

EAST AYRSHIRE COUNCIL

CABINET: 30 APRIL 2011

EAST AYRSHIRE LOCAL DEVELOPMENT PLAN

DEVELOPMENT PLAN SCHEME 2011

Report by Depute Chief Executive / Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To present to Cabinet for information and approval, a suggested Development Plan Scheme and Participation Statement detailing the anticipated timetable and participation procedures that it is proposed should be put into place regarding the preparation of a new Local Development Plan for East Ayrshire under the provisions of the Town and Country Planning (Scotland) Act 1997 (as amended). The Development Plan Scheme and Participation Statement are contained within Annex 1 of this report.

2. BACKGROUND INFORMATION

- 2.1 Section 20B of the Town and Country Planning (Scotland) Act 1997 (as amended) stipulates that each planning authority must prepare a Development Plan Scheme on, at least, an annual basis, setting out the authority's programme for preparing and reviewing their Strategic Development Plan or Local Development Plan and outlining what is likely to be involved at each stage of the plan preparation process. In East Ayrshire's case, there is no requirement to prepare a Strategic Development Plan, the Council being required only to prepare a Local Development Plan which will, on adoption, replace the current development plan for the area. This is the third Development Plan Scheme (DPS) that the Council has produced, the first two having been approved by Cabinet in March 2009 and March 2010 respectively.

3. CHANGES BETWEEN DEVELOPMENT PLAN SCHEME 2010- 2011

- 3.1 There are only two changes from last year's Development Plan Scheme (hereinafter referred to as "DPS"). Firstly, the DPS has been amended to reflect the status of the East Ayrshire Local Plan 2010 which was adopted by the Council in October 2010 and, secondly, publication of the Main Issues Report will be two months later than previously envisaged. This later publication date is due to a significant amount of officer time being taken up with progressing the East Ayrshire Local Plan 2010 to adoption and with other planning policy matters which have arisen during this period including a legal challenge to the local plan, various planning appeals and with meeting and providing advice to the developers of new local plan sites. The remaining steps in the local development plan preparation process have been pushed back accordingly with realistic timeframes being set for each. It is now proposed that the new local development plan will be adopted in December 2014. Once approved, the DPS contained in Annex 1 of this report will replace the DPS approved by Cabinet in March 2010.

4. ALIGNMENT OF LOCAL DEVELOPMENT PLAN AND LOCAL HOUSING STRATEGY

- 4.1 Under Scottish Planning Policy and the Scottish Government's Local Housing Strategy Guidance, local authority Planning and Housing functions are required to work closely together in order to facilitate the integration of local housing strategies and development plans. Accordingly, the Local Housing Strategy (LHS) and Main Issues Reports are required to be prepared in tandem, with both being informed by the outcomes of the Housing Needs and Demand Assessment. The Scottish Government's LHS guidance states that local authorities can choose to submit their LHS at any point between the conclusion of consultation on the Main Issues Report and submission of the Proposed Plan to Scottish Ministers but that the LHS should be submitted before the end of 2011. The timetable set out in the DPS means that the LHS will be submitted immediately after the conclusion of the consultation on the MIR in December.

5. PUBLICATION OF THE DEVELOPMENT PLAN SCHEME

- 5.1 Once the DPS has been approved by Cabinet, it will, in line with the Town and Country Planning (Scotland) Act 1997 (as amended), be publicised in both the Kilmarnock Standard and Cumnock Chronicle and placed on the Council's website. Two copies of the document will be sent to the Scottish Ministers and it will be made available in all public libraries.

6 FINANCIAL IMPLICATIONS

- 6.1 Any costs involved in publicising the Development Plan Scheme in the local press and in its graphic production can be met from the current departmental revenue budget. There are no other financial costs associated with this particular report.

7 LEGAL IMPLICATIONS

- 7.1 The publication of the Development Plan Scheme is, in itself, a legal requirement of the Town and Country Planning (Scotland) Act 1997 (as amended). There are no other legal implications arising directly from this report.

8 POLICY IMPLICATIONS

- 8.1 There are no policy implications arising directly from this report.

9 COMMUNITY PLAN IMPLICATIONS

- 9.1 There are no Community Plan implications arising directly from this report.

10 RISK MANAGEMENT IMPLICATIONS

- 10.1 Should the Council not agree to approve the suggested Development Plan Scheme for publication, it would not meet its statutory obligations as prescribed by the Scottish Ministers.

