

EAST AYRSHIRE COUNCIL

SPECIAL COUNCIL – 26 AUGUST 2010

REPORTERS CONCLUSIONS ON EXAMINATION INTO OBJECTIONS TO THE ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN AND PROCEDURES FOR ADOPTION

Report by Depute Chief Executive / Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To inform Council of the conclusions reached by Scottish Government Reporters during the Examination into all outstanding objections to the Alteration to the East Ayrshire Local Plan and to outline the procedures that require to be undertaken in order to adopt the plan.

2. BACKGROUND INFORMATION

- 2.1 At its meeting of 8 October 2009, Council authorised the Head of Planning and Economic Development to forward all 369 outstanding objections to the Scottish Government's Directorate for Planning and Environmental Appeals for local plan examination purposes. Authorisation to undertake actions to progress the local plan alteration to adoption was also given.
- 2.2 The appointed Scottish Government Reporters have considered all outstanding objections to the local plan alteration and the final report containing conclusions and required modifications was submitted to the Council on 16 June 2010. This has been placed on the Council's website and at planning offices at Croft Street, Kilmarnock and Lugar. Examination reports are now largely binding on planning authorities. Regulation 2 of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 sets out the circumstances under which planning authorities may decline to follow recommendations.
- 2.3 Only one element of the reporter's report is considered to fall under these regulations. This relates to Issue 049(k) which deals with the non identification of Loudoun Castle and Estate as a mixed use, tourism led, miscellaneous development opportunity site. The Reporter has confirmed that, in recommending the wording of a new policy for Loudoun Castle and Estate in Volume 3 of the plan, he omitted two sentences setting out what particular uses would be acceptable at this location. It is proposed that Cabinet agrees to reinsert the two omitted sentences, having regard to Regulation 2 of the Town and Country Planning (grounds for declining to follow recommendations) (Scotland) Regulations 2009. In terms of criterion (c) of Regulation 2 of the Town

and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 authorities may only depart from recommendations that:

(c) Are based on conclusions that could not reasonably have been reached based on the evidence considered at the examination.

The reporter has stated that he did not intend to omit these two sentences and is of the view that the Council should use Regulation 2 (c) to resolve this matter.

- 2.4 The Scottish Ministers will be alerted to the fact that if the above recommendation is accepted, that the Council has not followed the exact wording of the reporter's recommendation in this regard in a statement which will be sent alongside other documents which are set out in paragraph 5.1 below. Given that the reporter has agreed that it was not intended to omit the two sentences in question and has stated that it is reasonable for the Council to apply Regulation 2 (c), this should not raise any issues with Scottish Ministers.
- 2.5 A schedule of all post examination modifications is available on the member's portal for information purposes. This will be published and will be available for inspection by the public. It should be noted that there is no provision in planning legislation to make amendments to the schedule unless it is a matter which falls within Regulation 2 of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009.

3. MAIN CONCLUSIONS OF THE REPORTER

- 3.1 The local plan examination formally began on 25 December 2009 and over the six month examination period, most objections were dealt with by written representations as the Reporters felt able to reach conclusions by considering written evidence only. Overall, the Reporters have largely agreed with the Council's original responses to objections and in these circumstances have stated that no further modifications to the plan are required or that the Councils proposed modifications are acceptable. However, the following changes to local plan sites have been recommended:

- **Kilmaurs** – delete site 331H on Irvine Road and reinsert site 305H at Crosshouse Road West
- **Drongan** – delete site 290H at Martnaham Way, enlarge site 289H at Watson Ave to 95 units and insert site 273H at Mill O Shiel Rd, 60 units. This reverts to the position at Consultative Draft stage of the plan.
- **Crosshouse** – reinsert larger site 258H at Kilmaurs Road 120 units
- **Fenwick** – delete site 296H at East Fenwick and insert site 368H at Stewarton Road North 20 units

- **Patna** – the proposed modification to insert a site of 80 units at Downieston Farm (367H) and to reduce the capacity of Carskeoch Caravan Park (351H) by 80 units has been overturned by the Reporter. The capacity of the Carskeoch Caravan Park site will revert to 160 units.
- **Galston** -the site at Galston A71 roundabout has been rejected as a retail development site. The Miscellaneous Development Opportunity site 105M which appeared in the modified local plan is to be removed and the site will become white land within the settlement boundary.

Plans showing the above settlements before and after the local plan examination are appended to this report.

- 3.2 In addition to the changes to identified sites listed above, the Reporters have also recommended that a number of changes to the text and policies of the local plan are made. Most of these are relatively minor in nature. However, within the housing in the countryside policies, the Reporter has recommended that a criterion is added to policy RES 10 stating that enabling development to facilitate the development of new innovative businesses will be permitted in the Rural Diversification Area.
- 3.3 Following publication of the Reporters recommendations on the Council's web pages the Planning and Economic Development Service has been notified in writing that a housing developer would intend to exercise their right to legally challenge the plan under section 237 and 238 of the Town and Country Planning (Scotland) Act 1997 if the Council accepts the recommendations of the Reporter in relation to housing sites at Kilmaurs. If successful the challenge could delay adoption of part or all of the Local Plan Alteration for some time.

4. DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING

- 4.1 In the case of objections relating to Developer Contributions and Affordable Housing, the Reporter decided that informal hearings were required to gather further information. Accordingly, two hearings took place, one on Developer Contributions held on 21 April 2010 and the other on Affordable Housing held on 22 April 2010 at the Park Hotel, Kilmarnock.
- 4.2 In the case of Developer Contributions, whilst it has been recommended that the wording of the local plan text and policy is changed, the basic principles behind the original policy remain. The Council can therefore require housing developers to make contributions towards those projects listed in Volume 3 of the local plan alteration and in Supplementary Planning Guidance on Developer Contributions.
- 4.3 With regard to Affordable Housing, the Reporter has recommended that the whole policy is deleted. The main reason given for this is that

the Council's evidence base for the affordable housing policy was not sufficiently robust. The Reporter has recommended the insertion of a proposal stating that the Council will prepare Supplementary Planning Guidance on Affordable Housing based upon the findings of the Housing Needs and Demand Assessment (HNDA) with a view to incorporating it into the proposed local development plan as soon as practicable. It is anticipated that the HNDA, currently being prepared by the Council's Housing Service, will be completed soon and its findings will inform both the Local Housing Strategy and the new Local Development Plan. The HNDA will provide an up to date view on required levels of affordable and general needs housing for the next 15 years and the new local development plan, work on which has commenced, will reflect any affordable housing requirements in its policies. However, any new policy on affordable housing contained in the local development plan will not be in force until at least 2014.

- 4.4 The fact that the current affordable housing policy has been deleted by the Reporter has implications for local plan housing sites in Kilmarnock, Stewarton, Kilmaurs, and Fenwick which previously were required to produce 15% affordable housing in the case of Kilmarnock and 25% in the northern area settlements. It is therefore likely that considerably less affordable housing will be constructed in the short to medium term as the Council as Planning Authority cannot now require developers to provide affordable housing as part of their developments. The Council's Strategic Housing Investment Plan which is reviewed on an annual basis and the Local Housing Strategy, due for submission to the Scottish Government in late 2011 will need to take account of, and reflect, the deletion of the affordable housing local plan policy.
- 4.5 Consideration has been given to whether the Council would be justified in not accepting the Reporters recommendation on Affordable Housing under Regulation 2 (c) of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009. Given the very detailed and balanced approach set out in the report by the Reporters it is considered that the Council does not have good grounds under the regulation to refuse the recommendation. Additionally if the recommendation was refused it is most likely that the decision would be challenged legally by housing developers. Consideration will however be given urgently, in the light of the Reporters comments as detailed in paragraph 4.3 above, as to the best route to tackle this issue effectively but expeditiously and a report on this matter will be presented to the next appropriate Cabinet meeting.

5. ADOPTION OF THE ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN

5.1 In order to formally adopt the plan, the Council must undertake the following steps which are set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

1. An advert will be placed in the Kilmarnock Standard, Cumnock Chronicle and Edinburgh Gazette. This will state the Council's intention to adopt the plan and inform the public that a schedule of post examination modifications and the version of the plan to be adopted are available for inspection for a period of 4 weeks at Council planning offices, all public libraries and on the Council's website. No comments on these documents will be invited. However, any aggrieved parties may be able at this stage to launch a legal challenge to the plan by way of Judicial Review.
2. All who made representations to the plan will be notified that the version of the plan to be adopted has been produced and where and when this can be viewed.
3. Once the 4 week period indicated in the advert has elapsed, the following documents must be sent to Scottish Ministers:
 - Schedule of Modifications following Examination
 - A statement setting out any recommended modifications that the authority has not made and the explanation for this
 - Version of the plan to be adopted
 - Report of the Examination
 - Copy of the press notice stating the Council's intention to adopt the plan
 - Strategic Environmental Assessment of the plan as modified.

