospective clients with inevitable damaging consequences for the Sun Court business plan. In the circumstances, the objector had no alternative other than to participate in the SALP process with a view to securing a framework better tailored to the needs of businesses such as Sun Court which have a particular locational preference or requirement.

3.3 SALP policy STRAT2(a) required a proposal to have “an exceptional economic benefit” or “a specific locational need”. Given the way these terms were defined in the glossary attached to SALP, the tests were draconian. They virtually ruled out the possibility of new enterprises being established in the green belt unless they were major new employment generators or required a specific resource found within the green belt. Any major employer was likely to have a considerable impact on the very landscape which the policy sought to protect. On the other hand, a new proposal, or a change of direction of an existing business, might be opposed on principle notwithstanding that it was otherwise entirely acceptable. It was suggested that a further criterion should be added to cover a proposal associated with an established enterprise already located within the green belt where further development or diversification of the business was required to safeguard the economic viability of the enterprise. It was further suggested that the term “exceptional economic benefit” should be replaced by “significant economic benefit” because that term was more realistic for the majority of businesses within the green belt.

3.4 SALP policy STRAT2(d) required a proposal to be an extension to an existing business or dwelling where the integrity of the green belt would not be compromised. However, this failed to take into account the fact that businesses must continually evolve if they were to remain competitive. Planning authorities should show greater awareness of the challenges faced by businessmen when framing their local plan policies. The experience of Sun Court suggested that a much more sympathetic and constructive attitude should be taken by SAC towards the economic well being of operations which sought to develop and expand their core business within the green belt. It was suggested that SALP policy STRAT2(d) should include provision for an expansion or diversification of an existing business where the economic benefit associated with the creation and safeguarding of employment could be shown to contribute to the objectives for economic growth in South Ayrshire. Any such proposal would, of course, be assessed in terms of its physical impact on the green belt. It would be of further assistance if the phrase “integrity of the green belt” were to be replaced by “environmental integrity of the green belt”.

3.5 **The Scottish Sports Council** considered that policy STRAT2(e) was too restrictive on the type of recreational use which might be considered compatible with green belt objectives. Recent experience had confirmed that playing fields could meet the green belt objectives of limiting sprawl and preventing the coalescence of settlements. It was recommended that criterion (e) be amended to allow for the development of playing fields in the green belt. This should be extended to include essential ancillary development such as

fencing and accommodation for changing. Subject to satisfactory design and management arrangements, there might be circumstances in which flood lighting might be acceptable.

3.6 **BTple** stated that, in certain circumstances, telecommunications development was essential within the green belt. It was suggested that the following additional text be inserted as policy STRAT2(f): “...telecommunications development will be permitted in the countryside, where required to upgrade the existing network, provided that there are no significant adverse visual or environmental impacts. Consideration will be given to sites which may have adverse impacts where there are overriding technical and operational benefits”

#### 4. SUMMARY OF CASE FOR SAC

4.1 SALP policy STRAT2 conformed to the requirements of SDD Circular 24/1985 and was in compliance with the terms of ASP including its policy G4. SALP policy STRAT2 had been drafted carefully in order to ensure the integrity of the green belt and to take account of the local context in South Ayrshire. It was recognised that some development might be helpful in maintaining the character of the green belt and in meeting its long term objectives. Policy STRAT2 was being used successfully by SAC as a material consideration in the assessment of proposals for development in the green belt, and that experience had given helpful pointers to prospective developers on the types of development and justifications that SAC considered acceptable. Attention was drawn to the planning permission granted for an extension to Lochgreen House Hotel in Southwoods.

4.2 In line with ASP policy G4, SALP policy STRAT2(a) included a requirement for development to be justified in terms of exceptional economic benefit or specific locational need. The definitions in the Glossary were appropriate for their purpose.

4.3 SALP policy STRAT2 (d) was not unduly restrictive when read within the context set by SDD Circular 24/1985 and ASP. An extension to a business was to be construed as an enlargement of the existing business; a diversification was a movement into another field of business. The term “integrity of the green belt” was a phrase included in SDD Circular 24/1985 and was appropriate in this context.

4.4 As far as policy STRAT2(e) was concerned, SAC could not agree that sports fields and associated developments were always compatible with green belt objectives. The maintained/manicured nature of sports fields might introduce an urban parkland feature into the countryside. The changing facilities, buildings and other structures and car parking often associated with sports grounds were also of concern. Such facilities might well be acceptable. However, it would not be appropriate to change the wording of policy STRAT2 to include an automatic presumption in their favour.

4.5 Turning to the proposed addition at policy STRAT2(f), SAC had carefully constructed policies which would ensure the integrity of the green belt while allowing limited development to take place. Policy STRAT2 taken together with policy SERV17 provided a suitable approach to the consideration of telecommunications equipment in the green belt. If it could be demonstrated that there was a specific locational need for a proposed telecommunications to be sited in the green belt then it would satisfy SALP policy STRAT2(a) as currently drafted.

## 5. CONCLUSIONS

5.1 As a preliminary matter, it will be recalled that in Chapter 3.3 we concluded that: “SAC are concerned that a more extensive green belt would act as a "throttle" to development, but we are not satisfied that this need necessarily be the case, provided that provision is made for long term growth and that the inner boundaries of the green belt are not drawn too tightly. Development within designated green belts requires to be strictly controlled, but the need for the diversification of the rural economy should be recognised. This requires careful policy definition, and some new build may be judged acceptable, subject to stringent safeguards.”

5.2 ASP policy G4 states an overall presumption against the spread of built up areas and the encroachment of development into the countryside of the green belt. To be acceptable proposals must satisfy 2 criteria: first, they must provide an exceptional economic benefit *and* (our emphasis) have a site specific locational need; and, second, they must accord with the other policies of the development plan. The terms “exceptional economic benefit” and “site specific locational need” are not defined in the glossary of terms attached to ASP. SALP policy STRAT2 states that development in the green belt (including a change of use or intensification of use), or potentially having an adverse impact on the green belt, will only be acceptable if it can satisfy one of 6 criteria. The objectors are concerned that the policy as a whole is over restrictive and fear that SAC will be overly strict in its application. Specific objection has been taken to 4 of the criteria: (a), (d), (e) and (f). There is a proposal for an additional criterion.

5.3 We take as our starting point the fact that it remains the policy of SE, as stated in SDD Circular 24/1985 and elsewhere, that green belts should be robustly protected; and, to that end, that there should be a general presumption against new development in the green belt. Neither ASP policy G4 nor SALP policy STRAT2 sets out to place an embargo on development in the green belt in South Ayrshire. Rather these policies of the development plan identify the sorts of development which are appropriate for this part of the Ayrshire countryside. In that way, they provide prospective developers, and the operators of new and established businesses, with a degree of certainty about what is likely to achieve planning permission and what is not. This approach is widely recognised as being of assistance to private companies, voluntary organisations and public bodies in the preparation of realistic business plans. We recognise the key role to be played by entrepreneurs operating small and medium sized enterprises in promoting worthwhile economic development in South Ayrshire as elsewhere in Scotland. However, in all cases the benefits of job creation and income generation associated with commercial success must be weighed against other relevant considerations including the quality of the built and natural environments to be enjoyed by this and succeeding generations. Within that general context we consider that SALP policy STRAT2 as it applies to the management of development in the green belt in South Ayrshire is in tune with SE and ASP policy. It cannot properly be described as draconian.

5.4 Taking the particulars of SALP policy STRAT2(a), we note at the outset that ASP policy G4 states a presumption against development in the green belt unless it provides an exceptional economic benefit *and* has a site specific locational need (our emphasis). The requirements of SALP policy SRAT2 as drafted would be met if there was an exceptional economic benefit *or* a specific locational need (our emphasis). We regard the difference in texts as significant and of such importance that we find that SALP policy STRAT2 (as

drafted) does not conform to the terms of ASP. We note in passing that a change to reflect the wording of ASP policy G4 would go some way towards meeting the objector's fear that the development in the green belt might become, unfairly and improperly, the preserve of large companies.

5.5 We consider that the definitions of "exceptional economic benefit", "significant economic benefit", and "economic benefit" provided in the glossary of terms attached to the text of SALP have been carefully worded to fit with the objectives sought for the green belt, Rural Protection Area and elsewhere. We have no quarrel with the wording of any of these terms, or with the stiffer requirement for developments proposed for the green belt than in the Rural Protection Area. Although the phrase "specific locational need" is in widespread use, we recognise from our own experience that, unless adequately defined, there can be difficulties in its interpretation. We find the definition provided in the glossary attached to the text of SALP helpful in describing how the phrase will be used in determining planning applications in South Ayrshire, and we see no reason for a change.

5.6 Turning now to SALP policy STRAT2(d), we note that policy STRAT2(b) indicates that farm diversification in compliance with Policy RE1 may be acceptable in the green belt. This is entirely in harmony with the guidance in SPP15, which recognises that the need for agricultural land is decreasing and that there is a need for diversification of the rural economy. On the other hand, the wording of policy STRAT2(d) has been framed to make it clear that business diversification other than farm diversification is not acceptable in the green belt in South Ayrshire. We can foresee that what amounts to an extension and what is more properly identified as a diversification of a non-farm business in the green belt could be a fertile source of debate. In many cases the decision will be based on the nature and scale of what is proposed together with sensitive judgement on these and other particulars of the case. Some cases will be clear cut. Thus, for instance, taking the example brought to our attention as lying at the heart of the concerns of Sun Court Limited, we are clear that the extension and upgrading of existing facilities within a care home would represent an extension of an existing business. We are equally clear that the construction of flatted accommodation for sale or rent even within the curtilage of an existing operation would amount to business diversification unless a binding link shackling the 2 had been established.

5.7 We reject as cumbersome and, in all probability, unenforceable the notion that a business already located within the green belt should be granted planning permission based on the proposition that further development or diversification of the business is required to safeguard the viability of the enterprise. The use of the term "integrity of the green belt" can be traced back to SDD Circular 24/1985, and its use over 2 decades has encouraged a broad consensus on its appropriate interpretation. While we are attracted to its replacement with the phrase "environmental integrity of the green belt", we fear that this may encourage further lengthy but, ultimately sterile, debates on the proper meaning to be attributed to the word "environmental".

5.8 Moving on to SALP policy STRAT2(e), NPPG11 confirms the general presumption against inappropriate development in the green belt, except in certain exceptional circumstances. It goes on to advise that outdoor sport and recreation may be appropriate provided they can be consistent with the purposes of the green belt; that suitable redundant buildings may be appropriate for reuse; exceptionally it might be necessary to construct unobtrusive ancillary buildings of modest scale...providing they are carefully sited and designed; and access by public transport particularly from urban areas should be enhanced.

When we consider the objection by the Scottish Sports Council, we can readily accept that instances may emerge when the development of playing fields, associated facilities, and even well designed floodlighting and unobtrusive ancillary buildings, may be appropriate in the green belt in South Ayrshire. These developments are not forbidden. In the light of the above reasoning we find that criterion (e) could benefit from some modification to allow explicitly the consideration of exceptional circumstances.

5.9 As far as the proposed addition to STRAT2(f) is concerned we are persuaded by SAC that policy STRAT2 as written, and as recommended by us below, when taken together with policy SERV17 provides an adequate context within which to consider the merits of a properly made application for a radio telecommunications development in the green belt in South Ayrshire.

5.10 Finally, we have had regard to the fears of Sun Court Ltd that SAC might be overly strict in their application of the terms of SALP policy STRAT2. Section 25 of the 1997 T&CP Act requires that the determination of every application which comes before SAC be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. SPPs, and National Planning Guidelines (until they are replaced by a relevant SPP), provide statements of SE policy on nationally important land use and other planning matters. They and all other are material considerations must be taken into account by SAC not only in development plan preparation but also in development management. Each application for planning permission must be treated on its merits and there are avenues of appeal open to those who feel aggrieved by a particular determination. Given the statutory framework summarised above we consider the fears of Sun Court to be exaggerated.

5.11 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 6. RECOMMENDATION

6.1 Accordingly, we recommend:

(i) that policy STRAT2 be amended so that its criteria (a) and (e) read (change in italics):

“(a) Having an exceptional economic benefit *and a site specific locational need*; or...

