

**SOUTH AYRSHIRE COUNCIL (SPECIAL).**

Minutes of a special meeting in County Buildings, Wellington Square, Ayr and remote  
on 10 November 2020 at 11.25 a.m.

Present in  
Dundonald

Room: Provost Helen Moonie and Councillor Brian Connolly.

Present in

County Hall: Councillor Peter Henderson.

Present

Remotely: Councillors Laura Brennan-Whitefield, Siobhian Brown, Andy Campbell, Douglas Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Peter Convery, Chris Cullen, Ian Davis, Julie Dettbarn, Martin Dowey, Ian Fitzsimmons, William Grant, Peter Henderson, Hugh Hunter, Mary Kilpatrick, Lee Lyons, Craig Mackay, Derek McCabe, Brian McGinley, Bob Pollock, Philip Saxton, Arthur Spurling and Margaret Toner

Attending in  
Dundonald

Room: E. Howat, Chief Executive; C. Caves, Head of Legal, HR and Regulatory Services; J. McClure, Committee Services Lead Officer; and A. Gibson, Committee Services Officer.

Attending in  
County Hall:

K. Briggs, Service Lead – Legal and Licensing; J. Nicol, Service Lead - Planning and Building Standards; N. Feggans, Co-ordinator (Planning). A. McGibbon, Supervisory Planner; K. Braidwood, Interim Head of Roads, Ayrshire Roads Alliance; and D. Mulgrew, Committee Services Assistant.

Attending

Remotely: T. Eltringham, Director of Health and Social Care; J. Woods, Senior Manager (Planning & Performance), Health and Social Care Partnership;

**1. Provost.**

The Provost

- (1) welcomed everyone to this special meeting; and
- (2) outlined the procedures for conducting this meeting, including that all votes would be undertaken by means of a roll call where all members were not in agreement with the terms of the motions before the meeting.

**2. Sederunt.**

The Chief Executive called the Sederunt for the meeting.

3. **Application for Planning Permission in Principle for Erection of Residential Development to Include Access, Roads, Open Space, Landscaping, Drainage and Other Ancillary Development and Site for Park and Ride – Land at Kilmarnock Road, Monkton (Ref: 19/010787/PPPM)**

Following consideration of an application for planning permission in principle for erection of residential development to include access, roads, open space, landscaping, drainage and other ancillary development and site for park and ride at land at Kilmarnock Road, Monkton at the pre-determination hearing held by the Regulatory Panel (Special) immediately prior to this meeting, the Provost advised that the application would now be determined by this Special meeting of the Council.

Councillor Connolly, seconded by Councillor Hunter, moved that the application be refused.

As not all Members were in agreement with the Motion, the Head of Legal, HR and Regulatory Services then took the vote by calling the roll as follows:-

Helen Moonie	Agreed the Motion
William Grant	Agreed the Motion
Laura Brennan-Whitefield	Agreed the Motion
Siobhian Brown	Agreed the Motion
Andy Campbell	Agreed the Motion
Douglas Campbell	Agreed the Motion
Iain Campbell	Agreed the Motion
Ian Cavana	Agreed the Motion
Alec Clark	Agreed the Motion
Ian Cochrane	Agreed the Motion
Brian Connolly	Agreed the Motion
Peter Convery	Agreed the Motion
Chris Cullen	Agreed the Motion
Ian Davis	Agreed the Motion
Julie Dettbarn	Agreed the Motion
Martin Dowey	Did Not Agree the Motion
Ian Fitzsimmons	Agreed the Motion
Peter Henderson	Agreed the Motion
Hugh Hunter	Agreed the Motion
Mary Kilpatrick	Agreed the Motion
Lee Lyons	Did Not Agree the Motion
Craig Mackay	Agreed the Motion
Derek McCabe	Agreed the Motion
Brian McGinley	Agreed the Motion
Bob Pollock	Agreed the Motion
Philip Saxton	Agreed the Motion
Arthur Spurling	Agreed the Motion
Margaret Toner	Agreed the Motion

Two Members did not agree the Motion and twenty six Members agreed the Motion which was accordingly declared carried and the Council

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

### **Principle of Development**

1. The proposed development is contrary to LDP Policy Spatial Strategy, LDP Policy Sustainable Development, LDP Policy Green Belt, LDP policy: Rural Housing, LDP Policy Agricultural Land, and Scottish Planning Policy in that the proposed development site is not an allocated development site identified in the South Ayrshire Local Development Plan, there is no agreed shortfall in the 5 year effective housing land supply and it has not been demonstrated that there is a need for residential development in the area concerned. There are no over-riding reasons to depart from the policies as detailed in the South Ayrshire Local Development Plan or the associated Supplementary Guidance.

### **Impact on Landscape and Cultural Heritage**

2. The proposed development is contrary to LDP Policy Historic Environment, LDP Policy Landscape Quality, LDP Policy Sustainable Development, Supplementary Guidance: Historic Environment, Historic Environment Policy for Scotland and Historic Environment Scotland's Managing Change document on 'Setting' in that the proposed development would detract from the setting and have a detrimental impact on the understanding and appreciation of the category 'A' listed Dovecot windmill. There are no over-riding reasons to depart from the policies as detailed in the South Ayrshire Local Development Plan, the associated Supplementary Guidance or national policy.