5.2 In line with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, the plan can be adopted by the Council 28 days after step 3 above has been carried out unless directed not to do so by Scottish Ministers. In the event that a legal challenge to the plan is made, a further report to Cabinet will be necessary and adoption of the plan will be delayed. If Scottish Ministers do not respond within 28 days and if no legal challenge to the plan is made, the plan can be adopted by the Council.

5.3 Once the plan has been adopted by the Council, the Development Planning Regulations state that the following further steps must be carried out:-

1. Send 2 copies of the adopted plan to Scottish Ministers
2. Publish the adopted plan on the Council's web site
3. Place copies of the adopted plan in public libraries

4. Notify people who made representations on the proposed or modified plan of its publication and its availability in public libraries
5. Advertise its publication and availability in the local press

6 FINANCIAL IMPLICATIONS

- 6.1 Substantial costs have been incurred by the Department in paying for the time and services of the reporters in their assessment of the objections forwarded to the Directorate of Planning and Environmental Appeals (DPEA) for consideration. Funds of £120,000 were earmarked for this purpose during 2008/09. This was carried forward to 2009/2010 and 2010/2011. The total cost of the local plan examination amounts to £86,860.74. Just over £6,000 of this amount was paid to consultants for assistance in the informal hearings which took place in April with the remainder being paid to the DPEA.

7 LEGAL IMPLICATIONS

- 7.1 As set out in paragraphs 2.2 to 2.4 above, it is considered that there is an error in the Reporters report regarding Issue 049(k) which means that the Council will decline to follow the recommendation of the reporter in terms of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 regarding Loudoun Castle and Estate, by Galston.
- 7.2 There is scope for challenge by way of Judicial Review which would delay adoption of the plan.
- 7.3 If Council does not agree to the recommendations of this report in relation to all of the reporter's recommendations, the Council will be unable to adopt the plan to guide development in East Ayrshire to 2017.

8 POLICY IMPLICATIONS

- 8.1 Once the Alteration to the East Ayrshire Local Plan has been adopted by the Council it will supersede the existing East Ayrshire Local Plan 2003 and, along with the Ayrshire Joint Structure Plan 2007 and Open Cast Coal Subject Plan, will become the development plan for East Ayrshire. Together these plans will be the prime material consideration in the determination of planning applications.

9 COMMUNITY PLAN IMPLICATIONS

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

10 RISK MANAGEMENT IMPLICATIONS

10.1 If, during the 4 week advertisement period outlined in paragraph 4.1 above, a legal challenge to the plan is received, adoption of the plan will be significantly delayed.

11 RECOMMENDATIONS

11.1 It is recommended that Council agrees:

- (i) to agree the contents of the schedule of post examination modifications to the Finalised Draft Alteration to the East Ayrshire Local Plan,**
- (ii) to authorise the Head of Planning and Economic Development to carry out the steps outlined in Section 5 above in order to formally adopt the Alteration to the East Ayrshire Local Plan as modified, and**
- (iii) to authorise the Head of Planning and Economic Development to make any minor non-material amendments to the plan where necessary**

Elizabeth Morton

Depute Chief Executive / Executive Director of Corporate Support

15 July 2010 (EF/EF)
FV-AN

LIST OF APPENDICES

APPENDIX 1: Plans showing changes recommended by the Reporter during the local plan examination to the settlements of Kilmaurs, Drongan, Crosshouse, Fenwick, Patna and Galston.

LIST OF BACKGROUND PAPERS

Report to Cabinet on 8 October 2009 entitled 'Alteration to the East Ayrshire Local Plan, Outstanding Objections to the Local Plan and objections received in respect of agreed modifications'

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

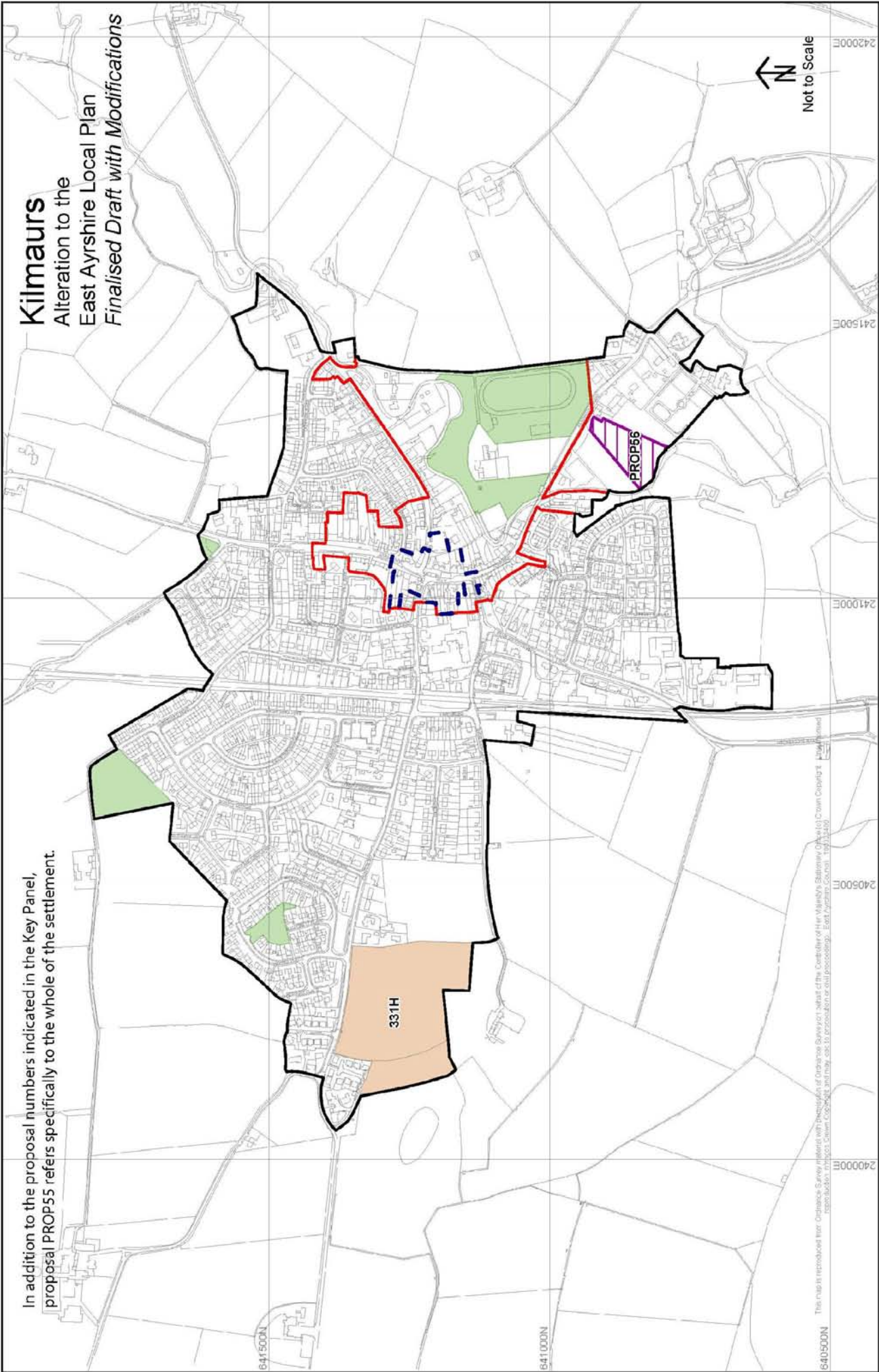
Implementation Officer: Alan Neish, Head of Planning and Economic Development (01563) 576767.

APPENDIX 1

Kilmaurs

Alteration to the
East Ayrshire Local Plan
Finalised Draft with Modifications

In addition to the proposal numbers indicated in the Key Panel,
proposal PROP55 refers specifically to the whole of the settlement.