(e) Being a recreational or tourism use which is primarily for enhancing the enjoyment of the countryside and which does not require the construction of any new buildings or structure, *other than in exceptional circumstances*; or.”

# 10.15

# POLICY RE1

**Representation nos:**  
369, 342 and 430

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Policy RE1

## 1. POLICIES SUBJECT OF THE OBJECTIONS

1.1 In essence, the objectors were concerned that SALP policy RE1 is too restrictive.

## 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 **One objector** (369) considered that some of the criteria set out in SALP policy RE1 undermined SE policy on farm diversification. Thus, for instance, policy RE1(b) did not permit the erection of new buildings or structures in the green belt. However, these were a likely requirement for any scheme of farm diversification. Turning to policy RE1(2), it was stated that the economics of farming required farms to be sold. This was held to be the whole purpose of diversification where farm steadings could be converted for residential, tourist, or leisure facilities. As far as Note 1 was concerned, SAC could not require agricultural units to remain in perpetuity; objection was taken to Note 2; and with reference to Note 3, a recent appeal case had found that farm diversification did permit the sale of land where a capital sum was to be used for reinvestment.

2.2 **Another objector** (430) was concerned that Note 1 of policy RE1 was an overly restrictive constraint on any developer.

2.3 **A third objector** (342) supported policy RE1 in so far as that viewed favourably proposals for agricultural restructuring and opportunities for enterprise, economic and employment growth. However, he objected to the terms of policy RE1(d) because it stated that within the Rural Protection Area any additional buildings must be located within the farmstead grouping. There would be situations where farm diversification had already taken place away from the farmstead grouping, and there was clearly scope to expand on these facilities without detriment to either the operations of remaining agricultural activity or the character and amenity of the area.

## 3. SUMMARY OF CASE FOR SAC

3.1 SAC pointed out that ASP policy G4 stated a general presumption against the spread of built up areas and the encroachment of development into the countryside. ASP policy G5 set out the circumstances in which development within the Rural Protection Area might be acceptable. These included instances of development with a specific locational need, and proposals which contributed to rural land diversification. Within that strategic context, SAC had considered carefully how best to encourage rural and farm diversification in South

Ayrshire. A suite of policies had been devised which ensured that such activities did not affect adversely the viability of nearby settlements or the amenity of the countryside in which they were located.

3.2 SALP policy RE1 had been tailored to protect the countryside from unacceptable damage and to encourage a long term future for a diversified farming industry. Policy RE1(2) was intended to support the diversification of the farming industry and to ensure that this activity continued to provide an income flow into the farm unit. Where the separation of diversified activity from the original farm unit gave a capital receipt to the farm business that would not necessarily be invested to contribute to its long term viability. As far as Note 1 was concerned, that did not require an agricultural unit to remain in perpetuity; it required the diversified activity to be retained as part of the wider agricultural unit in perpetuity. There was no automatic presumption that a separate legal agreement was required.

3.3 The approach adopted by SAC encouraged development of the rural economy without undermining the wider functions of the green belt. SALP policy RE1(b) did not preclude diversification where that would occur within suitable existing buildings. Policy RE1(d) was in the interests of reducing the potential visual impact in the Rural Protection Area of new buildings which formed part of a farm diversification.

#### 4. CONCLUSIONS

4.1 We have no difficulty in supporting the primary aim of the settlement strategy set out in SALP which is to guide development towards existing settlements in order to maximise their viability and to provide protection to the setting of these settlements. Outwith settlements the remainder of South Ayrshire is defined as countryside within which measures to sustain the rural economy are promoted, and significant environmental resources protected. SALP divides the countryside into 3 broad policy areas: green belt; Rural Protection Area, and Rural Diversification Area.

4.2 SAC is committed to promoting economic development in its rural areas. However, there is a balance to be struck between the promotion of economic development and the adequate protection of valued and valuable countryside which is itself a scarce economic resource. Thus, for instance, it would be poor planning practice were proposals for farm diversification to be used as a means for obtaining permission for inappropriate development in the countryside. Each application must be treated on its merits with approval depending on an adequate justification; and the impact of the proposal on the character and amenity of the area is a material consideration which the planning authority would be bound to take into account. Within this context, it is worth emphasising that SALP policy RE1 does not place an embargo on proposals for development either in the green belt or outwith the farm grouping in the Rural Protection Area. Rather, it sets out the criteria which proposals must meet if they are to be acceptable.

4.3 It will be recalled that in Chapter 3.3 we concluded that: “SAC are concerned that a more extensive green belt would act as a “throttle” to development, but we are not satisfied that this need necessarily be the case, provided that provision is made for long term growth and that the inner boundaries of the green belt are not drawn too tightly. Development within designated green belts requires to be strictly controlled, but the need for the diversification of the rural economy should be recognised. This requires careful policy definition, and some

new build may be judged acceptable, subject to stringent safeguards.” In that context we note that SDD Circular 24/1985 indicates a general presumption against any intrusion into designated green belts and particularly against new buildings for purposes other than agriculture amongst other things other than in exceptional circumstances. The implication of accepting the recommendation in chapter 3.3 is likely to be a rather more extensive green belt than that currently identified in SALP. If this were to be the case then the terms of the circular would continue to be relevant in the newly defined area.

4.4 When we look at policy RE1 in the round, with all of the above matters in mind, we have some concern that its rigid application in the greenbelt and the Rural Protection Area would tend to run contrary to the main thrust of SPP15 where it is stated that: “The overarching aim is to have a prosperous rural economy.....The planning system can assist this by adopting a more welcoming stance to development in rural Scotland, including the further refinement of the approach to diversification. The aim is .... to ensure that planning policy regimes are put in place to accommodate selective modest growth.” Our recommendation below seeks to assist SAC in achieving the appropriate balance between the promotion of economic development and adequate protection for the Ayrshire countryside.

4.5 Turning to the particulars of the objections, SALP policy STRAT2 sets out the criteria against which a development within the green belt must be justified. Of these, criterion b) is: farm diversification in compliance with SALP policy RE1. We accept the reasoning behind SAC’s general proposition that within the green belt no new buildings or structures should be erected as a part of a farm diversification scheme. However, there is no allowance for the consideration of exceptional circumstances within the text and we fear that the rigid interpretation and application of this policy could, on occasion, be incompatible with the aim of diversifying the rural economy.

4.6 The designation of the Rural Protection Area recognises the pressures for development on some areas within a short travel time from the major towns in South Ayrshire including Troon, Prestwick and Ayr. Policy STRAT3 sets out the criteria against which a development within the Rural Protection Area must be justified. Of these, criterion c) is: farm diversification in compliance with Policy RE1. We can understand SAC’s general proposition that within the Rural Protection Area developments associated with a farm diversification scheme should be directed towards the existing buildings and groups of buildings which lie at the heart of the farm whose activities are being diversified. Individual developments outwith these groups should normally be resisted as isolated intrusions into the countryside which SAC is committed to protect. However, once again, there is no allowance within the text for the consideration of exceptional circumstances and we fear that the rigid interpretation and application of this policy could on occasion be incompatible with the aim of diversifying the rural economy.

4.7 Contrary to the view presented on behalf of one of the objectors, Note 1 does *not* state that an agricultural unit should remain as it is in perpetuity. Where an agreement is called for, the intention is stated in easily understood terms: “...to ensure that the land or premises for the proposal remain part of the agricultural unit in perpetuity and cannot be sold separately from that unit.” (our emphasis). No contrary argument to that proposition has been placed before us. Turning to Note 2 and Note 3, there is no substantive evidence to support the objectors’ position. In the absence of that we cannot assist SAC with any observations on the matter.

4.8 We have taken account all of the other matters, but find none that outweigh the considerations on which our conclusions are based.

5. **RECOMMENDATION**

5.1 Accordingly, we recommend the following change to SALP policy RE1:

(i) that at line one delete: “SAC will favourably view proposals...”; and insert: “Other than in exceptional circumstances, SAC will only view favourably proposals...”

# 10.16

# POLICY RE2

**Representation nos:**  
298, 369, 396 and 441

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
PolicyRE2.

## 1. BACKGROUND

1.1 Policy RE2 is concerned with rural business: essential residences. CDSALP contained policy FARM1 which encouraged diversification of agricultural units, subject to assurances that the proposal would not conflict with other aims and objectives of the plan. SALP introduced a policy to apply to the Rural Protection Area which recognised that there are some limited circumstances in which a rural business cannot be operated without associated residential accommodation. Following the receipt of objections, the Schedule of Proposed Changes deleted the whole text of the policy and replaced it with another designed to reflect more adequately the decision by SAC that provision should be made to allow additional dwellings to be built in the countryside providing they are demonstrated as being essential for rural business.

## 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 Two objectors (369) and (441) were concerned that policy RE2 contradicted the farm diversification proposals in SALP, strategic policies and National Planning Policy Guidance. Point 3 of policy RE2 was considered to be ultra vires. No justification for a period of 5 years had been provided, and the circumstances at the end of the period might be quite different from those pertaining at the beginning. The 2 years identified for temporary accommodation was ultra vires. A recent appeal case had proved that, on the basis of a suitable business plan and specialist advice, the construction of new businesses in the countryside could be acceptable. The replacement of a temporary building with a permanent structure would involve the business in unnecessary expense. There was no guidance about what amounted to a viable business, or why 2 years had been chosen as the time period.

2.2 Another objector (396) was concerned that small rural businesses which required an associated dwellinghouse should not be judged purely on financial criteria. If the financial conditions set out in Note 2 were strictly applied only large businesses would be able to comply with them. Thus, for instance, a livery business might require over 20ha of land and a considerable number of stables.

2.3 A third objector (298) was concerned that SALP did not address directly the issue of the sub-division and sale of farms into smaller land holdings. It was proposed that policy RE2 be strengthened by amendments to the relevant SALP policies with the aim of controlling the growing trend to sub-divide farm units simply to create hobby farms, non-viable equestrian ventures and similar operations.

### 3. SUMMARY OF CASE FOR SAC

3.1 The policies for dwellings in the countryside in SALP were tailored to the specific circumstances of the green belt, Rural Protection Area, and Rural Diversification Area. The approach was in accord with the general thrust of SPP15, and SPP3. SALP policy RE2 made provision for the establishment of new ventures in the countryside recognising that the role of the countryside within the local economy was changing. It sought to encourage and support the establishment of viable businesses in the countryside; and it included carefully considered criteria framed to ensure that businesses, and any associated dwellings, were fully justified and set up on a sustainable basis.

3.2 Although ASP polices G4, G5 and G6 referred to rural land diversification, ASP was silent on the matter of dwellings considered essential for the operation of rural based businesses. In the Schedule of Proposed Changes to SALP, SALP policy RE2 had been expanded and clarified to enable additional dwellings to be built where it could be demonstrated that more than one dwelling was needed for the operation of the associated business. Specific examples of farm/agricultural units needing more accommodation had emerged where traditional farm cottages or farm house were no longer available either through earlier sale, or through being occupied by non-farm workers. SALP policy RE1 was supportive of farm diversification. Policy RE2 referred primarily to new enterprises in the countryside where a new dwelling was being proposed as an essential element of that enterprise. The policy sought to ensure that proposals were fully justified, but it could not be considered to be overly restrictive.

3.3 Policy RE2 was in accordance with SDD Circular 24/1985 and ASP. The Annexe to the Circular stated that there should be a general presumption against any intrusion into designated green belts, and made specific reference to new buildings for other than agricultural purposes. The Circular did not refer to any ancillary uses, including accommodation in association with any of those purposes. ASP policy G4 stated a general presumption against the spread of built up areas and the encroachment of development in the countryside. It was pointed out that, as things stood, no location within the proposed green belt was more than about 1500m distant from a settlement, or a boundary with the Rural Protection Area, and in both of these the construction of a new build houses might be acceptable. SALP did not preclude the creation of new dwellings in the green belt where these involved the reuse and conversion of a suitable traditional building.

3.4 There was a trend, reflected in a number of recent planning applications, towards farm house sales and the sub-division of farm units within South Ayrshire. SAC was concerned that the pattern of development in the countryside was not eroded through the creation of an increasing number of small agricultural units, each with its own “farm house.” However, there was no means by which the sale of dwellings in the countryside could be controlled, except where they were covered by a relevant condition or agreement.

