Symington Community Council (SCC) has been fighting to conserve the Symington Conservation with mixed success over the last twenty years, against, it has to be said some pretty flexible ‘opinions’ expressed by South Ayrshire Council (SAC) over site 4, SYM1, 14/01550/APPM and 17/00120/APPM. At the SAC Regulatory Panel on the 2 April 2015 the SCC was forced to accept a decision to approve planning application 14/01550/APPM. Because the “applicant has set out to provide for a high standard of ‘place making’ within the proposed development.”

The paradox in the report of a site, “which will enhance the locality. Subject to the conditions and mitigation measures as set out below,” was missed by the Panel who expressed their concerns about the development, but drew in their horns after consulting SAC legal officials. The recommendation to approve the application was accepted with “the conditions set out below.”

Condition 5 included, “external surfaces shall respect the character of the traditional materials found in the adjacent conservation area to the satisfaction of the Planning Authority”, and clearly reflects the condition as being one of mitigation. The condition includes, “For the avoidance of doubt,” finishing with. “Brick is not hereby approved.” Roll forward to the SAC Regulatory Panel on the 22 June 2017 and application 17/00120/APPM for the same site. Where “Concerns that Symington would be perceived as being a ‘town’ as opposed to a ‘village’ is a matter of opinion. The site is allocated for residential development in the LDP.”

This statement undermines public confidence in the planning system and community engagement, a cornerstone of the proposed Bill. Still at least the mitigation measures, enhanced site, and conditions all moved over to the new application. An application to modify 17/00120/APPM has now been lodged in 2018 by the developer.

“Proposal to amend condition 5 of the planning permission 17/00120/APPM to allow the use of brick”

The decision on this modification application doesn't matter one iota. That the developer has lodged such a modification shows complete disregard for the community of Symington and de facto the development industry contempt for effective community engagement throughout Scotland. If SAC decides in favour of the community and upholds the condition, the developer is free to appeal, which
could incur further costs to SAC. The shrewd option in these austere times with severe capping on council budgets would be to decide in favour of the developer.

With only a one sided right of appeal; the developer knows the matter must be decided in their favour or finally lie with Scottish Government in Edinburgh. Where, far removed from the minute issues of the Symington Conservation Area, and with no obligation under section 64 of the Planning (Scotland) Act 1997 to preserve conservation areas, the matter will be resolved. At the home of ‘sustainable economic development’ the outcome is virtually certain, hence the application.

Even with an equal right of appeal Scottish Planning Law may still lie in the dust of 17/00120/APPM.