

EAST AYRSHIRE COUNCIL

CABINET: 4 JUNE 2008

ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN

OBJECTION ANALYSIS

Report by Depute Chief Executive / Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To present to Cabinet for information, a summary of the objections and other associated representations received in respect of the finalised draft version of the Alteration to the East Ayrshire Local Plan and to outline the next steps to be taken in progressing the local plan alteration to adoption.

2. BACKGROUND INFORMATION

- 2.2 The finalised draft version of the local plan alteration was approved by Cabinet at its meeting on 7 November 2007, with Cabinet agreeing to authorise the Head of Planning and Economic Development to advertise the plan and to invite formal objections to the document for a six week period early in the new year. The local plan alteration was subsequently advertised in the local press during the week ending 1 February 2008 with objections to the plan being invited over an extended 11 week period by 18 April 2008.

3. REPRESENTATIONS RECEIVED IN RESPECT OF THE LOCAL PLAN ALTERATION

- 3.1 A total of 266 representations were received by the Council in respect of local plan alteration in the specified objection period, with a total of 613 separate points of representation being made. Of these 613 points, 515 represent formal points of objection, 56 represent statements of support for various aspects of the plan, 33 represent general points of representation which do not constitute formal objections and 9 comprise statements of no comment.

- 3.2 With specific regard to the 515 points of objection received, these comprise:

(i)	Objections relating to Settlement and Other Boundaries	56
(ii)	Objections relating to Format of the Plan	2
(iii)	Objections relating to Paragraphs in the Text of the Plan	41
(iv)	Objections relating to Sites identified in the Plan	102
(v)	Objections relating to Non-inclusion of Sites	127
(vi)	Objections relating to Local Plan Strategies	16
(vii)	Objections relating to Local Plan Proposals	6

(viii)	Objections relating to Local Plan Recommendations	4
(ix)	Objections relating to Local Plan Policies	123
(x)	Objections relating to General Topic Bases Issues	33
(xi)	Objections relating to Local Plan Schedules	4
(xii)	Objections relating to the Local Plan Glossary	1

It should be noted that one objection relating to a housing development opportunity site in Stewarton was accompanied by a 305 signature petition.

- 3.3 A total of 122 housing development opportunity sites were identified in the finalised draft of the local plan alteration and 73 objections were received in respect of 33 (27%) of these sites. Of the 89 sites identified in the local plan alteration which were not the subject of any objection, only 16 sites do not already have the benefit of planning permission. It should be noted that of these 16 sites, 9 comprise new green field releases identified in the plan for the first time.
- 3.4 In addition to the 102 objections received in respect of sites specifically identified for development purposes in the plan, 127 objections were received in respect of sites which had not been included in the document. 95 of these objections related to sites which had previously been suggested to the Council for inclusion in the local plan alteration and represent resubmissions of the sites concerned for further consideration. 32 objections pertained to sites being suggested for inclusion in the plan for the first time.
- 3.5 Apart from the objections relating to housing development opportunity sites, a further 123 objections related specifically to the policies contained in the plan. These comprised:
- (i) 6 objections to 5 of the 8 strategic development policies;
 - (ii) 2 objections to 2 of the 12 business and industry policies;
 - (iii) 8 objections to 5 of the 8 minerals policies;
 - (iv) 43 objections to 19 of the 29 residential policies;
 - (v) 25 objections to 11 of the 21 retail and town centre policies;
 - (vi) 18 objections to 13 of the 16 community service policies;
 - (vii) 1 objection to 1 of the 14 waste management policies;
 - (viii) 9 objections to 6 of the 9 transport policies;
 - (ix) 6 objections to 8 of the 26 environmental policies;
 - (x) 1 objection to policies in general; and
 - (xi) 4 objections to settlement based policies
- 3.6 With particular regard to paragraph 3.5(iv) above, 7 of the objections submitted relate specifically to the subject of developer contributions.
- 3.7 56 objections relate to various boundaries as defined on the local plan maps. In this regard the objections received comprise the following:
- (i) 9 objections to the Settlement Protection Area boundary;
 - (ii) 20 objections to the settlement boundaries of 12 settlements;
 - (iii) 4 objections to the Preferred Wind Farm Area boundary;

- (iv) 2 objections relating to Conservation Area boundaries;
- (v) 1 objection relating to town centre area boundaries;
- (vi) 18 objections relating to safeguarded open space boundaries;
- (vii) 1 objection relating to safeguarded industrial area boundaries; and
- (viii) 1 objection relating to Sensitive Landscape Area boundaries.