3.5 The 3 Ayrshire Councils which had produced ASP had sought a level of consistency of policy throughout Ayrshire. Thus, for instance, policy RES16 of the East Ayrshire Council Local Plan also referred to a 5 year period within which the sale of existing dwellings would be taken into consideration in the assessment of applications for new houses.

3.6 A number of proposals for rural based businesses with associated dwellings had been approved recently and many of the houses had been built. However, some of the businesses had failed within a short period of time, and others had not even been established. A business plan could be completed within 2 years; and after 2 years of operation, it would be apparent whether a business was, or would become, financially viable. SAC did not want to constrain rural development or the rural economy but neither did they want to encourage an unjustified proliferation of dwellings in the countryside.

3.7 SAC considered that a rural based business should employ at least one essential worker per dwelling on a full time basis. If a full time worker was not required, then there must be doubt about the “essential” nature of the accommodation. At the time policy RE2 was written, the average wage in South Ayrshire was approximately £22,000; and the minimum wage was £4.60 per hour. Based on a working week of 37.5 hours, this equated to £8,970 per annum. However, an operator of a new business could be expected to work more than an average week when setting up a new business. The figure of 50% of the average income (i.e. £11,000) for “required income” represented only a modest increase over the income generated by the minimum wage.

3.8 The reference to “total equivalent cost borrowing” sought to ensure that the income generated by the business was sufficient to cover the associated set up costs, based on the assumption that the funds required for the set up were to be borrowed. The business should be viable irrespective of who was running it, rather than someone running a business at a loss because they could afford to, or someone setting up a business which was not viable without a large cash lump sum. SAC considered that these strict measures were in the best interests of ensuring that new business proposals would be viable and sustainable in the longer term.

#### 4. CONCLUSIONS

4.1 In dealing with the problem of essential residences for rural businesses, we take as our starting point one of the core objectives of SALP: to maximise economic growth by seeking, where possible, to locate development within existing towns and villages so as to reduce the need for greenfield development. However, SAC have recognised that, it is neither sensible nor desirable that an embargo be placed on the formation of new, or the expansion of existing, businesses in rural areas outwith established settlements. There are some enterprises which have a specific locational need and many more which also make a valuable contribution to the rural economy. We are in no doubt that there is a balance to be struck between facilitating enterprise in the rural economy and the protection of the countryside. SAC is tasked with promoting viable business ventures in the rural economy while acting as stewards of the countryside in the interest of this and future generations.

4.2 SAC have observed that a common feature of the green belt and Rural Protection Area is the pressure for new housing, usually for single houses in isolated locations which may be poorly served by infrastructure and on prominent sites. Although the conversion of an existing property may be viewed sympathetically, housing in these locations is generally considered inappropriate. Nevertheless, SAC have recognised that there may be some limited circumstances where a new business cannot operate without associated rural accommodation. Accordingly, SAC may view favourably proposals for new build housing in the Rural Protection Area and Rural Diversification Area but not within the green belt.

4.3 We can well understand why SAC have adopted a cautious approach towards houses which are claimed to be essential for the efficient and effective operation of a business located in the countryside and said to be contributing to the local economy either by income generation or the provision of job opportunities. While we recognise that ASP is silent on this matter, it is open to SALP to elaborate a position within the context set by its own policies. In our own experience, we have come across cases where the sub-division of farming units has been undertaken apparently with the sole objective of creating a perceived need for a new farm house; we have also seen instances where houses approved as the residence of an elderly dependant have been sold on and out of the business within a few years; and there are numerous examples known to us where applications for dwelling houses in the countryside were associated with questionable ventures which on post hoc appraisal were no more than pretexts for securing the main objective: a house in the countryside which would not otherwise have been obtained. We also are aware that, unfortunately, a disproportionate number of new businesses fail within a few years whether they are situated in an urban or rural location. The end result of all of these examples is the same: a single house in the countryside which would not otherwise have been approved. The inevitable outcome of an overly relaxed approach to the need for essential houses in the countryside is its incremental degradation. The cumulative effect of that is the irrevocable erosion of the rural environment.

4.4 As PAN73 points out, in supporting those who wish to start new businesses or develop existing businesses, it is important to recognise that one size will not fit all. A flexible approach will often be required to help businesses to fulfil their potential. It will be important to take account of particular needs and special circumstances as well as being realistic about the market, financial, entrepreneurial and other resources available to them. We have considered the objections to policy RE2 as amended and the responses from SAC within that context. We find the responses from SAC to the objectors provide a useful explanation of the thinking behind the detailed wording as now set out in the policy. However, we are not persuaded that, in general, such a detailed policy prescription will always be the most appropriate way forward in this complex area. In this particular case we are not persuaded that policy RE2 is the appropriate vehicle for all of the matters of detail which it seeks to accommodate.

4.5 With these matters in mind, we have considered policy RE2 in the light of the advice provided in PAN49. Taking each of the 5 bullet points in turn we find the following. The generality of the policy is properly justified to explain its intention. However, the wording is complex and it fails to provide guidance for the developer or the public which is sufficiently clear on how an application will be determined and what will and will not be acceptable. This failing is largely because the policy is not expressed in terms which are simple, positive and unambiguous. Despite the attention which has been given to the drafting and redrafting, the criteria necessary for the interpretation of the terms of the policy remain opaque. When we view the policy in the round we find that it is the level of detail which the policy seeks to accommodate which lies at the root of the problem.

4.6 For a solution we turn to SPP1. At paragraph 41, it points out that supplementary guidance can be useful when the level of detail is inappropriate for a development plan. Although statements in supplementary guidance carry less weight than those in a development plan they can respond quickly and effectively to emerging issues and provide a level of detail and advice to developers and others about what will and will not be acceptable. An up to date statement of supplementary guidance which has been the subject of public

consultation is likely to be a material consideration which must be given weight in determining planning applications and appeals.

4.7 In **conclusion**, we consider that SALP policy RE2 should be redrafted to remove the level of detail inappropriate for a development plan. An SAC Supplementary Planning Guideline should be prepared which incorporates the latest SE guidance as set out in SPP15 and bears in mind the advice contained within PAN73. This should provide guidelines which are brief, logical, justified and sufficiently clear on how an application for an essential residence associated with a rural business in the Rural Protection Area and Rural Diversification Area will be determined and what will and will not be acceptable.

4.8 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 5. RECOMMENDATION

5.1 Accordingly, we recommend:

- (i) that policy RE2 be deleted;
- (ii) that the policy be reviewed along the lines outlined above; and
- (ii) a new policy RE2 be inserted, as follows:

“Where a proposal for a rural based business is in compliance with policy STRAT3 or policy STRAT4, favourable consideration may be given to the provision of either temporary or permanent residential accommodation for a worker or workers on site. It must be demonstrated to the satisfaction of SAC that the proposed accommodation is essential because the business cannot operate as a viable financial unit without continuous on site attendance by that worker or workers.

Note 1: A Supplementary Planning Guideline „Rural Businesses: Essential New Housing“ accompanies policy RE2, and provides guidance on how SAC as planning authority will implement the policy.”

## 10.17 Policies IND4 & OPP1

**Representation no:**  
449

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Policies IND4 and OPP1 and related matters

### 1. SUMMARY OF CASE FOR THE OBJECTORS

1.1 RPS Consultants on behalf of BT plc objected to SALP policy IND 4 on the grounds that it made no provision for circumstances where land was no longer viable for industrial and business use. They sought a more flexible policy written in accordance with the guidance contained in SPP1, which stated that the planning system should seek to promote the "regeneration and the full and appropriate use of land, buildings and infrastructure." BT conducted its operations from sites which accommodated public utility buildings providing a telecommunications service and these did not fall within use classes 4 or 5. The buildings housed telecommunications equipment; they rarely had employees permanently based there; and their redevelopment would not result in job losses. The sites were "*sui generis*". It was suggested that SALP policy IND4 be redrafted as follows: "SAC will safeguard land which is designated as industrial and business uses on the Proposals Map. In instances where the land is no longer viable in its present use, however, SAC will consider appropriate alternative uses in conjunctions with other SALP policies."

1.2 BT plc owned a site at Boundary Road Heathfield that was covered by SALP policy OPP1. The potential uses and policy designation of the site should reflect the contents of the Development Opportunities brochure and the Heathfield Strategy. SALP policy OPP1 should be more flexible with regard to brownfield sites and, to that end, the policy should read as follows: "The Council will actively encourage redevelopment proposals on development opportunity sites. Proposals for the redevelopment of these sites will be assessed on their merits and in terms of the relevant development plan policies."

1.3 The objector was also concerned that there was no policy within SALP directed specifically to established utility sites. The company was continuously reviewing its portfolio of properties and a significant proportion of their operational estate was likely to become surplus to requirements within the next 5-10 years. There were some sites in South Ayrshire where disposal might be necessary within the SALP period, and the future development potential of these should be considered within SALP. Other planning authorities in Scotland had been more sympathetic to the development potential of these sites.

1.4 It was suggested that a general policy and supporting text be included within SALP appropriate for the re-use and/or redevelopment of established utility sites in accordance with national and strategic planning policies, as follows:

## “ESTABLISHED UTILITY SITES

In circumstances where established utilities and their associated land holdings are no longer required for their original purpose, SAC will positively consider changes of use or new development proposals in light of other development plan policies and surrounding land uses.

### JUSTIFICATION

A range of essential services is provided within the SALP area such as energy, telecommunications, water supply and sewerage. Often these are provided in specialised buildings e.g., telephone exchanges, and protected by wayleaves, which safeguard tracts of land from encroaching development.

Practices in resource management often result in the original land requirements becoming surplus to requirements. SALP acknowledges that such circumstances should arise where the operational demands on such land and buildings become surplus. Policy EUS takes account of this scenario.

SAC also recognises that changes in operational requirements should not reduce service provision or potential investment in respect of essential services. Accordingly the following recommendation is put forward to service providers.

### RECOMMENDATION

SAC recommends that service providers of essential utilities continue to invest in infrastructure improvements with a view to improving service provision, having regard to the environmental consequences of such developments.

## 2. SUMMARY OF CASE FOR SAC

2.1 Policy IND4 sought to safeguard industrial land and premises. However, where it could be shown that industrial use was no longer appropriate, then an alternative might be acceptable. The basis for a justification was set out within the Industrial and Employment Strategy of SALP. The Industrial and Employment Land Strategy addressed adequately the issue of alternative uses of industrial land where it could be demonstrated that industrial uses were no longer appropriate or likely; and it had been devised with the Use Classes Order in mind as that related to employment uses. It would not be appropriate to designate "*sui generis*" uses within larger industrial areas. The site at Boundary Road, Heathfield was zoned for general industry in the Heathfield Strategy, with appropriate uses being identified as warehousing, storage, distribution, and commercial other than retail. The BT premises were properly identified as classes 4 and 6.

2.2 The purpose of opportunity sites was to highlight the possibilities represented by existing vacant or underused sites in South Ayrshire. The BT site at Boundary Road, Heathfield was operational. Heathfield was covered by industrial and business policies and any application for alternative uses would be assessed in terms of these policies and local circumstances. If the applicant considered that there was little likelihood of further industrial use at the site a suitable justification would have to be provided in accordance with the relevant provisions of SALP.

2.3 There was no need to devise a specific policy applicable to established utility service sites because proposals related to these could be considered adequately within the policies of SALP and the associated Industrial and Employment Land Strategy.

### 3. **CONCLUSIONS**

3.1 We take as our starting point the summary to SPP2 which states, amongst other things, that: “The planning system has an important role to play in supporting a competitive Scotland by deciding planning applications for economic development in an efficient and consistent manner on the basis of positive and up to date development plans.” In a rapidly changing commercial world characterised by intense national and international competition we can readily understand that the objectors would keep their portfolio of sites, including that at Boundary Road, Heathfield, under continuing review in order to make efficient and effective use of all the resources at their disposal. Within that general context, we have given careful consideration to the changes proposed to the wording of policy IND4 and policy OPP1. We are satisfied that the suite of policies, of which policy IND4 and policy OPP1 are an integral part, are sufficiently flexible to enable all worthwhile proposals for changes of use to be adequately considered. We are not persuaded that it is necessary either to identify established utility service sites within SALP or to devise a policy for their reuse or redevelopment.

