

EAST AYRSHIRE COUNCIL

**SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE:
15 DECEMBER 2010**

**10/0758/PP – WIDENING OF EXISTING PATH TO FORM CYCLE ROUTE
AT: CATRINE TO SORN CYCLE ROUTE, ST CUTHBERT'S STREET,
CATRINE
BY EAST AYRSHIRE COUNCIL**

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application&caseNo=10/0758/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to widen an existing path to enable a cycle route to be formed. The path will be designed to be of shared use, and will tie in with the existing footpath which is part of the River Ayr Way. The new path is to comprise an average width of 2.5 metres and will be formed with a Whin chip finish and as part of the upgrading works, there will be some elements of earthworks and vegetation clearance and the installation of appropriate drainage is proposed. The existing path is approximately 1.5 metres wide. As the path approaches North Bank a timber retaining wall is proposed and near to Foulisye Wood, a ramp will be installed for level access.

1.2 The applicants have advised that the proposals comprise the upgrading of approximately 2km of path between Catrine and Sorn to allow it to be used as a cycle route as well as to continue to be used by pedestrians. The only other alternative to Catrine from Sorn is the B713 which is an unlit rural road without footways and is subject to a national speed limit.

1.3 This project will provide an essential link in the approved strategic cycle route network within East Ayrshire and this section of path will complete a link from the existing cycle route from Hurlford/Galston/Catrine. It will also facilitate links between the N73 cycle route and the recently completed Coal Road Route in the southern area of East Ayrshire. The applicants further advise that the cycle route will provide a valuable community link and locally it will facilitate sustainable, healthy mode of transport for shorter trips, increasing transport choices and reducing dependency on the private car.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan comprises the Adopted Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2010).

3.2 The proposed development accords with the East Ayrshire Local Plan and the material considerations do not suggest that the application should be refused. The footpath will provide improved pedestrian and cycling facilities in an area which forms part of the River Ayr Walk and which provides an excellent facility for leisure and recreation and tourism opportunities. The comments raised by the objectors in their consultation responses have been considered in this report and any matters raised can be adequately addressed by condition should Members choose to grant consent.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, then the application will not require to be referred to Council as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Southern Local Planning Committee under the scheme of delegation as the Council is the applicant.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the east of the settlement boundary of Catrine and follows the bank of the river Ayr as it winds past Daldorch House School and Fouslyke Wood until it meets the unclassified road close to Kilnknowe Cottage in the vicinity of Sorn Castle.

2.2 **Proposed Development:** It is proposed to widen an existing path to enable a cycle route to be formed. The path will be designed to be of shared use, and will tie in with the existing footpath which is part of the River Ayr Way. The new path is to comprise an average width of 2.5 metres and will be formed with a Whin chip finish and as part of the upgrading works, there will be some elements of earthworks and vegetation clearance and the installation of appropriate drainage is proposed. The existing path is approximately 1.5 metres wide. As the path approaches North Bank a timber retaining wall is proposed and near to Fouslyke Wood, a ramp will be installed for level access.

2.3 The applicants have advised that the proposals comprise the upgrading of approximately 2km of path between Catrine and Sorn to allow it to be used as a cycle route as well as to continue to be used by pedestrians. The only other alternative to Catrine from Sorn is the B713 which is an unlit rural road without footways and is subject to a national speed limit.

2.4 This project will provide an essential link in the approved strategic cycle route network within East Ayrshire and this section of path will complete a link from the existing cycle route from Hurlford/Galston/Catrine. It will also facilitate links between the N73 cycle route and the recently completed Coal Road Route in the southern area of East Ayrshire. The applicants further

advise that the cycle route will provide a valuable community link and locally it will facilitate a sustainable, healthy mode of transport for shorter trips, increasing transport choices and reducing dependency on the private car.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Service, Environmental Health and Legal and Regulatory Services have no objections.

Noted.

3.2 Catrine Community Council have no objections but note that there should be no motorised vehicles on this path which should be available for pedal cycles only and any gates on the route should attempt to achieve this aim, and if the path is to be widened then there should be resources put in place to maintain the path in the future.

Noted. The applicants have clarified that the path's designation as a Core Path prohibits motorised access under the Land Reform (Scotland) Act and the Scottish Outdoor Access Code. Physical measures will be installed to deter motorised cycles from the route and this will take the form of the "Three Valleys Barrier" that has been successfully used in other stretches of the River Ayr Way at prohibiting trail and quad bikes, whilst still permitting pedal cycles. The path will also be maintained by the Council's Outdoor Services in line with the Minute of Agreement that is in place with the landowner.