11 RECOMMENDATIONS

11.1 It is recommended that Cabinet agrees:

- (i) to approve the Development Plan Scheme for publication; and**
- (ii) to authorise the Head of Planning and Economic Development to publicise the Development Plan Scheme.**

**Elizabeth Morton
Depute Chief Executive / Executive Director of Neighbourhood Services**

16 February 2010 (EF/EF)

LIST OF ANNEXES

Annex 1: East Ayrshire Local Development Plan: Development Plan Scheme 2011

LIST OF BACKGROUND PAPERS

Report to Cabinet on 18 March 2009 entitled 'East Ayrshire Local Development Plan, Development Plan Scheme'

Report to Cabinet on 24 March 2010 entitled 'East Ayrshire Local Development Plan, Development Plan Scheme 2010'

Members wishing further information should contact Emma Fyvie, Principal Planning Officer on 01563 576756.

Implementation Officer: Alan Neish, Head of Planning and Economic Development (01563) 576767.

ANNEX 1



**EAST AYRSHIRE LOCAL DEVELOPMENT PLAN
DEVELOPMENT PLAN SCHEME**

MARCH 2011

EAST AYRSHIRE LOCAL DEVELOPMENT PLAN

DEVELOPMENT PLAN SCHEME 2010

1. INTRODUCTION

The Scottish planning system is being modernised by the Planning etc. (Scotland) Act 2006 and each planning authority must now prepare a Development Plan Scheme on, at least, an annual basis. This sets out the authority's timetable for preparing and reviewing their Strategic Development Plan or Local Development Plan and outlines how this will be done. The Development Plan Scheme must also contain a Participation Statement which sets out how people can get involved in the plan preparation process.

Under the new modernised planning system, there is no requirement for East Ayrshire Council to prepare a Strategic Development Plan, the Council being required only to prepare a Local Development Plan which will, on adoption, replace the current development plan for the area. As there will no longer be a strategic level development plan for East Ayrshire, the new local development plan will set out a strategic vision for the area.

2. THE EXISTING DEVELOPMENT PLAN FOR EAST AYRSHIRE

The existing development plan for East Ayrshire currently comprises the following:

- Ayrshire Joint Structure Plan – approved November 2007,
- East Ayrshire Local Plan 2010 – adopted October 2010, and
- East Ayrshire Opencast Coal Subject Plan – adopted March 2003

In addition to the above mentioned documents, the Council has approved Supplementary Planning Guidance relating to:

- Developer Contributions
- Master Planning
- Knockroon Design Code

Technical Guidance on Windfarm Developments has also been prepared on an Ayrshire-wide basis jointly by East, North and South Ayrshire Councils under the auspices of the Ayrshire Joint Planning Unit.

3. A NEW LOCAL DEVELOPMENT PLAN FOR EAST AYRSHIRE

Given that East Ayrshire Council has a very recently adopted local plan, initial work on the Monitoring Statement and Main Issues Reports has only recently begun and the Local Development Plan Timetable and Participation Statement have been devised on this basis.

A full review of the current Opencast Coal Subject Plan will be incorporated into the East Ayrshire Local Development Plan with the new plan covering the whole of East Ayrshire as shown on the map below.



4. STAGES IN PREPARING THE EAST AYRSHIRE LOCAL DEVELOPMENT PLAN

In preparing their local development plans, Councils are required to take into account the National Planning Framework which is the Scottish Government's strategy for Scotland's long term spatial development. The East Ayrshire Local Development Plan will also reflect the aims set out in the Council's Community Plan with particular emphasis on the Action Plan relating to 'Delivering Community Regeneration'.

Main Issues Report and Monitoring Statement

In advance of the preparation of the local development plan itself, the Council is required to prepare and consult widely on a **Main Issues Report (MIR)** which will concentrate on the main areas of change in East Ayrshire and set out the Council's general proposals for the area. It will contain one or more reasonable sets of alternatives to allow people to make meaningful comments and to assist the Council in reaching a view on the final content of the local development plan. A **Monitoring Statement** will be published alongside the MIR which will look at the impact that existing development plans have had on the area.

The Proposed Plan for East Ayrshire

Taking into account representations received on the MIR, the Council will prepare and publish the proposed plan. This will give the Council's settled view as to future development of the area. It will contain a **Vision Statement** which will give a broad view of what East Ayrshire could look like in 20 years. The **Spatial Strategy** details how the Council proposes to move toward achievement of the vision and will include a detailed statement of the policies and proposals as to the development and use of land which will guide decisions on planning applications. The proposed plan will contain a set of maps of the area and will show the locations for new development for the first 10 years of the plan as well as a broad indication of the scale and location of development for the following 10 years. Local Development Plans are required to be replaced every 5 years to ensure that they are relevant and up to date.