3.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

### 4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

# 10.18

# POLICY AIR 3

**Representation no:**  
298

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Policy AIR3  
Proposals Map

## 1 SUMMARY OF CASE FOR THE OBJECTOR

1.1 The objector suggested that SALP policy AIR3 should incorporate an indication of the limitations on development within Public Safety Zones. These should include: any limits on the height of buildings; and a general presumption against development which might increase the risk of bird strike on the approaches to the runways at Prestwick Airport.

## 2. SUMMARY OF CASE FOR SAC

2.1 SAC pointed out that the revised text associated with policy AIR3 adopted a common sense approach towards proposals for development on land near the runways and in the proximity of flight paths at Prestwick Airport. There was no obligation to identify all air traffic height contours in South Ayrshire on the Proposals Map: neither the local plan for East Ayrshire nor that for North Ayrshire did so. SAC had complied with best practice in regard to airport related activity; and they had provided sufficient information within the text of SALP in order to raise awareness about issues relating to air traffic safety. The text also provided advice to prospective developers about the bodies that would be consulted before any planning application was determined.

## 3. CONCLUSIONS

3.1 We share the concern of the objector and SAC that new developments in the vicinity of Prestwick Airport should not be approved to the detriment of public safety. PAN49 provides advice on the framing of policies which will offer a sound basis for public confidence in the planning system. With that advice in mind we have considered the terms of policy AIR3 with a particular focus on whether public safety would be better served by the introduction of a set of standards with which proposals for new development would have to comply.

3.2 In the text associated with policy AIR3, SAC acknowledge that the operational activities of airports present issues of public safety. However, we are sceptical about their notion of applying a “common sense approach” to these matters. In our experience one person’s common sense may be another person’s folly. We think it vastly preferable that SAC’s intentions towards public safety be reasoned and expressed in simple, unambiguous terms in the policy itself. In this way SALP will provide clear guidance to the public and the developer about the kinds of development which will, or will not, be permitted.

3.3 While we can see some merit in setting out an associated set of standards, as the objector suggests, we are concerned that, when dealing with complex matters, rigidly applied rules can be counterproductive. We also understand that what amounts to a risk of bird strike is a particularly controversial matter about which experts find it difficult to be prescriptive.

3.4 Drawing these matters together, we find the appropriate way forward is for SAC to treat each application for new development at the terminus on its particular merits bearing in mind all of the relevant circumstances including the expert advice of consultees who will include the Civil Aviation Authority.

3.5 We have taken account of all the other matters raised but find none that outweigh the considerations on which our conclusions are based.

#### 4.. **RECOMMENDATION**

4.1 Accordingly, in the light of the above reasoning, we recommend:

(i) that SALP policy AIR3 be modified to read as follows:

“SAC will consider favourably development which is related to the expansion of the terminal facilities provided that development is directly concerned with the requirements of the airport, while recognising that issues of public safety must be taken fully into account.”

# 10.19

# POLICY BE8

**Representation no:**  
298

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Policy BE8 (Note 2)

## 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 The objector suggested that Note 2 to SALP policy BE8 should be expanded in order to make it clear that the project appraisal and business plan to be provided by the developer must demonstrate that the level of the enabling development could be justified. The text set out in the Schedule of Proposed Changes was not acceptable. It should be made clear that: “only the minimum of enabling development necessary to unlock the potential of a Listed Building and its setting if in a scheduled designed landscape will be given favourable consideration by SAC”.

## 2. SUMMARY OF CASE FOR SAC

2.1 In the Schedule of Proposed Changes, SALP policy BE8 was altered to include specific reference to the preservation of the integrity and setting of any designed garden and the desirability of reinstatement and/or restoration whenever practicable. The text of Note 2 specifically referred to the concept of enabling development, and the instances where such development might be acceptable. SAC considered that the objector had misunderstood the intent of the changes to policy BE8 and, in particular, the revised text of Note 2.

## 3. CONCLUSIONS

3.1 We find that the objector and SAC are as one in their concerns not only to find appropriate alternative uses for properties within country estates which are worthy of retention but also to ensure that any new development should respect the qualities of the associated buildings, gardens and landscapes. We have considered the text of the new Note to policy BE8 as set out in the Schedule of Proposed Changes and find that it would benefit from some redrafting in order to avoid any misunderstanding and to make its intent entirely clear.

3.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that the new note identified as change 90 in the Schedule of Proposed Changes be altered to read:

“Note 2: SAC may give sympathetic consideration to limited new development in association with the proposed future use of the estate where that development will subsidise the restoration and/or reinstatement of a building, garden, landscape or other significant element of the original estate. In considering the merits of a proposal SAC will bear in mind all of the relevant statutory and other designations applicable to the estate and its vicinity. The need for cross subsidy must be proven and the manner by which it will be achieved must be demonstrated all to the complete satisfaction of SAC.”

## 10.20

## POLICY ENV12

**Representation no:**  
381 and 425

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Policy ENV12

### 1. SUMMARY OF CASE FOR THE OBJECTORS

1.1 Prestwick South Community Council (381) suggested that all trees in SAC ownership should enjoy the same status as if they were protected by Tree Preservation Orders. They were concerned that SAC might apply SALP policy ENV12 only to proposals for development from the private sector. The trees on land in SAC ownership should carry some form of protection from development proposals.

1.2 George Wimpey (West Scotland) Ltd (425) objected to the potential use of a Tree Preservation Order on the basis that there is “a threat of development”. They pointed out that NPPG14 confirmed that Tree Preservation Orders should be used only where it is expedient in the interests of amenity. The reference to “threat of development” in the supporting text to Policy ENV12 should be deleted.

### 2. SUMMARY OF CASE FOR SAC

2.1 SAC stated that it would not be competent in law for them to make Tree Preservation Orders in respect of trees in their ownership irrespective of their amenity value. In the event of an alleged breach, SAC would end up having to take action against itself. Nor was it possible for SAC to designate all trees in their ownership under a policy which gave each of them the same degree of protection as if they were the subject of a Tree Preservation Order. SAC managed and maintained responsibly those trees which were in their ownership. They recognised the contribution to amenity, the landscape and nature conservation, and only felled or undertook surgery to trees in their ownership if there was a sound justification. That might be found in terms of: health and safety to the public or the trees; abatement of nuisance; compliance with an Act of Parliament; removal of dead, dying or diseased trees; or accordance with sound arboricultural practice. In any event SALP policy ENV12 made no distinction between trees in private ownership and those in other forms of ownership. In determining a planning application SAC would take into account any adverse impact on trees from whatever source it emanated.

2.2 It was not the intention of policy ENV12, or the text supporting it, to imply that the sole criterion that would be used to determine whether trees should be protected by a Tree Preservation Order was whether or not they were under threat of development. In determining whether trees warranted protection by a Tree Preservation Order, SAC employed a set of criteria that enabled as objective an assessment of the amenity value of the trees as possible. They would not make a Tree Preservation Order simply because trees were under

threat of felling; they would do so if it could be justified in terms of the amenity value of the subject trees.

### 3. CONCLUSIONS

3.1 Section 160 of the 1997 T&CPA makes provision for authorities to safeguard trees or woodlands by means of Tree Preservation Orders where this appears expedient in the interests of amenity. It is for SAC to determine whether it is correct in law that it cannot make a Tree Preservation Order in respect of trees in its ownership and thereby provide them with that additional degree of protection. As far as specimen and other trees worthy of safeguarding in their ownership are concerned, each case should be treated on its own merits, and SALP policy ENV12 commits SAC to a consideration of the impact of development proposals on all trees whether or not they have the benefit of protection under a Tree Preservation Order. In this context, we welcome SAC's intention to formulate a programme of work which will facilitate a proactive rather than reactive approach to the making of Tree Preservation Orders.

3.2 Turning to the concern expressed about the justification for policy ENV12, there can be no dispute that it would be very bad practice for a planning authority to make a Tree Preservation Order for one or more trees on a site which is the subject of a proposal for development simply as a means of frustrating a development to which it was opposed for other reasons. That said, it must be borne in mind by developers and all others that South Ayrshire covers a substantial land area and there are limited resources available to the small cadre of Planning Officers with which to carry out their duties. It should come as no surprise that the contribution of particular trees or woodlands to the amenity of a locality may be revealed fully only when that amenity is threatened by a proposal for development. In these circumstances, SAC would be failing in their duty if they did not promote a Tree Preservation Order in the interests of existing amenity. We agree that SAC might consider removing the phrase "especially where they may be under threat" from the associated text but only because it might be considered redundant rather than because it demonstrates any conceivable antagonism by SAC to worthwhile developments which comply with the terms of policy ENV12.

3.3 Drawing these matters together, although we have reservations about one part of the associated text, we are not persuaded by these objections of a need to amend SALP policy ENV12.

3.4 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

### 4. RECOMMENDATION

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of these objections.

## 10.21

## POLICY H5

**Representation no:**  
425

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Policy H5, Table 11

### 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 Table 11 associated with SALP policy H5 duplicated unnecessarily many of the principles set out as applying to all new developments in SALP policy STRAT5. It identified criteria which should have been tested as part of a robust process for housing release.

### 2. SUMMARY OF CASE FOR SAC

2.1 Policy STRAT5 provided a set of criteria against which all planning applications would be assessed including those for residential use. Policy H5 dealt with the particular criteria to be applied to housing sites. The latter policy was not superfluous; and there was no unnecessary duplication.

### 3. CONCLUSIONS

3.1 SPP3 requires that local plans provide a supply of effective land to meet requirements for at least 5 years. PAN 38 sets out the criteria to be applied to establish whether a particular site will be available for the construction of housing and, hence, considered to be part of the effective housing land supply. There is a clear distinction to be drawn between the release of land to contribute to the effective land supply and the application of development management policies to proposals for new housing development.

3.2 We have considered the merits of this objection bearing in mind the importance of SALP policy STRAT5 and policy H5 for development control decisions. We find that: both policies are properly justified to explain their different intentions; within that context, there is no unnecessary duplication; they provide clear guidance to the public and the developer; they are expressed in sufficiently simple, positive and unambiguous terms; and they set out some further criteria for their interpretation. By meeting these tests both policies offer a sound basis for public confidence, and some certainty about the kinds of development that will, and will not, be permitted.

3.3 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

# 10.22

# POLICY H9

**Representation no:**  
396

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Policy H9

## 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 The objector was supportive of SAC's commitment to the reuse of redundant buildings in the countryside. However, there was concern that SALP policy H9 was too restrictive. There were many redundant farm buildings that could not be developed under the terms of the policy because they were neither traditional nor vernacular in character. When permanent structures became derelict they detracted from the scenic beauty of an area and their sympathetic development in traditional or vernacular style should be encouraged regardless of their age.

## 2. SUMMARY OF CASE FOR SAC

2.1 The overall settlement strategy for South Ayrshire in SALP stated that SAC would continue to direct housing to settlements where services and infrastructure were more readily available than in the countryside. SALP policy H8 had set out SAC's general approach to proposals for residential development outside settlement boundaries: it made clear that, generally, development would be permitted only in certain stated circumstances. Within that context, SAC recognised that the availability of genuinely redundant buildings in the countryside could offer the opportunity to provide new homes subject to the fulfilment of certain criteria. In devising policy H9, SAC had borne in mind the relevant national guidance; and attention was drawn to the terms of ASP policy G5c.

## 3. CONCLUSIONS

3.1 SPP15 provides the most up to date expression of SE policy towards new development in rural Scotland. Paragraphs 26-28 of SPP3 consider aspects of environmental quality. Taken together they confirm the SE stance that there are many areas of rural Scotland which are special in terms of the built, historic and natural environment where change has to be managed with great care. We note the terms of ASP policy G5 and share the evident concern of SAC that any development in the Rural Protection Area should contribute to rural land diversification. PAN73 provides helpful advice on the siting and design of new housing in the countryside. We note in passing that it is open to the owner of a derelict farm building to demolish the structure if the owner considers it to be a blot on the landscape.

3.2 Drawing these matters together, we consider that SALP policy H9 is broadly in tune with the latest relevant policy statements from SE, and to the related advice which has been

issued from time to time. It also chimes with the intent of ASP policy G5. Within that national and strategic policy context, we are not persuaded by the objector that the proposed change should be incorporated into the text of SALP policy H9.