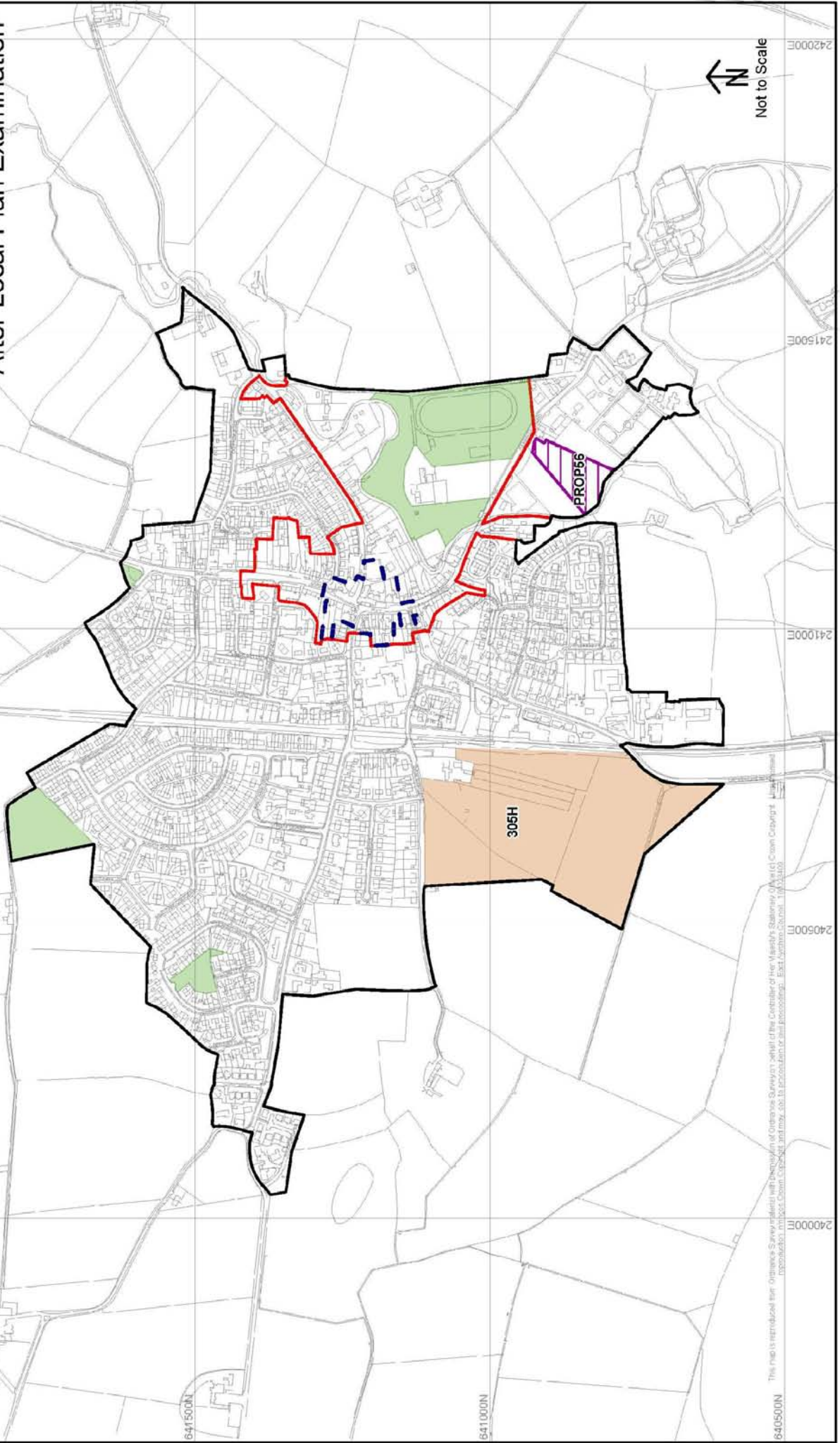


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In addition to the proposal numbers indicated in the Key Panel, proposal PROP55 refers specifically to the whole of the settlement.

Kilmaurs After Local Plan Examination



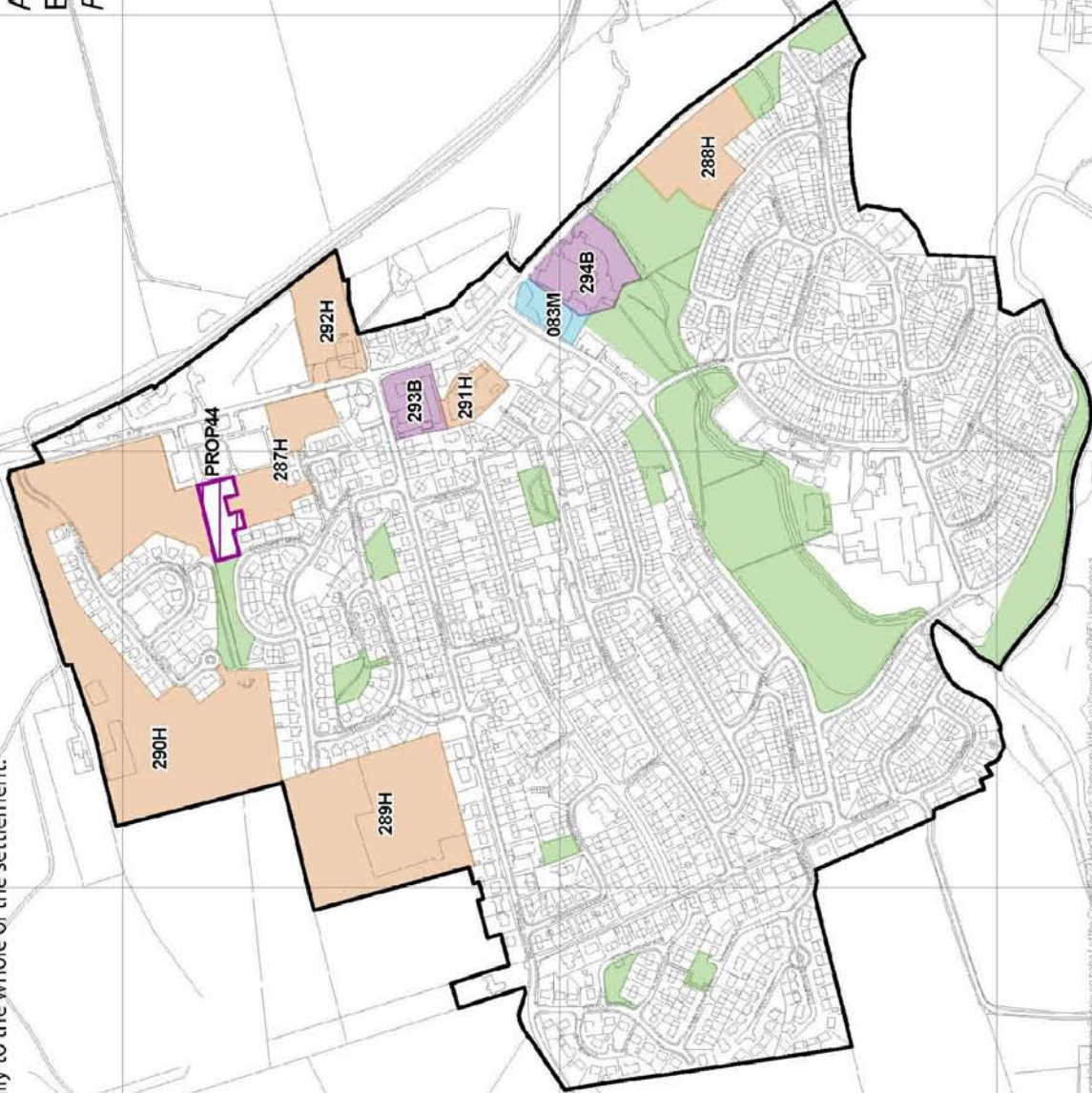
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Drongan

Alteration to the
East Ayrshire Local Plan
Finalised Draft with Modifications

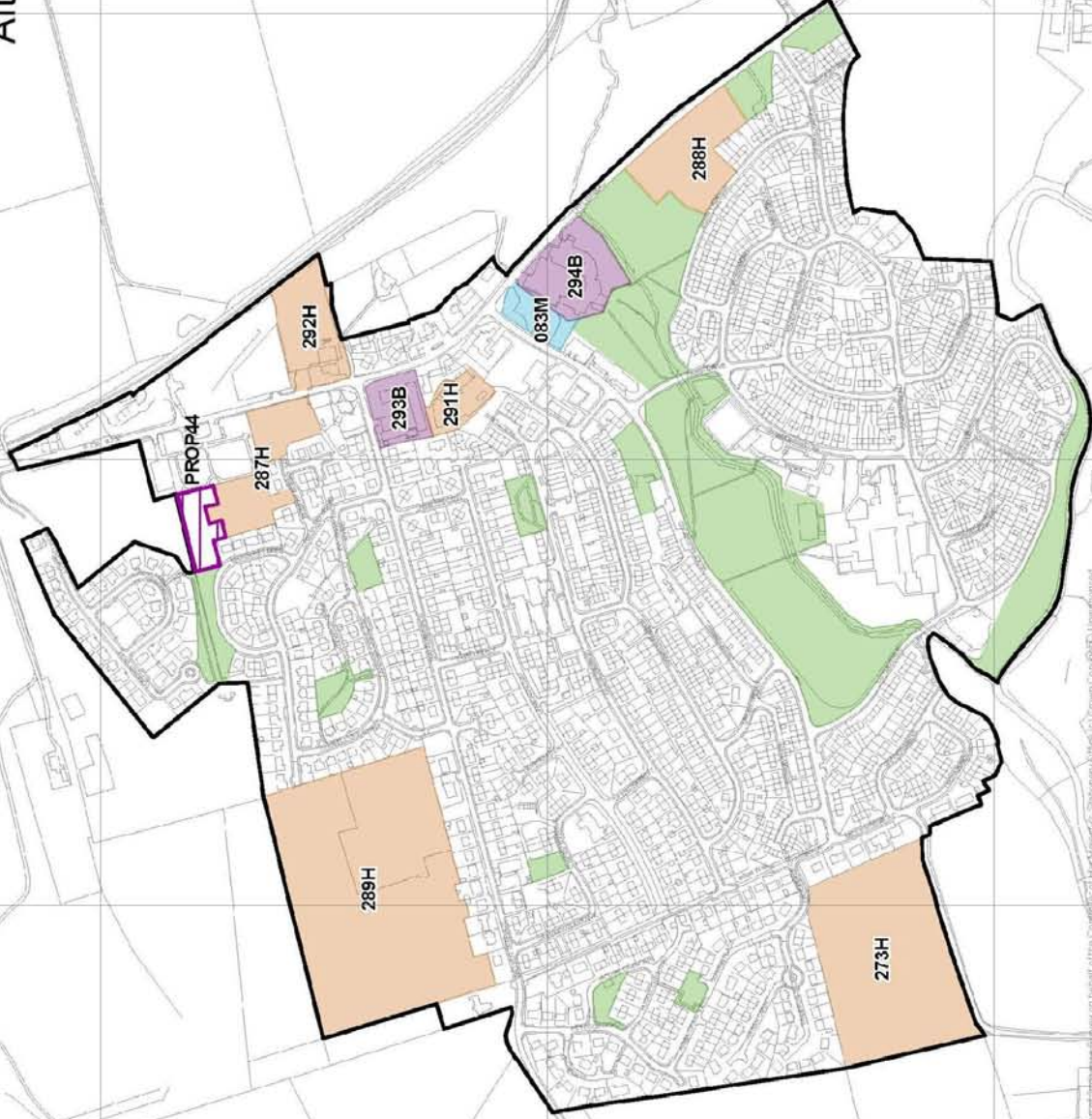
In addition to the proposal numbers indicated in the Key Panel, proposal PROP43 refers specifically to the whole of the settlement.