### **List of Determined Plans:**

Drawing - Reference No (or Description): 5879(2)LP003 (Rev. B) Location Plan;  
 Drawing - Reference No (or Description): 5879(2)SP003 (Rev. F) Masterplan as Proposed;  
 Other - Reference No (or Description): Pre-Application Consultation Report;  
 Other - Reference No (or Description): Planning Statement;  
 Other - Reference No (or Description): Design and Access Statement;  
 Other - Reference No (or Description): Combined Archaeology Desk-Based Assessment and Heritage Statement;  
 Other - Reference No (or Description): Air Quality Impact Assessment;  
 Other - Reference No (or Description): Bird Hazard Management Plan;  
 Other - Reference No (or Description): Ecological Constraints Survey;  
 Other - Reference No (or Description): Engineering Assessment and Drainage Report;  
 Other - Reference No (or Description): Landscape and Visual Appraisal;  
 Other - Reference No (or Description): Tree Survey and Arboricultural Constraints;  
 Other - Reference No (or Description): Noise Impact Assessment;  
 Other - Reference No (or Description): Transport Assessment; and  
 Other - Reference No (or Description): Socio-Economic Statement.

### **Background Papers:**

1. Application form, plans and submitted documentation;
2. Consultation responses;
3. Representations;
4. Adopted South Ayrshire Local Development Plan;
5. Modified Proposed Local Development Plan 2;
6. Supplementary Guidance: Rural Housing;
7. Supplementary Guidance: Historic Environment;
8. Historic Environment Policy for Scotland;
9. Managing Change in the Historic Environment (Setting);
10. Scottish Planning Policy;
11. Proposal of Application Notice 19/00491/PAN;
12. Application 19/01005/APPM (withdrawn); and
13. Application 19/00457/APPM Monkton MON1 site (Approved May 2020).

### **Point of Order**

A Member enquired if Council Members should have been asked to declare any interests at the start of this Council meeting and Provost advised that declarations of interest had been sought at the previous meeting of the Regulatory Panel (Special) in regard to the planning application and that declarations of interest for the remaining items of business on the agenda would be requested at this point.

#### **4. Declarations of Interest.**

The Head of Legal, HR and Regulatory Services requested any declarations of interest and Councillor Saxton advised that, with reference to item 5 of this minute "Integration Joint Board Governance", he was a member of the IJB, however, as he did not perceive there was a conflict of interest, he would participate in the consideration of this item.

Having called the roll, the Head of Legal, HR and Regulatory Services confirmed that, for the remaining items of business on the agenda, there were no further declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

#### **5. Integration Joint Board Governance.**

There was submitted a joint report ([issued](#)) of 3 November 2020 by the Director of Health and Social Care and the Head of Legal, HR and Regulatory Services outlining the different roles and responsibilities performed by the South Ayrshire Integration Joint Board (IJB) and Council in the delivery of the Health and Social Care Services; and providing an update on the progress in reviewing governance within the IJB and the Council to ensure accountability as required by the IJB's Ministerial Strategic Group (MSG) Action Plan.

Councillor Dettbarn, seconded by Councillor Saxton, moved, contrary to the recommendations outlined in the report, that Council

- (1) note the considerable effort to date by officers in reviewing the South Ayrshire Council and IJB governance arrangements, in line with national requirements;
- (2) note that elected members had requested a further period of consultation and briefing in relation to the Council and IJB governance arrangements being completed by the end of January 2021; and
- (3) agree to continue the paper to a special meeting of South Ayrshire Council to be held in February 2021.

A Member requested that Councillor Dettbarn outline the reasoning behind her Motion and she advised that, due to many Members being unable to attend the Elected Members briefing held on 3 November 2020, she had felt it would be beneficial if all Members could attend a briefing session to allow any outstanding questions and concerns to be raised and answered by officers prior to the consideration of a further report.

The Council

**Decided:** to agree the terms of the Motion as outlined at (1) to (3) above.

**6. External Audit – Audit Dimensions and Best Value.**

Reference was made to the Minutes of the Audit and Governance Panel of 24 September 2020 (Page 2, paragraph 6) when that Panel had decided to recommend to the Leadership Panel that it remit this report to the Best Value Working Group to note the matters raised in the report and the concerns of the Panel; and there was submitted the minute excerpt and the report ([issued](#)) of 17 September 2020 by the Head of Finance and ICT.

The Chief Executive advised that this report had not yet been submitted to Leadership Panel and that, as the Best Value Audit would be taking place in the near future, it was felt that Council should consider the recommendation of the Audit and Governance Panel at this time.

**Point of Order.**

A Member enquired if reference should have been made to the Best Value Working Group within the report and the Chief Executive advised that this reference was contained in the decision of the Audit and Governance Panel, as outlined on the minute excerpt.

The Council, having welcomed this recommendation as it addressed Members' concerns,

**Decided:** to remit this report to the Best Value Working Group to note the matters raised in the report and the concerns of the Audit and Governance Panel.

**7. Appointments to Panel.**

There was submitted a report ([issued](#)) of 3 November 2020 by the Head of Legal, HR and Regulatory Services seeking approval to make alterations to the list of Panels.

Following a question from a Member on training, the Head of Legal, HR and Regulatory Services confirmed that Councillor Iain Campbell would be offered training prior to sitting on the Regulatory Panel and Local Review Body.

Councillor Connolly, Chair of Regulatory Panel and Local Review Body, thanked Councillor Convery for his long service and valued contributions on the Panel and Body; and for his support when Councillor Connolly became Chair.

The Council

**Decided:** to appoint Councillor Iain Campbell to replace Councillor Peter Convery as a member of the Regulatory Panel and the Local Review Body.

**8. Closing Remarks.**

Provost thanked all Members for their attendance and contributions.

The meeting ended at 12.10 p.m.