3.3 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

## 10.23

## POLICY H12

**Representation no:**  
441

**Objectors appearing at the Inquiry:**  
Written submission

**Objecting to:**  
Policy H12

### 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 The objector was concerned that the wording of SALP policy H12 appeared to rule out the creation of any kind of a garden associated with a dwelling granted planning permission in the countryside.

### 2. SUMMARY OF CASE FOR SAC

2.1 SALP policy H12 was intended to manage the incremental loss of land to domestic uses associated with existing dwellings and any consequential issues regarding the “suburbanisation” of the countryside. That loss might occur through the introduction of additional domestic structures such as garages, sheds, children’s play equipment, or the provision of manicured garden ground in place of woodland or agricultural use. However, policy H12 certainly did allow for the creation of garden ground for new dwellings.

### 3. CONCLUSIONS

3.1 PAN49 advises that, bearing in mind the importance of local plans for development control decisions, it is critical for planning authorities to frame policies so that they give all parties some certainty about the kinds of development that will, and will not, be permitted. When we consider the terms of SALP policy H12 we find that: it is properly justified to explain its intention; it provides clear guidance to the public and the developer; it is expressed in simple, positive and unambiguous terms; it sets out the criterion necessary for its interpretation; and it can be readily monitored. We are in no doubt that the wording of the policy does allow for the creation of a certain amount of garden ground to be associated with a new dwelling house for which planning permission has been granted within the green belt or the Rural Protection Area.

### 4. RECOMMENDATION

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

## 10.24 POLICIES SERV2 & SERV3

**Representation nos:**  
430 and 454

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Policies SERV2 & SERV3

### 1. SUMMARY OF CASE FOR THE OBJECTORS

1.1 Scottish Power supported the wording of SALP policy SERV2 and policy SERV3. However, they suggested the deletion of the clause “avoid exposed/windswept sites” in the first paragraph of the introductory text.

1.2 Pinwherry and Pinmore Community Council were concerned that, although SE policy was on the side of renewable sources of energy, SALP did not appear to address adequately their potential impacts. Thus, for instance, the windfarm at Hadyard Hill would have a considerable detrimental impact on the small scattered population around Tormitchell.

### 2. SUMMARY OF CASE FOR SAC

2.1 In response to Scottish Power, it was stated that the text of SALP reflected good practice with regard to a range of sustainability issues. It considered a range of matters relevant to energy conservation, including the efficient use of materials, infrastructure, transport, traffic and related issues.

2.2 In response to Pinwherry and Pinmore Community Council, it was stated that SALP policy SERV3 complied with NPPG6 because it would meet the national objective of increasing the amount of electricity produced from renewable sources. SMs wanted to see the planning system make a positive contribution to renewable energy developments while at the same time ensuring protection of environmental and built heritage assets. In relation to local communities, the guidance indicated that development should not be permitted where it would have a significant detrimental long term impact on the amenity of people living nearby, and where the impact could not be satisfactorily mitigated. ASP policies E10 and E11 related to renewable energy technologies, with policy E11 being specifically concerned with wind energy.

2.3 SAC considered that SALP policy STRAT5 would be sufficient to protect small communities from any possible adverse effects from renewable energy developments. It sought to ensure that in all cases the amenity of nearby dwellings, schools, institutions, workplaces and communities was safeguarded. Its criteria (a), (b), (c), (d) and (e) were of particular relevance. In addition, it would be likely that proposed renewable energy developments, including windfarms, would be subject of an Environmental Impact Assessment, and that would examine the possible environmental, infrastructure and community impacts. Overall, SAC believed that SALP policy SERV3 complied with

national guidance and ASP, and that it was made more robust by the application of SALP policy STRAT5.

### 3. CONCLUSIONS

3.1 As far as the introductory text is concerned, we note that although it is headed energy only a limited range of matters is addressed. We consider it important that energy policy at national, strategic and local levels bear in mind aspects of both demand and supply. On the demand side, SALP policy SERV2 deals with energy conservation: ie that part of demand over which the planning system can have some influence. On the supply side, policy SERV3 deals only with renewable energy.

3.2 Turning to the objection from Scottish Power, we recognise that some sources of renewable energy, including wind farms, benefit from siting on exposed wind swept sites in augmenting supply. However, for the vast proportion of other forms of development in Scotland a commitment to energy conservation, with consequent reductions in demand, suggests that exposed/windswept sites should be avoided because temperatures there are typically lower than in sheltered sites which are out of the wind. Accordingly, while we have some reservations about the general quality of the prose in the introductory text, we cannot agree that the clause “avoid exposed/windswept sites” should be removed.

3.3 SE is committed to encouraging the development of renewable sources of electricity generation in support of the UK climate change programme. NPPG6 states that development plans should provide a positive framework guiding developers to locations where renewable energy developments are likely to be permitted, having regard to environmental and community considerations. It goes on, at paragraph 49, to state that structure plans and local plan policies for renewable development should: support SMs commitment to renewable energy and provide positively for its development; define broad areas of search suitable for wind and other renewable energy developments, or, where appropriate, specific sites in local plans; safeguard where appropriate areas with potential for renewable energy projects; indicate where there are areas or sites which after appropriate assessment and wide consultation, it is judged that for overriding environmental reasons, proposals for renewable energy development would only be considered in exceptional circumstances; guide developers on the broad criteria they would be required to consider in any development proposal, including those falling outwith preferred areas; and provide a clear development control frame work.

3.4 ASP has recognised that Ayrshire is ideally placed for the location of wind farms, especially on the summits of prominent hills, upland moorland areas, and the coast. Each of these features is represented in South Ayrshire and SAC must have policies in place to deal with the applications for developments large and small which may come forward. The requirements of NPPG6 are broadly reflected in ASP policies E10 and E11. Within this context, SALP has provided a generally supportive policy framework for renewable energy developments. Policy SERV3 and policy STRAT5 are relied upon for the purposes of development management. The former does refer to assessing community impacts through Environmental Impact Assessments, but this will not cover every development large and small. STRAT5 is a general policy covering all development. The factors to be looked at are very broad, they are only loosely related to the criteria in national and strategic guidance, and the possible role of mitigation is not covered in either of the policies. When we review these deficiencies, and consider them within the context of what is expected of development plans

in NPPG6, we are driven to agree that SALP does not appear to adequately address the potential impact of windfarms in South Ayrshire.

3.5 Our principal concern with the approach to energy as it has emerged in SALP is simply that policy SERV3 does not contain sufficient in the way of detail to provide a clear development management framework. In looking to the way forward we are attracted to the issue of Supplementary Guidance as advised by SPP1. This would support the content of ASP and SALP rather than replace it. This approach could be particularly useful in meeting the challenges presented by renewables including windfarms as emerging issues. We can sympathise with the reluctance of SAC to clutter their policy framework with inappropriate detail. We consider that Supplementary Planning Guidance is an appropriate means of setting out for the convenience of all parties, including the communities which may be affected, precisely how applications will be dealt with.

3.6 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that the following note be appended to policy SERV3:

“Note 1: A Supplementary Planning Guideline “„Proposals for Renewable Energy Production” accompanies policy SERV3, and provides guidance on how SAC as planning authority will implement the policy.”

## 10.25

## POLICY SERV8

**Representation no:**  
381

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Policy SERV8

### 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 Prestwick South Community Council pointed out that NPPG17 stated that: “Local Plans should express the detailed relationships between development proposals and transport...” It went on to state that they should set out: “...policies and proposals for the specific allocation of (land uses) integrated into effective networks for (amongst other modes)...cycling...” It was not sufficient that only the strategic route being promoted by Sustrans was shown on the Proposals Map. SAC had developed ideas for local routes within major settlements and these should be shown along with the feeder links to the strategic cycle route.

### 2. SUMMARY OF CASE FOR SAC

2.1 SALP policy SERV8 promoted the provision, improvement and protection of cycle routes throughout South Ayrshire. The Proposals Map was not an exhaustive inventory: it was simply a plan based illustration of SAC policies and proposals for land use. It was not necessary to show all minor or local cycle routes. SAC had conducted an extensive public consultation in October 2001 with a view to meeting public demand for a network of safe, direct cycle linkages. Potential routes within the 5 main urban areas in South Ayrshire were canvassed together with possible connections between rural villages and from them to the main settlements. The findings from that exercise had been taken forward, albeit slowly. The network of local cycle routes was at a developmental stage and no routes had been finalised.

2.2 When SALP was issued in 2002, the only dedicated mainly off road cycle route was the National Cycle Route promoted by Sustrans. This was shown on the Proposals Map. In September 2002, the River Ayr Cycle Route was completed and consideration could be given to amending the Proposals Map to include that new route.

### 3. CONCLUSIONS

3.1 NPPG17 makes clear that safe cycling facilities benefit people of all ages, because they promote healthy lifestyles and are of particular value to young people giving them independence and reducing the need for car journeys. SALP policy SERV8, and its associated text, sets out the SAC commitment to foster increased co-operation and co-ordination with all organisations concerned with the provision, safeguarding and promotion of footpaths and cycleways with links to national routes. It also seeks to ensure that any potential detrimental impacts to the environment are minimised. Annex 2 of PAN49 provides

advice on what should be included in Proposals Maps and how that should be presented. At paragraph 10 it is stated that: “The main purpose of the proposals map is to identify policies and proposals which affect any given piece of land. Therefore it should be easy to read, otherwise it cannot fulfil its potential in promoting development and focussing the interest of consultees, elected members and the public.”

3.2 SAC’s ideas for the wider network of cycle routes within South Ayrshire have not yet reached a stage at which they can be properly termed proposals. Accordingly, they cannot be considered for inclusion on the Proposals Map. The inclusion of a clutter of all there is at present in the way of cycle routes, along with what might be in the future, would detract from the purposes of the Proposals Map of which legibility to the general public is of particular importance. The exclusion of unnecessary detail from the Proposals Map in no way detracts from the commitment to action from SAC contained in policy SERV8.

3.3 Drawing these matters together we cannot support the Community Council’s proposal that SAC’s evolving ideas for a cycle network in South Ayrshire be included in the Proposals Map. However, in the light of the advice contained in annex 2 to PAN 49, we welcome the inclusion of the River Ayr Cycle Route on the Proposals Map.

3.4 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 4. **RECOMMENDATION**

4.1 Accordingly we recommend:

(i) that a change be made to the Proposals Map which accompanies SALP to include the line of the River Ayr Cycle Route.

## 10.26

## POLICY SERV17

**Representation nos:**  
397 and 455

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Policy SERV17

### 1. POLICIES SUBJECT OF THE OBJECTIONS

1.1 In essence, the objectors seek changes to the wording of SALP policy SERV17.

### 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 Vodafone Ltd considered that a policy objective for SALP should be: "...to recognise the connectivity between telecommunications and transport and to promote the maximisation of access and the maintenance of a variety of choice in telecommunications and transport thus enabling citizens to maintain and enhance the economic, social and civic connections that are the urban and rural lifeblood." SALP policy SERV17 did not fully address the linkage between telecommunications and transport. It also failed to take into account the technical limitations of radio telecommunications and, consequently, it did not achieve the necessary balance between the need to facilitate growth and the need to keep environmental impact to a minimum. The phrase "...taking into account the technical limitations of the system" should be inserted to qualify the policy and remove any doubt about its meaning.

2.2 While T-mobile (UK) and Orange PCS Ltd. welcomed the general thrust of SALP policy SERV17, they suggested that it should be amended to reflect the operational needs of telecommunications networks as follows: "SAC will normally permit telecommunication development where it has been demonstrated to their satisfaction that the proposal comprises the most sensitive solution in terms of minimising visual impact, and any contrast between the development and its surroundings whilst taking account of the operational needs of the telecommunications network."

### 3. SUMMARY OF CASE FOR SAC

3.1 SALP policy SERV17, when read along with the supporting text, offered a sound, positive and flexible approach which would allow telecommunications networks to develop and expand, while ensuring that detrimental impact on the environment and countryside was minimised. Taken together with other policies in SALP, policy SERV17 would ensure that development would be consistent with the guidance and advice contained in NPPG19 and PAN62. Policy SERV17 was adequate to allow the telecommunication network in South Ayrshire to evolve in line with SE guidance.