Alongside the proposed plan, an **Action Programme** will be published which will list all actions required to implement the policies and proposals of the proposed plan. It will provide timescales and will name the persons/organisations responsible for carrying out each action.

Proposed Plan Examination and Adoption

Once the proposed plan has been advertised for consultation, all objections/responses received will be assessed. At this stage further changes to the plan may be considered necessary and any such changes to the plan would also require to be advertised. However, if no further changes are made by the Council, an **Examination** will be carried out into all unresolved issues after which the Council would proceed to adopt the proposed plan. All of the above stages and opportunities for public participation are shown in more detail in the timetable contained in Table 1.

5. STRATEGIC ENVIRONMENTAL ASSESSMENT

Strategic Environmental Assessment (SEA) is concerned with the protection of the environment. It is a beneficial and thorough assessment process which ensures that environmental considerations are taken on board at an early stage in the Local Development Plan preparation process, to ensure development takes place in the right location with minimal environmental impact. Where environmental impacts are inevitable, SEA will identify

mitigation measures to ensure that the proposed development/policy/strategy reduces the impact on the environment to an acceptable level.

SEA is an integral part of, and will be taken into account throughout, the Local Development Plan process. At key stages, the public will be able to comment on the environmental assessment and all comments will be taken on board throughout the SEA process. The public will be able to see how their comments influenced the SEA process, as SEA requires the environmental assessment to be transparent and accountable.

A scoping report was produced by the Council in Summer 2010 which details the methodology the Council will undertake in its Strategic Environmental Assessment of the Main Issues Report and Local Development Plan. SNH, SEPA and Historic Scotland were all consulted and general agreement has been reached on the approach that the Council will take in its Environmental Report.

6. LOCAL DEVELOPMENT PLAN AND SEA TIMETABLE

Table 1 below details the various stages that require to be undertaken in the preparation of the Local Development Plan and the Strategic Environmental Assessment for East Ayrshire and sets out a basic timetable for the production of the plan.

Local Development Plan and Strategic Environmental Assessment Timetable		
Year/Month	LDP Process	SEA Process
2011		
April	Publication of Development Plan Scheme	
May	Preparation of Main Issues Report, Preparation of Monitoring Statement and Engagement with Key Agencies	Environmental Appraisal of the Main Issues Report
June		
July		
August		
September		
October	Publication of Main Issues Report and Monitoring Statement	Publication of Environmental Report and submission to the Consultation Authorities
November	Consultation on Main Issues Report	Consultation on Environmental Report
December		
2012		
January	Consideration of Representations Received on Main Issues Report	Consideration of Comments/ Responses to the Environmental Report
February		
March		
April		
May		

June		
July	Preparation of Proposed Plan and Action Programme	Environmental Appraisal of Proposed Plan and undertake Appropriate Assessment if required
August		
September		
October		
November		
December		
2013		
January		
February		
March	Publication of Proposed Plan and Action Programme	Publication of Environmental Report and Consultation on Appropriate Assessment with SNH (if required)
April	Consultation on Proposed Plan and Action Programme;	Consultation on the Environmental Report
May		
	Neighbour Notification	
June	Consider Representations Received on Proposed Plan, Prepare Responses and Report of Conformity with Participation Statement	Consideration of the Comments/Responses to the Environmental Report and Comments from SNH on the Appropriate Assessment, if required
July		
August		
September		
October		
November		
December	Submit Proposed Plan and all documentation to Scottish Ministers and Publicise Examination	Submit Proposed Plan and all documentation to Scottish Ministers and Publicise Examination
	Examination of Proposed Plan	
2014		
January		
February		
March		
April		
May		
June		
July	Reporter's Examination Report Published and Submitted to East Ayrshire Council	
August	Consideration of Examination Report and incorporate recommendations (with Statement of Explanation for any recommendations disregarded)	Environmentally Appraise Modifications
September	Publication of any Modifications and the Proposed Plan as Modified by East Ayrshire Council, Advertise Notice of Intention to Adopt, and Submit Proposed Plan (as Modified) to the Scottish Ministers	Publish and send revised Environmental Report (and Appropriate Assessment, if required) to Scottish Ministers

October		
November		
December	Adoption of Plan	Publish Statement and Gateway Post Adoption and submit to SEA
2015		
January		
February	Publish Action Programme	

In summary, it is proposed that the Main Issues Report and the Monitoring Statement will be published by the Council in November 2011. It is anticipated that the Proposed Plan will be submitted to Scottish Ministers in December 2013 with a view to having the Proposed Plan adopted by the Council in December 2014.