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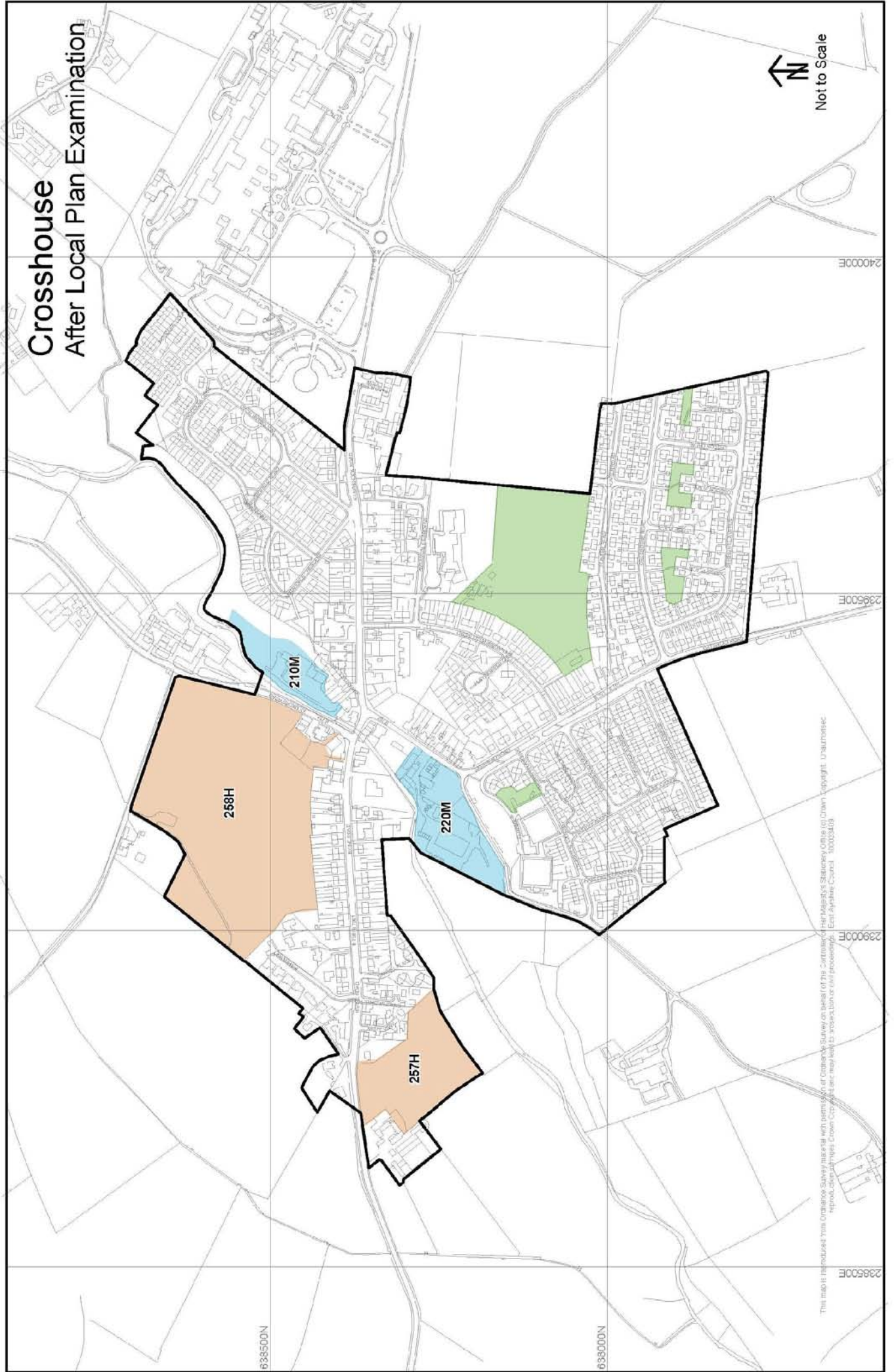
Drongan After Local Plan Examination

In addition to the proposal numbers indicated in the Key Panel, proposal PROP43 refers specifically to the whole of the settlement.



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Crosshouse After Local Plan Examination