## 4. CONCLUSIONS

4.1 NPPG19 confirms at paragraph 6 that the key aims of the planning system are to promote development in suitable locations, minimise any adverse effects and prevent inappropriate development. It goes on, at paragraph 11, to point out that the aim of telecommunications policy is to ensure that business and domestic consumers have a wide range and choice and there is equitable access to the latest technologies. At paragraph 35, it is stated that SE policy is to enable the telecommunications industry to expand so that Scotland is served by the best radio telecommunications infrastructure. The expansion must, however, be undertaken in a manner that keeps the environmental impact of telecommunications equipment to a minimum. At paragraph 36, it is pointed out that it is important that telecommunications operators and their agents establish an informed working relationship. Section 25 of the 1997 Act requires that the determination of every application which comes before SAC be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. The terms of NPPG19 are material considerations to be taken into account by SAC not only in the preparation of SALP but also in development management. Each application for planning permission must be treated on its merits and there are avenues of appeal open to those who feel aggrieved by a particular determination.

4.2 Within the above general context, it is encouraging to find that the objectors are generally content with the thrust of SALP policy SERV17 in enabling the industry to expand and serve its business and domestic consumers. Their concerns are focussed on relatively minor amendments designed to assist in achieving an appropriate balance between growth for the industry and protection of the environment in which its equipment is sited.

4.3 We have examined the suite of policies, with policy SERV17 at its core, within which an application to the planning authority for a radio telecommunications development in South Ayrshire would be considered. We consider that the framework set out in SALP is robust and sufficiently flexible to allow the telecommunication network to evolve in line with SE guidance and advice. We are not persuaded that achieving an appropriate balance between expansion of the industry and keeping the environmental impact of telecommunications equipment to a minimum would be assisted by any of the amendments proposed by the objectors. We see no need to change the wording of policy SERV17 to take account specifically of the technical limitations of radio telecommunications. Nor are we persuaded of the need to introduce an additional policy aim for SALP which addresses specifically the linkage between telecommunications and transport.

4.4 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 5. RECOMMENDATION

5.1 Accordingly, we recommend

(i) that no change be made to SALP in respect of these objections.

# 10.27 POLICY SERV18 (GIRVAN COMMUNITY HOSPITAL)

**Representation no:**  
492

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Absence of a specific policy for a Community Hospital at Girvan.,

## 1. BACKGROUND

1.1 In a letter dated 6 December 2002, the Ayrshire and Arran Primary Care Trust suggested that a policy be introduced into SALP which recognised the need for a new Community Hospital in Girvan. In a further letter, dated 16 July 2004, the Trust made site specific representations in relation to a greenfield site north east of the town centre at Bridgefield. SAC considered that this additional material represented an unacceptable alteration to the duly made representation from the Trust. Accordingly, it could not be dealt with as a part of the inquiry process.

## 2. SUMMARY OF CASE FOR THE OBJECTOR

2.1 The Trust intended to develop a new Community Hospital in Girvan. The existing facilities in Girvan were somewhat out dated, and restricted the services which the Trust could provide for residents in this part of South Ayrshire. By 6 December 2002 the Trust had not made a final decision on a suitable site for the new hospital and, consequently, it was unable to promote a site through the SALP process. The Trust supported the inclusion of policy SERV18 within SALP because that did not place a restriction on where such facilities should be located. However, it was concerned that it might be neither practical nor feasible to locate on a brownfield site in Girvan. The Trust requested that, in addition to policy SERV18, there be included in SALP a policy written in generic terms which recognised its position.

## 3. SUMMARY OF CASE FOR SAC

3.1 Policy SERV18 stated that: "... in certain circumstances, and where no alternative site can be identified within a settlement, the Council may give favourable consideration to the provision of new community facilities outwith, but still adjacent to a settlement." Note 2 to the policy used a school building as an example of a community facility, and SAC confirmed that a Community Hospital could also be considered to be a community facility. Policy SERV18 applied throughout South Ayrshire and, consequently there was no need for the introduction of a specially worded policy referring specifically to Girvan.

#### 4. **CONCLUSIONS**

4.1 In a climate of financial stringency and policy flux, we recognise the considerable difficulties which the Ayrshire and Arran Primary Care Trust face in delivering primary care and community care services for residents in their area from suitably located facilities. We have considered the terms of SALP policy SERV18 along with its associated notes; and we have taken account of SAC's statement that a Community Hospital can be considered by it as a community facility. With these matters in mind, we agree with SAC that the wording of policy SERV18 is sufficiently flexible to enable the development of a Community Hospital outwith, but in close proximity to, the built up area of Girvan if a comprehensive search does not reveal a suitable site within the settlement itself. We note that the policy does not place an embargo on the development of a greenfield site such as that at Bridgefield, and any application for planning permission would be treated on its merits.

4.2 Drawing these matters together, we are not persuaded that it would be appropriate to include an additional policy within SALP which makes particular reference to the position of the Ayrshire and Arran Primary Care Trust regarding their preference for the siting of a new Community Hospital.

4.3 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 5. **RECOMMENDATION**

5.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

## 10.28 POLICY TOUR4

**Representation nos:**  
76, 345 and 468

**Objectors appearing at Inquiry:**  
Written submissions

**Objecting to:**  
Proposals Map

### 1. SUMMARY OF CASE FOR THE OBJECTORS

1.1 The objectors suggested that that all golf courses, whether privately or SAC owned, should be shown on the Proposals Map as being covered by SALP policy TOUR4. It was also suggested that the Portland, Fullarton and Lochgreen golf courses be shown as covered by policy ENV5 and policy ENV6.

### 2. SUMMARY OF CASE FOR SAC

2.1 SAC pointed out that SALP policy ENV5 and policy ENV6 applied only within settlement boundaries. Outside of these, protection was provided by the relevant greenbelt and countryside policies. SALP policy TOUR4 applied throughout SALP; and it was applicable without regard to the ownership of golf courses. Golf courses were conforming uses in the greenbelt and in the wider countryside. It would be superfluous to identify courses located in these areas as being covered by policy TOUR4 in the Proposals Map. The golf courses within the settlement boundary of Troon were annotated on the Troon and Loans Inset Map (MapT1). Royal Troon and Turnberry were also noted within inset maps but only because they were mentioned specifically in the text.

### 3. CONCLUSIONS

3.1 We can well understand the desire of the objectors to assist SAC in maintaining and enhancing the enviable international reputation of the many golf courses in South Ayrshire and protecting these assets from intrusion by undesirable developments. It is with this in mind that we have considered their suggestions for the Proposals Map and its Insets.

3.2 The text of SALP (at page 37) makes it clear that policy ENV5 and policy ENV6 apply only to the environment of settlements. They are not applicable to open spaces outwith settlements. These are covered by other suites of policies designed to provide adequate protection for the countryside, including golf courses, from unacceptable intrusions. We find no justification for any land outside of settlements, including golf courses, to be identified as being covered by policy ENV5 and/or policy ENV6.

3.3 Annex 2 of PAN49 provides advice on the presentation of a Proposals Map. It points out, at paragraph 10, that the main purpose of the Map is to identify the policies and proposals which affect any piece of land. It should be easy to read, otherwise it cannot fulfil its potential in promoting development and focussing the interest of consultees, elected

members and the public. PAN49 goes on to advise that Insets, if used, should avoid ambiguity, and that cross referencing between the Map and the Written Statement should be as easy as possible.

3.4 Applying this generally applicable advice to the particulars of SALP and its Proposals Map, we note that the text of SALP makes clear that SALP policy TOUR4 applies throughout the SALP area. Therefore, it covers all golf courses. Insets are provided for the main settlements and we think it useful that, within these, the areas to which policy TOUR4 is applicable are identified. Likewise, it is useful that the courses at Turnberry and Royal Troon are identified because both are specifically mentioned in policy TOUR4. However, we find that to identify all other golf courses in South Ayrshire outwith settlements would add unnecessary clutter to the main Proposals Map. It would be confusing, and would not add to their protection, if the Portland, Fullarton and Lochgreen golf courses outside of the settlement boundary of Troon were to be included in Inset MapT1.

3.5 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

- (i) that no change be made to SALP in respect of these objections; and
- (ii) that golf courses in SALP continue to be covered by a suitable open space policy or policies.

10.29

## POLICY ENV13

**Representation no:**  
490

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Policy ENV13

### 1. SUMMARY OF CASE FOR THE OBJECTORS

1.1 On behalf of the objectors, it was stated merely that: “policy ENV13 now requires to be altered or, preferably, removed in the light of the latest government guidance on agricultural land.”

### 2. SUMMARY OF CASE FOR SAC

2.1 SAC stated that the latest policy of SE did not support the objection.

### 3. CONCLUSIONS

3.1 SPP15 includes, at paragraph 11, the latest statement by SE on its policy to prime agricultural land. This is: “Prime quality agricultural land should continue to be protected and should not be eroded in a piecemeal way but only used to meet strategic development objectives eg as part of a long term settlement strategy set out in the development plan.”

### 4. RECOMMENDATION

4.1 Accordingly, we recommend:

(i) that no change be made to SALP in respect of this objection.

## 10.30 POLICIES ENV5 & ENV6

**Representation nos:**  
378, 386, 427, 469 and 1125

**Objectors appearing at Inquiry:**  
Mr K Wilson  
(+Written submissions)

**Objecting to:**  
Policies ENV5 & ENV6.

### 1. BACKGROUND

1.1 SALP policies ENV5 and ENV6, which replaced policy SERV21 in CDSALP seek to protect existing green space and enhance the provision where possible. SALP sets out to safeguard all green spaces which are important to amenity or recreational use. In preparing SALP, SAC assessed the provision of different types and sizes of green spaces especially in terms of their quality in relation to distances from residential and other catchment areas.

1.2 Two open spaces in Ayr were considered specifically at the hearing. The first, Ramsay Gardens, is situated directly alongside the north of the River Ayr and to the east of the Auld Brig. It is a relatively small landscaped area located close to various retail, commercial, and residential uses. The area is adjacent to two listed buildings: the Auld Brig (category A), and 2-4 River Terrace (category B). The second is a small landscaped area at Burns Statue Square in front of the cinema in Ayr and adjacent to the Central Ayr Outstanding Conservation Area. A category B listed building at the corner of Alloway Street and Dalblair Road overlooks the space; and the surrounding area accommodates retail, commercial and residential uses.

1.3 In CDSALP (published in 1999), strategic policy SERV21 stated that SAC will presume in favour of safeguarding: recreational and amenity open space identified on the Proposals Map; sports fields, playing fields, pitches, courts, greens, or other similar open air facility as identified on the Proposals Map; undeveloped land identified on the Proposals Map, within settlement boundaries which contribute to the rural nature, or setting of the settlement; all maintained and other open space which is important to amenity; and graveyards, cemeteries and crematoria. There is a note to the policy which defines recreational open space. In SALP (published in 2002), green spaces are dealt with under 2 policies: strategic policy ENV5 and policy ENV6. Strategic policy ENV5 states that that SAC will presume in favour of safeguarding from development amenity and recreational green spaces identified on the Proposals Map. Policy ENV6 states, amongst other things, that SAC will presume in favour of safeguarding sports fields, pitches, greens and other similar facilities as identified on the Proposals Map. In the Schedule of Changes, SAC altered both policies so that they now read:

Strategic Policy ENV5: SAC will presume in favour of safeguarding from development amenity and recreational open space. Exceptionally, small scale development to provide facilities associated with an amenity or recreational open space may be acceptable where there is no individual or cumulative adverse effect on the amenity or recreational value of that site.

Policy ENV6: SAC will presume in favour of safeguarding sports fields, pitches, greens and other similar facilities as identified on the Proposals Map. Proposals to enhance or expand the recreational or sporting function of the site may be acceptable.

Both policies have notes attached.

## 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 The Scottish Sports Council (378) welcomed the overall purpose of policy ENV6 as changed. However, objection was taken to the second sentence because the implication was that enhancement or expansion of the recreational or sporting function of the site would not be acceptable if the site was also covered by policy ENV5. Development such as changing facilities, floodlighting or the extension of playing areas should be encouraged regardless of whether policy ENV5 applied. It was recommended that the text be altered to require proposals to take account of the amenity of the site, informal recreational use and landscape impact where these were significant considerations. Policy ENV5 might be redundant if policy ENV6 were to be redrafted along these lines.