3.3 Historic Scotland note that the site is located within the vicinity of Catrine water works for Catrine Mill which is scheduled as being of national importance. Historic Scotland confirm that they have no comments to make on this application and that this Authority should determine the application without further reference to them.

Noted.

3.4 The Cumnock Access Panel do not object but seek clarification concerning how visually impaired and hearing impaired individuals will be alerted to bicycles on the same footpath. They also query whether Daldorch House are aware of the proposals and ask if warning signs could be sited at entrances/junctions to the path network warning that visually or hearing impaired users may be using the path.

Noted. The applicants advise that there have been extensive discussions with Daldorch House School in the formulation of these proposals and their comments have been taken on board in the proposed design. Noting the concerns about conflict of use, the applicants point out that current legislation allows bicycles to

use the existing narrower path and that this proposal to widen the path should increase the space available for pedestrians and cyclists to pass each other, to the benefit of both. The applicants have also confirmed that consideration will be given to warning signs and if Members agree to grant consent this matter could be conditioned.

3.5 Scottish Natural Heritage, Ayrshire Rivers Trust, East Ayrshire Council Outdoor Services and Roads and Transportation Service (Flooding) have not responded to their consultation at the time of writing this report.

4. REPRESENTATIONS RECEIVED

4.1 No representations have been received following neighbour notification and public advertisement of the proposal.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application, the Development Plan comprises the Adopted Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2010).

Ayrshire Joint Structure Plan

5.2 There are no specific policies in the Approved Ayrshire Joint Structure Plan to assess the proposed development against. The application therefore falls to be assessed against the policies of the Adopted East Ayrshire Local Plan.

Adopted East Ayrshire Local Plan

5.3 Policy CS1 states that the Council will respond positively to changing needs and demands for community facilities throughout East Ayrshire. Wherever possible, existing facilities will be retained and improved and support and encouragement will be given to all other community facility and public service organisations to maintain and improve these facilities.

Noted. This application seeks to improve an existing footpath which forms part of the River Ayr Walk which will be of benefit to the local community providing an improved footpath and cycle link to the benefit of users from both a leisure and recreation and tourism perspective. The proposal is therefore in accordance with the terms of this policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses and amenity considerations.

Consultation Responses

6.2 None of the consultation responses that have been received recommend that the application should be refused. Where relevant comments have been received, these can be addressed by condition.

Amenity Considerations

6.3 The footpath is located within land which currently accommodates a path for the River Ayr Walk and noting the applicant's supporting statement as detailed in Section 2 of this report, it is not considered that this proposal will impact adversely on the amenity of the surrounding area. The footpath aims to provide an improved pedestrian and pedal cycle link to the benefit of the local and wider community promoting enhanced and safer leisure and recreation and tourism opportunities without conflict with motorised vehicles.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council relative to the determination of this application.

7.2 The Council is the applicant for this proposal and under the Scottish Planning Series: Planning Circular 3/2009: "Notification of Planning Applications" the application does not require to be notified to Scottish Ministers as it is in accordance with the Development Plan as detailed in Section 5 of this report.

8. CONCLUSIONS

8.1 Sections 25 and 37 (2) of the Town and Country Planning (Section) Act 1997 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan comprises the Adopted Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2010).

8.2 The proposed development accords with the East Ayrshire Local Plan and the material considerations do not suggest that the application should be refused. The footpath will provide improved pedestrian and cycling facilities in an area which forms part of the River Ayr Walk and which provides an excellent facility for leisure and recreation and tourism opportunities. The comments raised by the objectors in their consultation responses have been

considered in this report and any matters raised can be adequately addressed by condition should Members choose to grant consent.

9. RECOMMENDATION

9.1 It is recommended that the application should be approved subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, then the application will not require to be referred to Council as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

07 December 2010

FMF/FGD

FV/DVM

List of Background Papers

1. Application form, plans and supporting information.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Approved Ayrshire Joint Structure Plan 2007.
5. Adopted East Ayrshire Local Plan 2010.

Anyone wishing to inspect the above papers, please contact Fiona Finlay, Principal Planning Officer on 01563 576798.

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0758/PP

Location	Catrine To Sorn Cycle Route St Cuthbert's Street Catrine East Ayrshire
Nature of Proposal:	Widening of existing path to form cycle route
Name and Address of Applicant:	East Ayrshire Council Road And Transportation Greenholm Street Kilmarnock East Ayrshire KA1 4DJ
Name and Address of Agent	

Officer's Ref: Fiona Finlay
01563 576798

The above application for planning permission should be approved subject to the following conditions:

1. Prior to any work commencing on site details of the physical barriers to prevent motorised vehicles accessing the pathway shall be submitted to and approved in writing by the Planning Authority. The barriers shall thereafter be completed as approved prior to the widened path being brought into use.