3.8 Of the remaining objections, 41 relate to individual paragraphs in the various topic chapters in Volume 1 of the plan and in the various settlement profiles detailed in Volume 3 of the document.

4 THE NEXT STEPS

4.1 It is intended that the Head of Planning and Economic Development will continue the assessment of all objections and other representations received in respect of the local plan and that a report will be presented to an appropriate future Cabinet meeting, detailing all points of objection raised and providing a suggested formal Council response to each objection received. Once agreed by Cabinet, all individual objectors will be informed of the Council's response to their representations. In tandem with this response report, it is also intended that a further report will be presented to the same Cabinet meeting, detailing those modifications which it is recommended should be made to the local plan alteration. These modifications will comprise those which it is considered should be made to the plan to reflect views expressed in the objections received, any modifications required to meet changing planning circumstances or to provide additional guidance and modifications which are required to rectify any identified errors in the finalised version of the document, as considered appropriate. Once approved by Cabinet, the proposed modifications will be advertised and an appropriate statutory period set aside for formal objections to the modifications to be lodged with the Council for consideration.

5.2 It is expected that the objection response report and the proposed modification report will both be presented to Cabinet for consideration in the autumn of this year. Following consideration by Cabinet, it is intended that detailed discussions will be arranged with objectors in an attempt to resolve any outstanding objections. A further report detailing any objections received in respect of the advertised modifications will be presented to Cabinet for consideration at a later date, likely to be late in 2008 or early in 2009. It is, however, likely that a number of objections, both to the finalised plan and to the proposed modifications, will remain unresolved and that these will fall to be assessed at a Public Local Inquiry / Examination to be arranged at a future date.

5.3 As part of the local plan preparation procedures it is necessary for the Council to give notification of any public inquiry/examination into the plan. Bearing in mind the number of steps that remain to be taken to produce the local plan alteration, as described above, it is recommended that such notification be formally given after the Council has assessed any objections received in respect of advertising the modifications to the plan. This formal notification is expected to be given after the expected date for the commencement of the new planning system in January 2009 and, consequently, any public inquiry / examination of the plan will take place under the provisions of the new act. Rather than the process of examination (ie by Public Local Inquiry or by written

representations) being decided by the objector as is the case under the present system, the process of examination under the new system will rest with the appointed reporter who will decide whether a particular objection will be addressed by Public Local Inquiry, written representations or by a more informal local plan hearing. It is considered that an examination under the new system will be less confrontational than under the present system and is likely to facilitate a speedier assessment of objections than previously.

6. FINANCIAL IMPLICATIONS

- 6.1 All costs associated with progressing the finalised draft Local Plan Alteration towards adoption can be met from current budgets.

7. LEGAL IMPLICATIONS

- 7.1 None directly arising from this report.

8. POLICY IMPLICATIONS

- 8.1 None directly arising from this report.

9. COMMUNITY PLAN IMPLICATIONS

- 9.1 No objections to the local plan alteration, in so far as it relates or refers to the provisions of the Community Plan, have been received as a result of the objection exercise carried out

10. RECOMMENDATIONS

- 10.1 It is recommended that Cabinet agrees:

- (i) to note the nature and scope of the objections and other representations received during the formal objection period set aside for the finalised draft Alteration to the East Ayrshire Local Plan; and
- (ii) to note the procedures for progressing the finalised draft Local Plan Alteration to adoption and agree that formal notification regarding the public local inquiry/examination into unresolved objections be made following consideration by Cabinet of any objections lodged to modifications that may be agreed to the Local Plan Alteration in the future.

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Depute Chief Executive / Executive Director of Corporate Support

15 May 2008 (JL/KD/SA)
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LIST OF BACKGROUND PAPERS

- (i) Report to the Development Services Committee of 24 August 2004 entitled 'East Ayrshire Local Plan: Alteration Process'
- (ii) Report to the Development Services Committee of 14 December 2004 entitled 'East Ayrshire Local Plan: Spatial Development Options Paper'
- (iii) Report to the Development Services Committee of 28 June 2005 entitled 'Alteration to East Ayrshire Local Plan: Spatial Development Options Paper: Analysis of Representations Received'
- (iv) Report to the Development Services Committee of 22 August 2006 entitled 'East Ayrshire Local Plan Alteration and Sustainability Appraisal'
- (v) Report to Cabinet on 7 November 2007 entitled 'Alteration to the East Ayrshire Local Plan: Finalised Version'

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