2.2 At the hearing, which was followed by an extensive accompanied site inspection, it was stated (469) that the SALP Proposals Map appeared to denote open green spaces within Ayr town centre, including Ramsay Gardens and the area at Burns Statue Square, as being suitable for retail development amongst other things. Either the Proposals Map should be amended to designate all such green spaces as unsuitable for development, or the text of SALP should be given priority over the map and all the green spaces named. The list of green spaces could possibly be contained in an appendix to SALP. The list should cover all green spaces (within settlements) throughout South Ayrshire. Within this context, it was inappropriate for SAC to have dropped the reference to the Proposals Map from strategic policy ENV5 when approving the changes to SALP. PAN65 was supportive of the objector's approach. Green spaces needed to be protected in a clear and unambiguous way. Either strategic policy ENV5 or strategic policy STRAT5 should be amended to take account of these concerns, preferably the former.

2.3 In written submissions Kyle and Carrick Civic Society (386) suggested that Policy ENV5 be amended to read: "The Council shall safeguard amenity and recreational green spaces identified on the Proposals Map from development."

2.4 It was proposed (427) that the public open space, amounting to approximately 1ha, located at Abbots Way, Greenan should be protected by policy ENV5 because there was a deficiency of open space in the locality.

2.5 There was concern (1125) about a current planning application for the erection of a primary school at the Old Racecourse, Ayr. There were also reservations about the proposed changes to SALP policy ENV5 and policy ENV6 as published in the Schedule of Changes.

### 3. SUMMARY OF CASE FOR SAC

3.1 In CDSALP policy SERV1 was a general policy devised to be applied throughout South Ayrshire. SAC stated at the Hearing that SALP policies ENV5 and ENV6 had evolved from that with the intention of safeguarding amenity and recreational green spaces (ENV5), and sports pitches, and other similar open air facilities (ENV6). Contrary to the intent of policy SERV21 they were not general policies; rather they were to be applied only to those sites identified on the Proposals Map as being worthy of safeguard. The intention was that all applications for development, including those which involved types of open space would be assessed against policy STRAT5. The deletion of the reference to the Proposals Map from strategic policy ENV5 in the Schedule of Proposed Changes was probably a clerical error. The policies were consistent with the provisions of NPPG11 which required planning authorities to identify existing sports facilities, parks, open spaces, pitches and playing fields, and show those regarded as important for protection on the Proposals Map. In addition, the policies were consistent with criterion G of ASP policy G8 which stated that, in allocating land for development, local plans should avoid the loss of existing recreational and amenity open space. SAC had identified on the Proposals Map only those sites which made a strategic contribution to the wider environment. Some other open space had not been specifically identified. However, the preceding text (on page 37 of SALP) stated that SAC recognised both that small spaces might have local significance and also that they might not be able to absorb development without adverse impact on the local environment. SAC had adopted a hierarchical approach to open space, and that was appropriate in a local plan. It would be inappropriate to list all green spaces not least because SALP would be in place for a number of years, and it would not be possible to add new open spaces, which were often created (particularly in residential areas), without promoting a formal alteration to SALP.

3.2 As far as the 2 cases to which the objector had drawn specific attention were concerned, each of Ramsay Gardens and Burns Statue Square was in an area where the town centre policies RET5, RET6, RET7, OFF1, H17 and TOUR5 were applicable. These presumed in favour of a mix of uses including retail, commercial, leisure and residential uses. However, policy STRAT5 contained a set of criteria against which all development proposals had to be considered. These included: considering whether development would be appropriate in terms of layout, scale, and design; its impact on the setting of the area; and its impact on built heritage resources. In addition, given the proximity of Burns Statue Square and Ramsay Gardens to Ayr Central Outstanding Conservation Area, and to various listed buildings including the Auld Brig, policy BE2 and policy BE3 would have relevance in assessing any proposals for development. These sought to protect the character of listed buildings and conservation areas and their settings from inappropriate development. Taken together policies STRAT5, BE2, and BE3 would ensure that careful consideration would be given to the impact of any proposals for development on small areas of civic open space.

3.3 SAC considered that the concerns of the Scottish Sports Council in respect of SALP policy ENV6 had been adequately addressed in the Changes promoted to SALP by SAC in March 2004 (proposed changes 75, 76, 77 and 78 on pages 13 and 14).

3.4 In relation to the objection concerning Abbots Way, Greenan, SAC considered that the concerns were addressed by the proposed change to the Proposals Map as set out in the Changes promoted to SALP by SAC (proposed map change number 10 on page 38 and Figure 9).

3.5 The proposed changes to SALP policy ENV5 and policy ENV6 did not “over modify” the presumption in SE policy to protect open space. They were a reasonable response to submissions received on the Finalised version of SALP and the amended policies were in accordance with national planning policy. The (then) current planning application to which reference had been made did not form part of SALP and, accordingly, it was not a matter to be dealt with at the inquiry.

#### 4. CONCLUSIONS

4.1 Bearing in mind that SALP policies ENV5 and ENV6 replaced policy SERV21 in CDSALP, we are content to follow the SAC lead and to deal with objections relevant to these closely related policies as a group. However, at the outset we notice an important distinction between policy SERV21 and policies ENV5 and ENV6: the former was designed to cover the whole of the SALP area, while the latter are intended to be restricted to specific sites identified on the Proposals Map. It is not clear to us why the application of policies ENV5 and ENV6 has been restricted in this way. A policy applying to all open space would be more in tune with SE policy as contained in NPPG11. We conclude that the intent behind policies ENV5 and ENV6 should cover the whole of the SALP area

4.2 We can readily appreciate that small green spaces such as those at Ramsay Gardens and Burns Statue Square may not be able to absorb development without detrimental impact on the local environment or townscape. However, we are not entirely reassured that policy STRAT5 takes adequate account of the need to protect open spaces even when other relevant policies can be brought to bear. We find that SALP policy STRAT5 does not provide adequate and specific protection for open spaces not covered by a policy framework which incorporates the intent of policies ENV5 and ENV6.

4.3 PAN49, at paragraph 50, offers advice on the framing of policies. Assessed against its criteria we find that, as redrafted in the Schedule of Proposed Changes, policy ENV5 and policy ENV6 along with their extensive footnotes are not set out briefly in terms that are entirely clear, positive and unambiguous. Accordingly we have given careful consideration to the suggestion from the Scottish Sports Council that a redrafting might be a helpful way forward.

4.4 We recognise that some sites should be identified on the Proposals Map to emphasise their contribution to the wider environment, but we consider that sites that do not have strategic importance need not be identified in that way. Putting all open/green spaces on the Proposals Map throughout the settlements of South Ayrshire would introduce an unacceptable clutter which would run contrary to the advice provided in annex 2 of PAN49. Nor are we attracted to the notion of listing all open spaces in South Ayrshire in the main body of SALP or an appendix of SALP.

4.5 We agree with SAC that the concerns expressed regarding the open space area at Abbots Way, Greenan have been met. A local plan inquiry is not the appropriate forum in which to debate the merits of a planning application regardless of its vintage.

4.6 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 5. RECOMMENDATION

5.1 Accordingly, we recommend:

- (i) that strategic policy ENV5 and policy ENV6 as changed be deleted from SALP; and
- (ii) that a new strategic policy be inserted, as follows:

“SAC will presume in favour of safeguarding from development all green spaces which are important to local amenity or recreational use. Recreational spaces include sports fields, pitches, greens and other similar open air facilities. Those green spaces which are identified on the Proposals Map make, in addition to their local importance, a valued and valuable contribution to the wider environment.

Note 1: Development to provide facilities associated with an amenity or recreational open space may be acceptable if they meet the following criteria:

- (i) where the development is appropriate in terms of scale, use and design to the existing character of the green space and there is no individual or cumulative adverse effect on the amenity or recreational value of that site; and
- (ii) proposals for development that result in the loss of an existing facility must include measures to ensure the provision of an substitute facility of enhanced quality in an acceptable location; and
- (iii) where any replacement facility is provided it must be within the same catchment area as the existing unless SAC decide otherwise.”

# **C. Other Matters**

# 10.31

# GLOSSARY

**Representation no:**  
490

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Definitions of brownfield and greenfield land

## 1. BACKGROUND

1.1 In SALP, brownfield land is defined as a site within a settlement which has been cleared for development, or a vacant or derelict site within a settlement which is not in active or beneficial use. Such sites may encompass the reuse of existing buildings. A greenfield site is defined as land outwith a settlement boundary which has never previously been developed for an urban use, or land that has been brought into active or beneficial use for agriculture or forestry.

1.2 In ASP, there is no definition of brownfield land. A greenfield site is defined as land outwith the urban area, in use, or generally capable of being brought into active or beneficial use, for agricultural (including forestry) purposes.

1.3 In SPP3, brownfield land is defined as land which has previously been developed. The term may encompass vacant or derelict land; infill sites; land occupied by redundant or unused buildings; and developed land within the settlement boundary where further intensification of use is considered acceptable. Greenfield land is defined as land which has never previously been developed, or fully restored formerly derelict land which has been brought back into active or beneficial use for agriculture, forestry, environmental purposes, or outdoor recreation.

## 2. SUMMARY OF CASE FOR THE OBJECTORS

2.1 On behalf of the objectors it was stated that the definitions of brownfield and of greenfield land, as they appear in the glossary to SALP, should be amended to conform to “the national definition”.

## 3. SUMMARY OF CASE FOR SAC

3.1 SAC argued that the definition of brownfield and greenfield land set out in the glossary to SALP accorded fully with the terms of SPP1 at paragraph 37, and to the terms of the recently issued SPP3. It was stated that the guidance and advice set out therein was not mandatory; rather, it constituted a material consideration that must be taken into account in the preparation of local plans. The definition of a greenfield site in SALP complied with that set out in ASP; and the definition of brownfield land reflected the principles of the Ayrshire Development Strategy in terms of directing development to appropriate sites within settlements and safeguarding the countryside from development.

#### 4. CONCLUSIONS

4.1 SPPs provide statements of SE policy on nationally important land use and other planning matters supported where appropriate by a locational framework. Statements of SE policy contained in SPPs may be material considerations to be taken into account in development plan preparation and development control. SPP3 provides the latest statement of SE policy on planning for housing on brownfield and greenfield sites and specific references are made at paragraphs 29, 33, 37 and 44. The glossary which follows the main text of SPP3 provides a list of definitions which set out exactly what is meant by SE when these terms are used. We find that the references there to brownfield land and greenfield land are stated in concise, clear and unambiguous terms.

4.2 The objectors do not suggest that the policy approach adopted by SAC towards either brownfield land or greenfield land has led to a situation where SALP does not conform to ASP. Neither is it suggested that SPP3 requires a modification to ASP. Accordingly, we have focussed our attention on whether the proposed amendment to the glossary attached to SALP would assist in making clear how the policies in SALP would be implemented. In our experience terms which are defined in similar but different terms in SE policy, guidance and advice and/or structure plans and/or local plans are a potent source of confusion. This can have various unwelcome cost implications including unnecessary delay in determining applications, unnecessary proliferation of planning appeals, and sterile exchanges at public local inquiries. Within that general context, we find that there is obvious advantage for all concerned –including applicants, SAC and third parties– that there be no doubt about how the terms brownfield and greenfield are defined within the planning framework. We find that there would be obvious merit, and no discernible disadvantage, in SAC following the lead of SE in this matter.

#### 6. RECOMMENDATION

6.1 Accordingly, we recommend that within the glossary attached to SALP:

(i) brownfield land be defined as land which has previously been developed. The term may encompass vacant or derelict land; infill sites; land occupied by redundant or unused buildings; and developed land within the settlement boundary where further intensification of use is considered acceptable; and

(ii) greenfield land be defined as land which has never previously been developed, or fully restored formerly derelict land which has been brought back into active or beneficial use for agriculture, forestry, environmental purposes, or outdoor recreation.