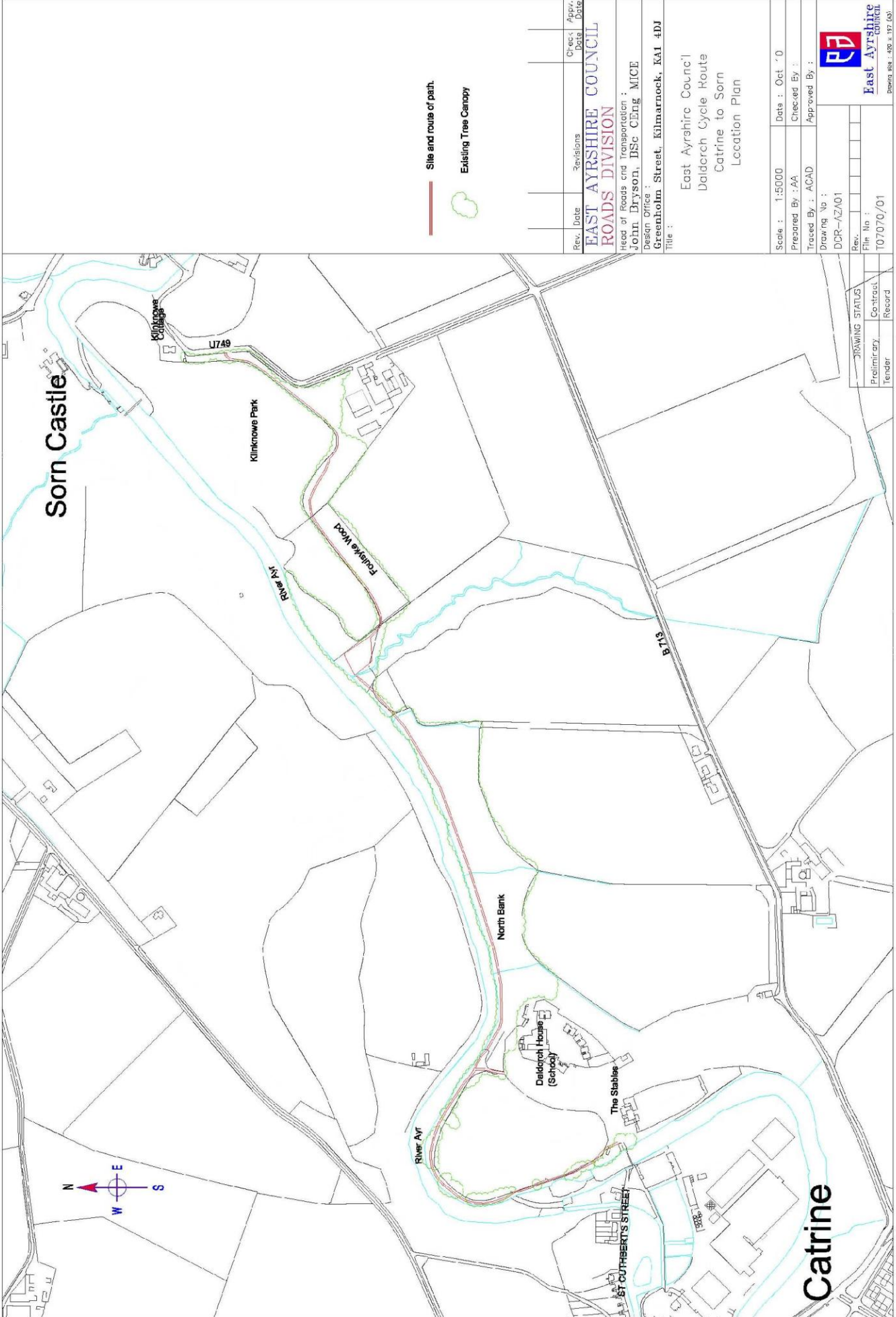
Reason: In the interests of visual amenity and to ensure an appropriate final surface for the general safety of users.

2. Prior to any work commencing on site details of signage to be installed at junction/s entrances to the path to warn of the possible presence of hearing and visually impaired users shall be submitted to and approved in writing by the Planning Authority. The signage shall thereafter be completed as approved prior to the widened path being brought into use.

Reason: In the interests of public safety.

Reason for the Decision

The proposed development is consistent with the Development Plan and there are no material considerations that would indicate that refusal would be appropriate.