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Fenwick & Laigh Fenwick

Alteration to the
East Ayrshire Local Plan
Finalised Draft with Modifications

644000N

643500N

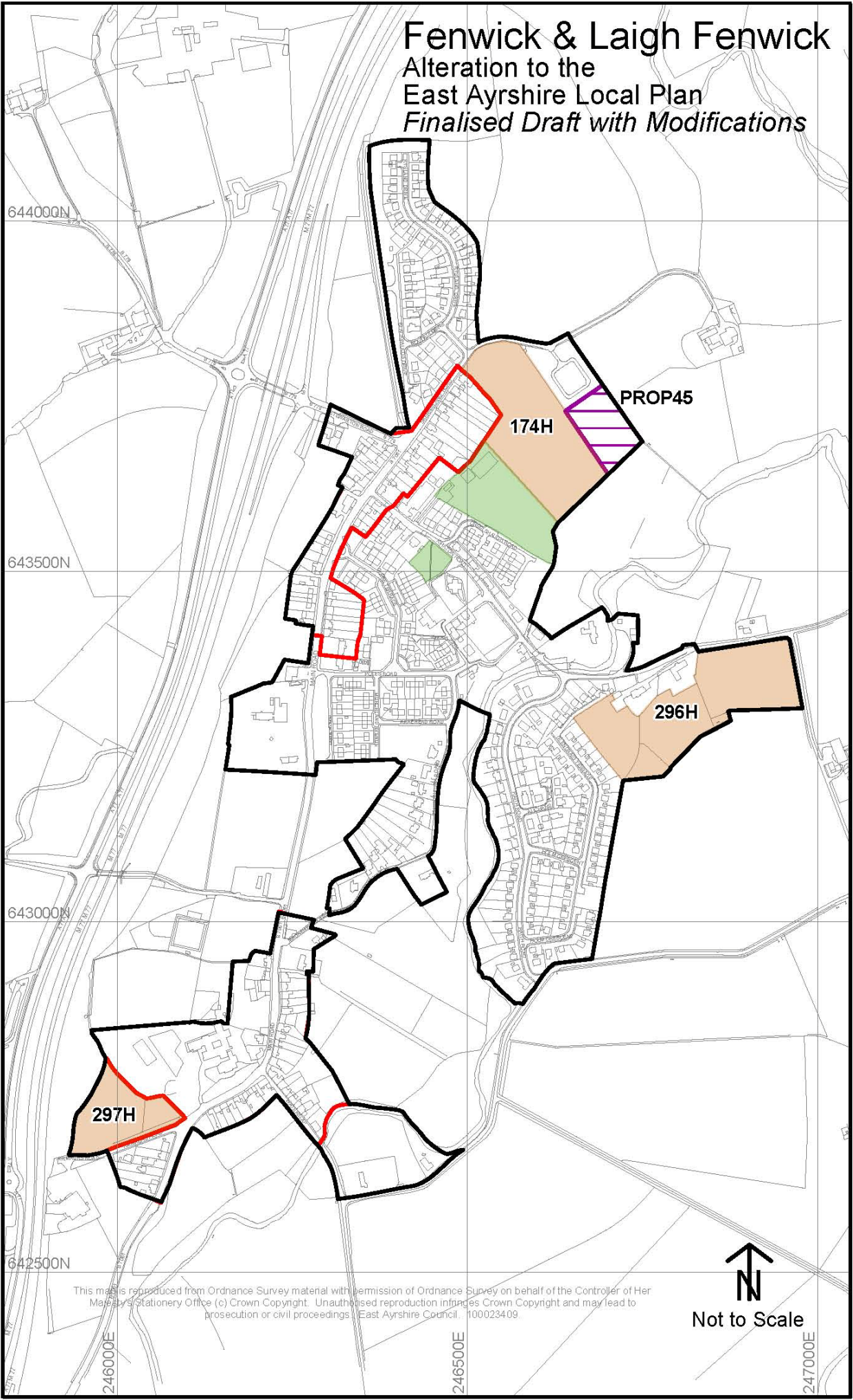
643000N

642500N

246000E

246500E

247000E



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Not to Scale

Fenwick & Laigh Fenwick After Local Plan Examination

644000N

643500N

643000N

642500N

368H

174H

PROP45

297H

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246000E

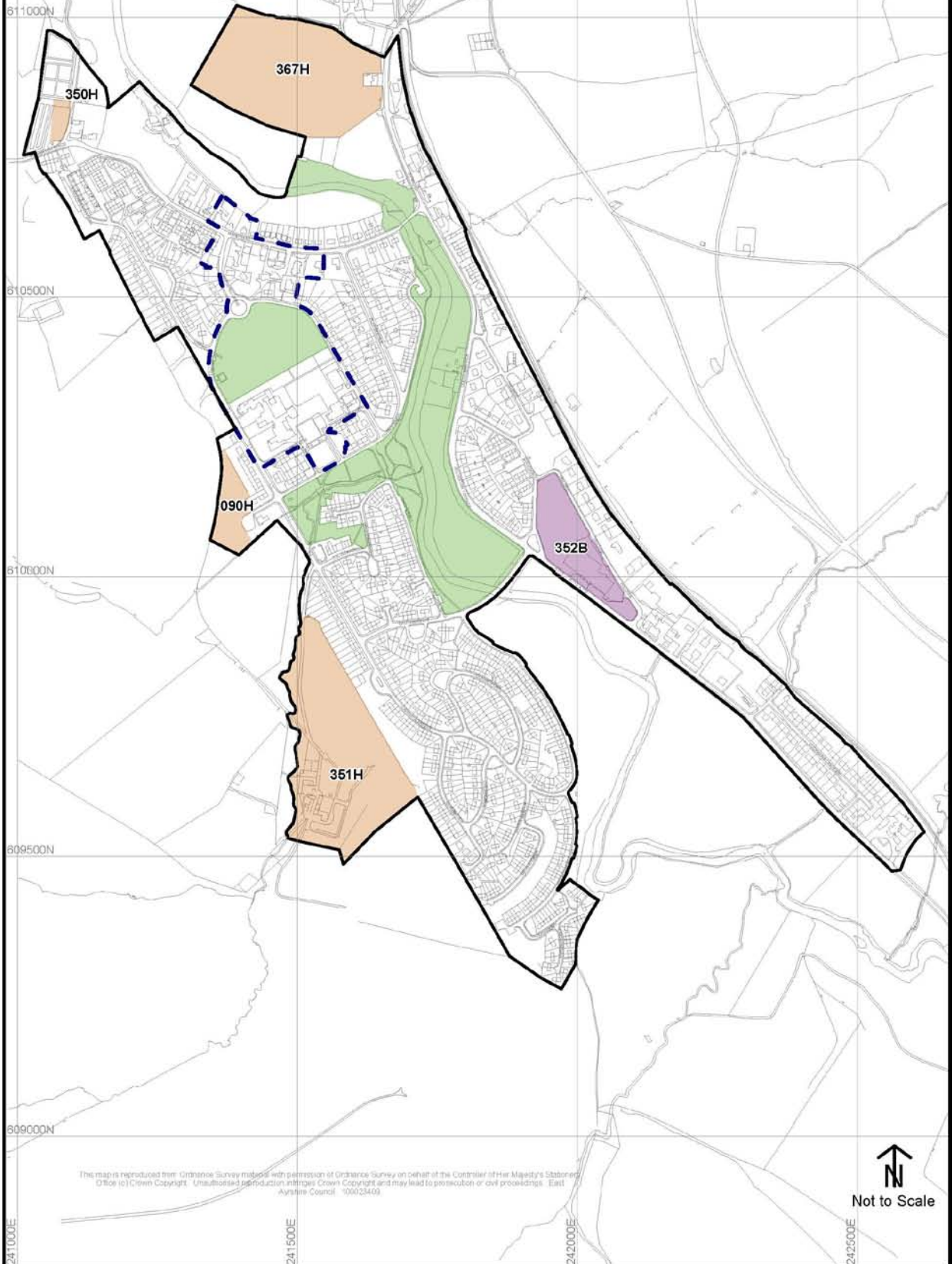
246500E

247000E

In addition to the proposal numbers indicated in the Key Panel, proposal PROP67 refers specifically to the whole of the settlement.

Patna

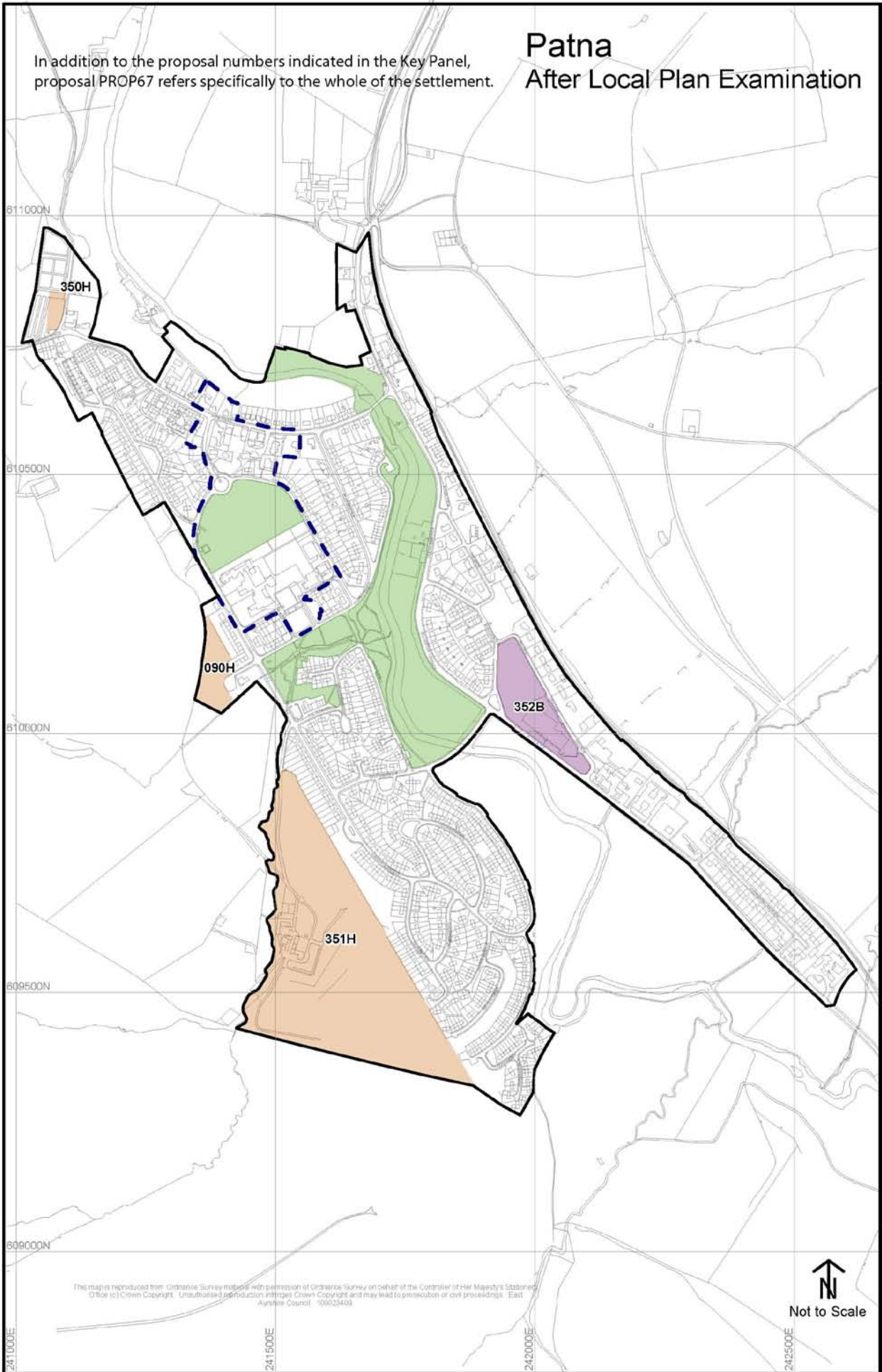
Alteration to the
East Ayrshire Local Plan
Finalised Draft with Modifications



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In addition to the proposal numbers indicated in the Key Panel, proposal PROP67 refers specifically to the whole of the settlement.