## 10.32

# LIGHT POLLUTION

**Representation no:**  
461

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Absence of a specific policy for light pollution

### 1. BACKGROUND

1.1 The objector, on behalf of The Campaign for Dark Skies, was concerned that inadequate consideration had been given to the environmental impact of light pollution.

### 2. SUMMARY OF CASE FOR THE OBJECTOR

2.1 Light pollution was degrading the visual amenity of the night skies in South Ayrshire: sky glow turned blackness into a pale yellow hue. Although light pollution was recognised to be a global problem, much could be achieved at the planning stage to minimise deleterious impacts. It was acknowledged that some of the recent increase in light pollution was inevitable given the need for good lighting in built up areas. However, there was much that could be achieved, especially in rural areas, by using better designed lighting fittings notably in new developments. For example, it seemed that little or no consideration was given to light emanating from industrial mining operations. Well designed installations could increase efficiency, and reduce light pollution all at little cost.

### 3. SUMMARY OF CASE FOR SAC

3.1 A specific policy in SALP for the cumulative effect of light pollution was not appropriate because the issue did not fall readily within the powers of the planning system. ASP policy G2 and SALP policy STRAT5 and policy BE5, were sufficient. They were concerned with the amenity of property adjacent to developments requiring planning permission and could deal with issues arising from lighting and illumination. Not all lighting installations required planning permission. In cases that did, including the flood lighting of commercial premises and sports grounds for security and operational reasons, expert advice was taken from the SAC Environmental Health Section about the likely impacts. Looking to the future, SAC might issue a Supplementary Guidance Note on this matter.

### 4. CONCLUSIONS

4.1 We have considerable sympathy with the concerns expressed by the objector. There can be no dispute that even well designed installations can have a cumulative impact on background light levels both in settlements and in the wider countryside. In our many evening journeys through South Ayrshire during the course of the inquiry we have seen for ourselves the impact on the night sky from light pollution from various sources. Local authorities can deal with complaints about light pollution as a general nuisance, but there is

no specific legislation available to deal with them on a more formal basis. Accordingly, we must agree with SAC that, as things stand, attending to the impact of individual light sources, in so far as that is possible through the planning system, is the only route open to achieve some control over light pollution. With this in mind, we suggest that the impact of the relevant policies of the development plan be kept under review; and we welcome the possible introduction by SAC of further Supplementary Planning Guidance designed, amongst other things, to assist developers and others in recognising what can be done to constrain the cumulative impacts of light pollution in South Ayrshire.

4.2 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

## 5. **RECOMMENDATION**

5.1 We recommend

(i) that no change be made to SALP in respect of this objection.

# 10.33 STRATEGIES: WILDLIFE & COASTAL

**Representation no:**  
430

**Objectors appearing at Inquiry:**  
Written submission

**Objecting to:**  
Matters of detail within the texts

## 1. SUMMARY OF CASE FOR THE OBJECTOR

1.1 Scottish Power objected to the inclusion, on page 55 of Appendix ii of SALP relating to the Wildlife Strategy, of the phrase “most wild birds” in one of the bullet points listed amongst the protected species known to be present in South Ayrshire.

1.2 Scottish Power also objected to the phrase “development is not encouraged” on page 70 of Appendix ii relating to the Indicative Coastal Strategy under the heading Coastal Type E. They suggested that it be replaced with the phrase “development will only be encouraged under certain circumstances where there is a specific locational need.”

## 2. SUMMARY OF CASE FOR SAC

2.1 The policies and strategies of SALP concerning wildlife were in accordance with EC Directive 79/409/EC, the principles of the Local Biodiversity Action Plan, and the terms of NPPG14.

2.2 The policies and strategies of SALP concerning the coastline were in accordance with ASP policy E4 and SALP policy ENV17. Taken together with SALP policies ENV4, ENV7 and ENV8, the policies and strategies of SALP concerning the coastline provided a robust policy framework within which proposals concerning development in coastal areas could be assessed.

## 3. CONCLUSIONS

3.1 Taking first the suggested amendment to the text of the Wildlife Strategy, we find that, for completeness, SAC might have listed all of the wild birds which benefit from protection in South Ayrshire. However, the text is already lengthy, and we can understand a desire for brevity.

3.2 Turning to the suggested amendment to the text of the Indicative Coastal Strategy, no arguments have been brought forward which persuade us that this change in emphasis is worthy of support.

3.3 We have taken account of all the other matters, but find none that outweigh the considerations on which our conclusions are based.

#### 4. **RECOMMENDATION**

4.1 Accordingly, we recommend:

(i) that no change be made to the text of Appendix ii of SALP in respect of this objection.

# Appendices

# APPENDIX 1(B):

## Appearances at Public Local Inquiry (relating to retailing, industrial and other matters)

### For SAC

Mr R Sutherland Mr G Korn	Advocate, instructed by Solicitor, who led
Mr I M Johnson Ms C Cox Mr A Browne Ms F Campbell Mr B McFeat Ms G Nisbet Ms F Sharp	BSc(Hons), MSc, MRTPI, Local Planning Manager, SAC BA(Hons), MSc, MRTPI, Planning Policy and Research Group Leader BSc(Hons), DipLED, MRTPI, Senior Planner, SAC BA(Hons), Planner, SAC BA(Hons), MRTPI, Planner, SAC MA(Hons), MRTPI, Planner, SAC BSc(Hons), MRTPI, Planner, SAC
Mr M Cowan	MA, MSc, MRTPI, Planning Consultant, Max Cowan Consultants

### For Acrewalk Ltd

Mr A McKie	Solicitor, Anderson Strathern
Mr A Munnis Mr I White	BSc(Hons), MRTPI, MRICS, Associate, Montagu Evans FLI, Principal, Ian White Associates

### For Axa Re-im

Dr M Sales	Solicitor, Biggart Baillie
Mr A Robinson Mr D Henry	MRTPI, Principal, Robinson Associates BA(Hons), DipTP, MRTPI, FRICS, FPD Savills

### For CG Property

Mr R Jackson	BSc(Hons), MRTPI, Associate Director, GL Hearn
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**For Macdonald Estates plc & Alexander Sawmills Ltd**

Mr A Mitchell	DipURP, MRTPI, James Barr and Son
Mr A O'Hara,	CA, Director, Alexander Sawmills Ltd
Mr A Dickie	MacDonald Estates
Ms C Carr	MSc, CITL, CIHT, Regional Director, Colin Buchanan & Partners

**For Sun Court Ltd**

Ms F McChlery	Solicitor, Simpson & Marwick
Mr E Lawrence	BSc, DipTP, MRTPI, Partner, Lawrence McPherson Associates
Mr R Johnstone	Director, Sun Court Ltd

**Other appearances**

Mr K Wilson	Objector (Low Green [Low Green and Ayr Seafront Trust]; Coynton Scenic Area; and SALP policies ENV 5 & ENV6)
Mr Wright	Objector (Countryside Policies [Barr])

# APPENDIX 2(B):

## List of Documents

### FOR SAC

#### **BARR**

- BARR1** Response of Mr Wright to SAC (7 June 2004)  
**BARR2** Minute of 6 December 2003 (03/00827/OUT)

#### **CROSBIE ROAD**

- TROON8** Planning application P/94/0704 and Appeal Decision  
**TROON9** Planning Application Report, (15 Crosbie Road).  
**TROON10** Troon and Southwood Proposed Conservation Areas Appraisal (2004)

#### **HEATHFIELD RETAIL**

- RET1** Report of ASP&TC (5 Sept 2003) on Household Shopping Survey 2003  
**RET2** Extract from Household Shopping Survey 2003 – Mode of Transport  
**RET3** Changes in Ayr Town Centre 1987 – 2003  
**RET4** Visits to Ayr Town Centre 1987 – 2003  
**RET5** Planning Appeal Decision Letter re Alexander Sawmills, Heathfield Road  
**RET6** Copy of Planning Permission in relation to Heathfield Retail Park  
**RET7** Bus Timetable  
**RET8** Summary Retail Capacity Assessment  
**RET9** SAC Committee Report of 1 February 2005 (Ayr Racecourse)  
**RET10** Ayr Racecourse Proposal (03/01569/out) Retail Policy/Capacity Assessment  
**RET11** Joint Statement by SAC and Macdonald Estates plc & Alexander Sawmills

#### **LOW GREEN**

- LG1** Plan of Listed Buildings next to Low Green

#### **POLICIES ENV5 & ENV6**

- AYRTC1** Planning Application 02/00603/COU  
**AYRTC2** Database Extract of Council Response to Objector 469

## **POLICY STRAT2**

**GBPOL1** Planning Application 02/01019  
**GBPOL2** Planning Application 02/00948/ful

### **FOR AXA RE-IM**

**AR1** PPG6: Town Centres and Retail Developments  
**AR2** PPS6 Consultation Draft: Planning for Town Centres  
**AR3** Appeal decision letter 18 October 2002 (P/P/75/96/SQ/24/1)  
**AR4** Report to Committee 2 September 2003 (02/00416/FUL)  
**AR5** Report to Committee 9 March 2004 (02/00483/ful)  
**AR6** Letter of objection 28 January 2004  
**AR7** Appeal decision APP/C2741/A/02/1106592 (York)  
**AR8** Withdrawn from Inquiry  
**AR9** Variation of Planning Permission (2 December 1992): Heathfield Retail Park  
**AR10** SEDD Research Study on Effectiveness of NPPG8

### **FOR MACDONALD ESTATES PLC & ALEXANDER SAWMILLS LTD**

**JB1** OS Plan of Site  
**JB2** Indicative Layout of Proposal in relation to Heathfield area  
**JB3** Aerial Photograph  
**JB4** Copy of Planning Consents relating to the site  
**JB5** SAC Capacity Assessment 1998  
**JB6** 2004 Valuation Rolls  
**JB7** Use Classes in Town Centres: Survey by James Barr (September 2004)  
**JB8** Bar Charts showing uses in Town Centre  
**JB9** MapInfor Brief 04/02  
**JB10** Zone A retail Figures for Scotland (Colliers CRE)  
**JB11** SAC Committee report (application ref 02/00483/ful)  
**JB12** ASP Shopping Survey 2003  
**JB14** Sale Particulars of Academy Street, Troon  
**JB15** Extract from Ayr Central Website  
**JB16** Town Centre Health Check Appraisals  
**JB17** Expenditure Data provided by Mapinfo (May 2004)  
**JB18** Catchment Plan  
**JB19** Retail Capacity and Impact Tables  
**JB20** Retail Impact  
**JB21** Letters from Babbie and SE (Scoping of Transportation Assessment)  
**JB22** Transportation Statement  
**JB23** Letter from ASDA  
**JB24** SAC Committee Report of 1 February 2005 (Ayr Racecourse)  
**JB25** Extract from Retail Impact Assessment: A Guide to Best Practice.

## **FOR SUN COURT LTD**

<b>SC1</b>	North Kyle Local Plan; Report of Inquiry (extract)
<b>SC2</b>	Planning Application 02/01019/FUL
<b>SC3</b>	Application for Listed Building Consent (02/01/017)
<b>SC4</b>	Application for Listed Building Consent (04/00309/LBC)
<b>SC5</b>	Correspondence, etc between SAC and the objectors
<b>SC6</b>	SAC Report (6 July 2004)
<b>SC7</b>	SALP Letter of Objection
<b>SC8</b>	Photographs
<b>SC9</b>	Copy Brochure, Suncourt House
<b>SC10</b>	Business Plans, etc
<b>SC11</b>	National Care Standards, SE
<b>SC12</b>	National Care Standards, SE
<b>SC13</b>	National Care Standards, SE
<b>SC14</b>	SAC Report (16 January 2001)
<b>SC15</b>	Planning Appeal Decision Letter (P/PPA/SQ/456)
<b>SC16</b>	Planning Appeal Decision Letter (P/PPA/SQ/423)
<b>SC17</b>	Planning Appeal Decision Letter (P/PPA/SQ/113)
<b>SC18</b>	Planning Appeal Decision Letter (P/PPA/SQ/185&192)
<b>SC19</b>	Care Commission; Inspection Report 2004/2005
<b>SC20</b>	Training
<b>SC21</b>	Scottish Community Care Statistics 2002, SE
<b>SC22</b>	Internal Report (Mr. D Brown, Company Accountant)