Rev.	Date	Revisions	Check. Date	Appr. Date

**EAST AYRSHIRE COUNCIL
ROADS DIVISION**

Head of Roads and Transportation :
John Bryson, BSc CEng MICE

Design Office :
Greenholm Street, Kilmarnock, KA1 4DJ

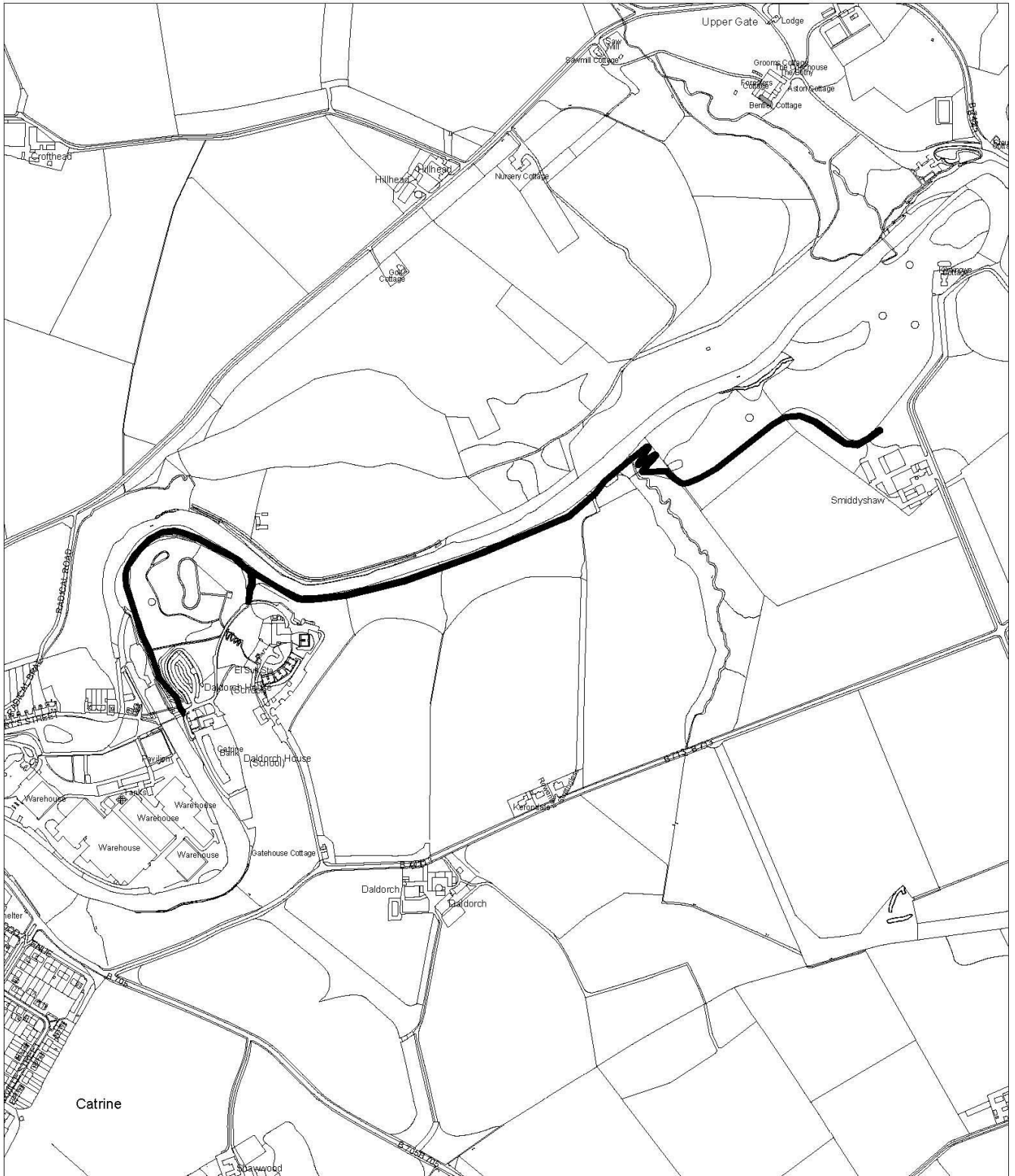
Title :
East Ayrshire Council
Daidroch Cycle Route
Catrine to Sorn
Location Plan



Scale : 1:5000	Date : Oct '10
Prepared By : AA	Checked By :
Traced By : ACAD	Approved By :
Drawing No : DCR-AZ/01	
Rev. :	
File No : T07070/01	



East Ayrshire Council
Drawing No : 430 - 117 (A3)

DRAWING STATUS		
Preliminary	Contract	Record
Tender		



<p>Title/Location Catrine to Sorn Cycle Route, St Cuthbert's Street, Catrine Application No. 10/0758/PP</p>	<p>East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 15/12/20210</p> 
<p>Key</p>  <p>Application Site</p>	

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