Patna After Local Plan Examination

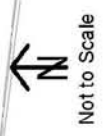
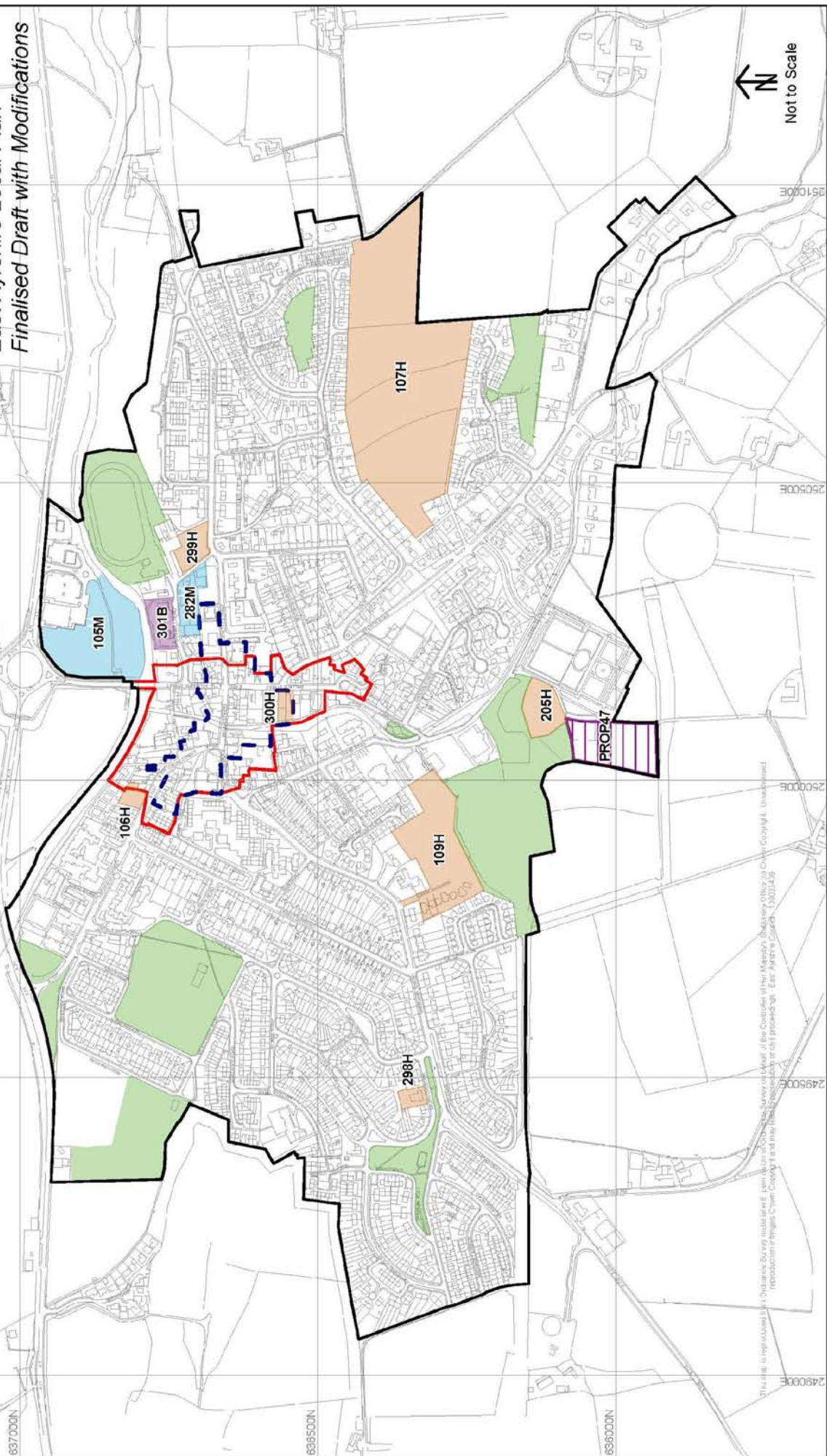


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In addition to the proposal numbers indicated in the Key Panel, policy RTC2(ii) and proposal PROP46 refer specifically to the whole of the settlement.

Galston

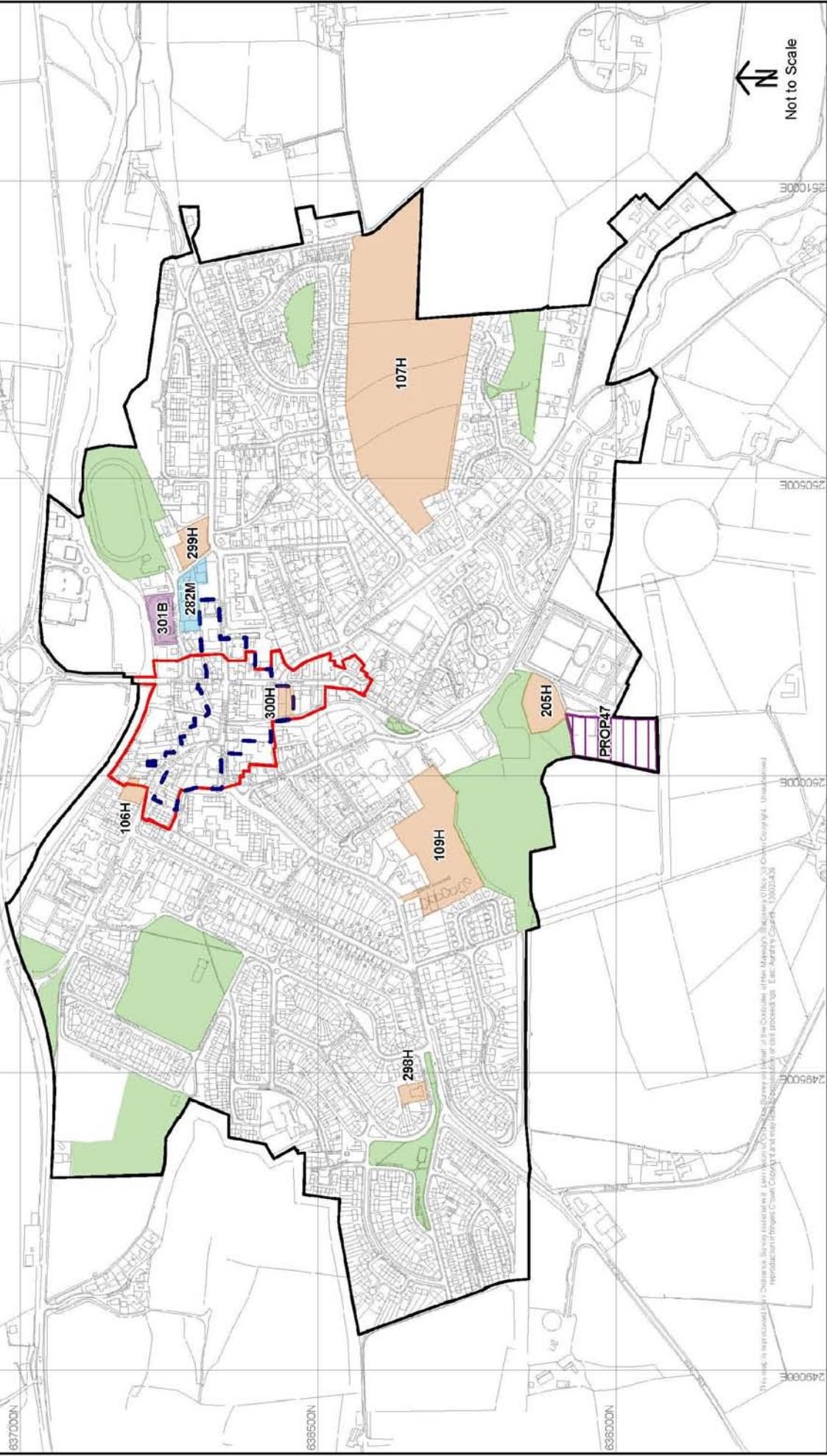
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Finalised Draft with Modifications



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Galston After Local Plan Examination

In addition to the proposal numbers indicated in the Key Panel, policy RTC2(ii) and proposal PROP46 refer specifically to the whole of the settlement.