7. PARTICIPATION STATEMENT

The Council is keen to ensure that all interested individuals, bodies and organisations are given ample opportunity to contribute to the LDP preparation process. The Council does, however, have to balance this with the resources available to undertake engagement and consultation. The following steps will be undertaken in the preparation of the East Ayrshire Local Development Plan.

(i) Preparation of Main Issues Report

In line with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, the Council will formally seek the views of the following bodies and key agencies in the compilation of the main issues report:

- the Scottish Ministers;
- the Health and Safety Executive;
- all adjoining Planning Authorities, ie South Ayrshire Council, North Ayrshire Council, Dumfries and Galloway Council, South Lanarkshire Council and East Renfrewshire Council
- Scottish Environment Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Historic Scotland
- Scottish Water
- NHS Ayrshire and Arran
- Transport Scotland
- Strathclyde Partnership for Transport
- Forestry Commission
- Scottish Enterprise
- Community Councils

(ii) Consultation and Community Engagement on Main Issues Report, Monitoring Statement and Environmental Report.

The following steps will be taken after publication of the Main Issues Report to ensure that the maximum amount of people and organisations can put across their views.

1. Press release in all local newspapers circulating within East Ayrshire, in the Council's 'Headlines' magazine and on the Council's web site, advising people of the consultation period.
2. All Council Executive Directors and Heads of Department, together with all Community Councils within the local authority area will be contacted individually for their views.
3. Meetings will be held with the five area based Residents Panel Focus Groups established throughout the local authority area to seek their views on the Main Issues Report, Monitoring Report and the Environmental Report.
4. All persons/bodies/organisations that made representation on/objections to the Alteration to the East Ayrshire Local Plan will be contacted for their views on the documents. A database of all interested parties will be built up over time and used for every consultation undertaken in the plan preparation process.
5. Private sector stakeholders meetings will be held with house builders and local businesses/retailers.
6. All bodies and key agencies that were consulted during the compilation of the Main Issues Report will be directly consulted again for their views.
7. Two 'Planning for Real' workshops / open days will be held to facilitate the engagement of the general public and local community groups at this stage of the local plan development process with a workshop / open day being held in the northern part of East Ayrshire, and one in the southern part. It is intended that the proposed workshops / open days will be widely advertised in the local press, on the Council's web site and in all local community libraries. Local schools will also be specifically targeted with a view to engaging the younger members of the community in the plan making process and fliers for the events will also be placed in shops, supermarkets and other venues used on a regular basis by members of the public. Local community groups will be specifically invited to these events in writing.
8. Copies of the Main Issues Report, Monitoring Statement and Environmental Report will also be placed in all local community libraries and in Council Offices for information and consultation purposes. The documents will also be placed on the Council's web site and arrangements made for representations on the documents to be submitted to the Council electronically via a dedicated local development plan email address.
9. The possibility of working alongside other Council publicity and consultation exercises will be examined.

(iii) Consultation on the Proposed Plan, Action Programme and Environmental Report

Once prepared by the Council, it is intended that the Proposed Plan and its accompanying Action Programme and the Revised Environmental Report will be publicised in the Edinburgh Gazette, in the local press and on the Council's web site and that all of the bodies and organisations previously consulted on the Main Issues Report and Monitoring Report, as described above, will once again be formally consulted on both documents and invited to engage in this stage of the plan preparation process. In addition, consultation and engagement will also take place with all relevant service providers and statutory undertakers and with a wide range of national and local organisations having a demonstrated interest in the statutory development planning process.

In cases where a proposal for development of a specific site is likely to have a significant effect on the use or amenity of that site or of neighbouring land, formal notification of the preparation of the plan will also be given, in terms of Regulation 14(1) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, to the owner, lessee or occupier of any premises situated on that site or to the owner, lessee or occupier of any premises situated on the neighbouring land concerned.

(iv) Consultation on Strategic Environmental Assessment (SEA)

The Consultation Authorities (Scottish Natural Heritage, SEPA and Historic Scotland) will be consulted via the SEA Gateway at every stage of the Environmental Report.