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**ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN
FINALISED DRAFT WITH MODIFICATIONS
SCHEDULE OF POST EXAMINATION MODIFICATIONS (FURTHER
MODIFICATIONS MADE TO THE PLAN AS A RESULT OF THE
REPORTERS REPORT)**

AUGUST 2010

ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN

SCHEDULE OF POST EXAMINATION MODIFICATIONS (MODIFICATIONS MADE TO THE PLAN AS A RESULT OF THE REPORTERS' REPORT)

REF	DELETION	ADDITION / REPLACEMENT	NOTES
Volume 1 Page 7 Para 1.8		<p>Add new sentence at the end of the paragraph to read:</p> <p>'They should also note that the inclusion of a development opportunity site in the plan does not remove the requirement to obtain all other necessary consents, authorisations or licences required under associated environmental protection or other legislation.'</p>	<p>This modification replaces a modification previously approved by Council. However, this modification does not differ materially from that previously proposed.</p>
Volume 1: Page 12 DS 8		<p>Add a new note following Development Strategy DS 8 to read:</p> <p>'The inclusion of a development opportunity site in the plan does not remove the requirement for developers to obtain all other necessary consents, authorisations or licenses required by associated environmental protection or other legislation.'</p>	

Various locations throughout the plan	All references to: "Preferred Wind Farm Area"	Replace with: "Area of Search for large scale wind farm development"	
Volume 2: Policy CS 13 Note (i)	Delete new note (i) previously suggested by the Council which formed part of modification 2.61 in the Schedule of Modifications to the finalised draft local plan which read: Note (i): In order to assist in the assessment process, the Council has identified a Preferred Wind Farm Area to the north east of Kilmarnock, as indicated on the local plan Rural Area Map. The Preferred Wind Farm Area defines the broad 'Area of Search' in that area, as referred to in parts A and E of Policy ECON7, and as indicated on the Structure Plan Diagram.	Replace with: 'In order to assist in the assessment process, the Rural Area Proposals Map defines an Area of Search for large scale wind farm development. This defines the boundaries of the Area of Search indicated in the structure plan Key Diagram and referred to in parts A and E of Policy ECON7'	This modification partially replaces a modification previously approved by Council (modification 2.61). However, this modification does not differ materially from that previously proposed, it simply reflects the change in terminology.
Volume 1: Page 17 DS 9	In Development Strategy DS 9 delete the words: 'directly by the individual developers concerned'.		

<p>Volume 1: Page 17 DS 10</p>	<p>In Development Strategy DS 10 delete the words: 'adequate water and sewerage infrastructure to facilitate their developments'.</p>	<p>Replace with: 'the water and sewerage infrastructure required for their developments'.</p>	
<p>Volume 1: Page 10 Table 1</p>		<p>Add after Knockentiber '+' Add after Kilmaurs '+' Add 'Burnside', 'Hayhill' and 'Sinclairston' to the list of Other Communities in the Cumnock Link Corridor and 'Polnessan' to the list of Other Communities in the Doon Valley Corridor</p>	<p>The '+' after Knockentiber has been confirmed by the Reporter</p>
<p>Volume 1: Page 12 DS1</p>	<p>Delete Development Strategy DS1</p>	<p>Replace with the following: '(i) directs all major strategic residential, retail and economic related developments to the major town of Kilmarnock and promotes the development of the necessary transport and service infrastructure required to facilitate the developments concerned (Development Strategy DS1);'</p>	<p>Council's proposed modification confirmed by Reporter</p>

<p>Volume 1: Page 12 DS5</p>	<p>Delete Development Strategy DS5</p>	<p>Replace with the following: '(v) encourages the redevelopment and reuse of brownfield land and vacant, derelict and underutilised existing buildings for new development purposes (Development Strategy DS5);'</p>	<p>Council's proposed modification confirmed by Reporter</p>
<p>Volume 1: Page 14 Para 3.11</p>	<p>Delete second sentence.</p>	<p>Replace with the following: 'It is therefore considered that essential non-strategic water and sewerage infrastructure designed to serve a development and which would not have been necessary but for the development should be provided directly by the particular developer concerned.</p>	<p>Council's proposed modification confirmed by Reporter</p>
<p>Volume 1: Page 14</p>		<p>Add new section after paragraph 3.11 to read: '(ii) Provision of Other Service Infrastructure 3.12 As with the provision of water and sewerage infrastructure, the provision of all other essential, non strategic service infrastructure such as gas, electricity, telecommunications and certain roads and transportation infrastructure designed to serve a development and which would not be necessary but for the development should be provided in full by the particular developer concerned. Developer contributions will not be used by the Council to fund such infrastructure provision.'</p>	<p>Council's proposed modification confirmed by Reporter</p>

Volume 1: Page 14 Para 3.12	Delete from subtitle preceding paragraph 3.12: 'and Planning Gain'		Council's proposed modification confirmed by Reporter
Volume 1: Page 14 Para 3.12	Delete third sentence	Replace with: 'Developers will require to provide service infrastructure essential for their development where this is not provided by the relevant statutory undertaker. Other than in exceptional circumstances, they will also be required to provide, or contribute towards the cost of providing, new or improved community facilities or amenities, or to supplement existing provision, where these are required as a consequence of the development being proposed, on its own, or as a result of the cumulative impact of development in the area. The plan also includes policies setting out the circumstances in which developer contributions will be sought from wind farm and minerals operators'.	
Volume 1: Page 14 Para 3.13	Delete the whole paragraph.		
Volume 1: Page 14 Para 3.14		Add after 'index linked' in first sentence: 'to British Construction Standard Index (BCSI)'	Council's proposed modification confirmed by Reporter
Volume 1: Page 14 Para 3.14	Delete the second sentence	Replace with: "Facilities that are to be provided directly by the developer will require to be provided either within the period of the local plan, on completion	

		of the development or, in exceptional circumstances, before the development begins”.	
Volume 1: Page 14 Para 3.14	Delete the fourth sentence.		
Volume 1: Page 14	Delete paragraph 3.15	Replace with: Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements, where the tests in Circular 1/2010 are met. The contributions sought will relate in scale and kind to the development proposed and its individual or cumulative effects.	This modification recommended by the reporter partially replaces a previously proposed modification 1.16.
Volume 1: Page 14/15 Paras 3.16-3.19	Delete paragraphs 3.16-3.19	Replace with: 3.16 The Council has identified community and other public facilities that are likely to require to be provided or improved in settlements in the core investment area and the investment corridors to meet the increased demand resulting from the new developments proposed in the plan. It has also identified a core area wide project for the Kilmarnock Core Area and a corridor wide project for each of the investment corridors. Where appropriate, individual contributions may be pooled in order to achieve the delivery of the relevant facilities. Supplementary Planning Guidance will set out how the nature and level of contributions will be calculated and how pooled contributions and funding for core area wide and investment corridor wide projects will be used”.	The whole section on Developer Contributions has been rewritten by the Reporter. Accordingly, many modifications previously proposed by the Council on this subject no longer apply.

<p>Volume 1: Pages 15-17 Paras 3.20-3.33</p>	<p>Delete Paragraphs 3.20-3.33</p>	<p>Replace with:</p> <p>3.17 New developments can impact significantly on a wide range of existing services, facilities and amenities. These can include education infrastructure, transportation infrastructure, community facilities, recreation and green space initiatives and, in some cases, town centre improvement projects. The council's Facilities Survey has identified locations where existing deficiencies are likely to be exacerbated by the effects of new developments proposed in the plan. Transportation infrastructure for which developer contributions will be sought, subject to the provisions of Circular 1/2010, include key projects identified in the Replacement Ayrshire Joint Structure Plan and the council's Local Transport Strategy. Contributions may also be directed towards the funding of transport modelling exercises to assess the potential cumulative transport effects of developing strategic expansion locations. The education, community and recreation facilities and green space initiatives that the Council considers likely to require developer contributions are identified in the relevant settlement chapters in Volume 3 of the plan. Whether developer contributions will be required for any particular development and, if so, their nature and scale, will be determined on a case-by-case basis. Contributions may be waived or reduced in exceptional</p>	<p>The whole section on Developer Contributions has been rewritten by the Reporter. Accordingly, many modifications previously proposed by the Council on this subject no longer apply</p>
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		circumstances, for example where the council is satisfied that a development would have exceptional development costs; would have particular economic, social or other benefits; is enabling development, as defined in the plan; or where affordable housing is to be provided.	
Volume 1: Page 17 DS 11	Delete Development Strategy DS 11	Replace with: “requires developers to provide, or to contribute to the cost of providing or improving, local community infrastructure, facilities or amenities where these are required as a consequence of the development being proposed, either on its own, or as a result of the cumulative impact of development in the area”	
Volume 1: Page 49 Glossary of Terms	Delete definition of Enabling Development	Replace with: “A development proposed in association with the restoration/conservation of a listed building or other significant traditional building seriously at risk from neglect, whereby the funds raised from the sale of the development are channelled into the restoration/conservation of the listed building/significant traditional building; or where development would bring about significant environmental improvements or support innovative new rural businesses by providing funding”	
Volume 3: Kilmarnock Settlement Profile	Delete the last five paragraphs:	Replace with: ‘It is considered that improvements to Kilmarnock Town Centre would be of significant benefit both to all residents of Kilmarnock and	Modification confirmed by the reporter subject to the words “ <i>where justified in terms of</i>

		<p>the core area communities as a whole and, in this regard, improvements to the centre are recognised as a priority for action over the local plan period. On a more localised basis the provision of a new community centre, library and outdoor recreation site at North West Kilmarnock is also recognised as a pressing priority. It is intended that developer contributions will be specifically directed towards funding these particular initiatives where justified in terms of policy RES 29.'</p>	<p><i>policy RES 29'</i> being added on to the last sentence</p>
<p>Volume 1: Page 25 Paras 5.7 and 5.8</p>	<p>Delete paragraph 5.7 and the first sentence of paragraph 5.8.</p>	<p>Replace with:</p> <p>5.7 The structure plan also requires the Council:</p> <ul style="list-style-type: none"> • to manage and programme any greenfield housing land release so as not to prejudice development of brownfield land; • to apply the indicative targets identified in Table 3 of the structure plan without significantly departing from them and to achieve the housing requirements of Table 3; • to maintain a minimum five year effective housing land supply of housing land at all times; • to specify the sequence in which sites will be released for development taking into account the phasing of any future infrastructure investment; • to identify those sites where an appropriate mix of housing tenures and housing types, including affordable and special needs housing will be considered appropriate; and • to give preference to the residential 	<p>Council's proposed modification confirmed by Reporter</p>

		<p>development of sites within those communities located on key public transport corridors and particularly along the rail lines to Glasgow.</p> <p>5.8 Insofar as possible, the local plan has addressed all of the various points detailed above.</p>	
Volume 1: Schedule 3(i) Page 55		<p>After the Schedule 3(i) heading insert:</p> <p>“All site capacities are indicative”</p>	
Volume 1: Paras 5.25 and 5.26	Delete Paragraphs 5.25 and 5.26	<p>Replace with:</p> <p>The council is keen to ensure that housing of a reasonable quality that is affordable to people on modest incomes is available throughout the East Ayrshire communities and the council’s Housing and Planning Services have been working jointly on this issue. A comprehensive Housing Needs and Demand Assessment (HNDA), including for affordable housing is due to be completed soon. This will form the basis for Supplementary Planning Guidance on affordable housing with a view to inclusion in a local development plan as soon as practicable”.</p>	
Volume 1: Page 48 Glossary of terms		<p>Add to end of definition of affordable housing:</p> <p>This may be in the form of social rented accommodation, mid-market rented accommodation, shared ownership and shared equity schemes, discounted low cost housing for sale, including plots for self build, and low cost housing without subsidy</p>	<p>This modification replaces a previous Council proposed modification to the definition of affordable housing.</p>

Volume 1: Development Strategy DS 32 Page 30		Insert the word “most” after “directs”	
Volume 1: Para 5.56		Add additional bullet point to the end of paragraph 5.56 to read: “bulky goods developments on sites identified in Table 8 and other retail development proposals which the council considers accord with Policies RTC 1 to RTC 3 and RTC 7 to RTC 12 of the local plan.”	
Volume 1: Page 39		Add after para 6.6, new paragraphs and new section to read: '6.7 A number of issues relating to the strategic road and rail networks have been identified for consideration in the local plan alteration, these comprising; <ul style="list-style-type: none"> • a recognition that traffic congestion is experienced along the A76 in Mauchline at peak periods; • a recognition that the environmental quality and amenity of settlements along the A76 would be improved through the implementation of appropriate transport interventions; • a recognition that connectivity between settlements located along the A76 requires to be improved to encourage and facilitate regeneration of the area; • a recognition that the A77 south of Kilmarnock is in need of upgrading; 	Council's proposed modification confirmed by the Reporter

		<ul style="list-style-type: none"> • a recognition that the Bellfield Interchange is at capacity at peak periods; • a recognition that improved rail services and facilities within East Ayrshire have the potential to increase passenger usage and provide a viable alternative to travel by car; and • a recognition that the rail network in East Ayrshire is operating at capacity and that constraints on the existing rail network restrict both freight and passenger movements. <p>6.8 The particular transport interventions identified through any STAG appraisal as being appropriate means of addressing the above issues will be given due consideration by the Council in its identification of specific development proposals in the local plan alteration and in its consideration of individual development proposals. The Council will also make every attempt to ensure that pressures on the existing trunk road network are not exacerbated unnecessarily by inappropriate development. In this regard, the Council is supportive of the Scottish Government's presumption against direct access to new development being afforded via new junctions on the trunk road network.'</p> <p>Transport Assessments and Appraisals</p> <p>6.9 Where a proposed development is likely to have implications for the strategic road and rail network in East Ayrshire and where it is likely that Scottish Government / Transport Scotland funding and / or consent will be sought to</p>	
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		<p>facilitate that development, a full appraisal of the proposed development will require to be carried out by the prospective developer using Scottish Transport Appraisal Guidance (STAG). Only transport related options which emerge through the STAG appraisal process will be considered acceptable for further consideration in the preparation of detailed design proposals for the particular development concerned. In all other circumstances STAG should be used as best practice to find transport solutions to evidence - based transport problems and potential opportunities. In this regard, it is considered that the resolution of a number of issues identified in the local plan alteration may require Scottish Government / Transport Scotland funding and / or consent and these issues will also require to be subjected to an appropriate STAG appraisal.</p> <p>6.10 Notwithstanding the above STAG assessment requirements, developers will be required, in certain instances, to carry out appropriate Transport Assessments of their development proposals in order to ascertain the potential impacts of their developments and to identify appropriate measures to mitigate any adverse impacts of the developments concerned on the transport network of the particular area concerned. Developers may also be required to produce Travel Plans setting out their proposals for the delivery of more sustainable transport patterns. In order to assist in the preparation of these Transport Assessments and Travel Plans, potential developers are invited to avail themselves of the transport model which has been prepared by the Council for the Kilmarnock area and which is</p>	
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		currently being expanded to cover other parts of the local authority area.'	
Volume 2: Page 53 REC 6	Delete recommendation.	Replace with: 'REC 6 'Subject to such transport interventions being justified through an appropriate STAG appraisal, Transport Scotland, First ScotRail and Network Rail are strongly urged to support and facilitate the establishment of new passenger rail halts at Altonhill and Queens Drive in Kilmarnock and at Cumnock, Hurlford and Mauchline and, in conjunction with Strathclyde Partnership for Transport, to provide adequate park and ride facilities at these particular locations through the Regional Transport Strategy.'	Council's proposed modification confirmed by Reporter
Volume 2: Page 53		Add new proposal PROP17 to read: 'PROP 17 The Council will encourage the implementation of an appropriate, objective led appraisal to identify transport challenges and opportunities in the A76 strategic transport corridor and the wider area and will give its support to any transport interventions that may be identified through the appraisal process.'	Council's proposed modification confirmed by Reporter
Volume 2: Page 53		Add new recommendation REC 10 to read: 'REC 10 Subject to such a transport intervention being	

		justified through an appropriate STAG appraisal, Transport Scotland is encouraged to upgrade the Bellfield Interchange at the intersection of the A77 and A76 trunk roads at Kilmarnock as a matter of priority.'	Council's proposed modification confirmed by Reporter
Volume 3: KILMARNOCK2		Add new Note (ii), to the end of the policy to read: '(ii) Access to site 152B will require to be afforded directly from the local road network and not from the A77/ M77 trunk road which adjoins the site.'	Council's proposed modification confirmed by Reporter
Volume 3: KILMARNOCK1		Add new sentence to the end of Note (xi): 'Access to sites 317H and 321H will require to be afforded directly from the local road network and not from the adjacent A77 trunk road.'	Council's proposed modification confirmed by Reporter
Volume 3: CUMNOCK RECOMMENDATI ONS		Add after Proposal PROP 38: 'CUMNOCK RECOMMENDATIONS REC 13 Subject to such a transport intervention being justified through an appropriate STAG appraisal, Transport Scotland, First Rail and Network Rail are strongly urged to support and facilitate the establishment of a new rail halt and associated park and ride facilities at Cumnock.	Council's proposed modification confirmed by Reporter
Volume 3: HURLFORD REC11	Delete recommendation.	Replace with: 'Subject to such a transport intervention being	Council's proposed modification

		justified through an appropriate STAG Appraisal, Transport Scotland, First ScotRail and Network Rail are strongly urged to support and facilitate the establishment of a new passenger rail halt and associated park and ride facilities at Hurlford.'	confirmed by Reporter
Volume 3: KILMARNOCK RECOMMENDATI ONS		Add new recommendation to read: 'KILMARNOCK RECOMMENDATIONS REC 15 Subject to such a transport intervention being justified through an appropriate STAG Appraisal, Transport Scotland, First ScotRail and Network Rail are strongly urged to support and facilitate the establishment of a new passenger rail halts and associated park and ride facilities at Altonhill and Queens Drive in Kilmarnock.'	Council's proposed modification confirmed by Reporter
Volume 3: MAUCLINE REC 12	Delete Recommendation	Replace with: 'REC 17 Subject to such a transport intervention being justified through an appropriate STAG appraisal, Transport Scotland, First ScotRail and Network Rail are strongly urged to support and facilitate the establishment of a new passenger rail halt and associated park and ride facilities at Mauchline.	Council's proposed modification confirmed by Reporter
Volume 3: Mauchline Settlement Profile	Delete the last two sentences of paragraph 3 and the whole of paragraph 4	Replace with a new paragraph to read: 'Strategic expansion of the town to accommodate new housing development is	Council's proposed modification

		<p>seen as a means of generating sufficient developer contributions and planning gain to fund the early construction of a new by-pass for the town, the resolution of existing drainage constraints in the community and the provision of a new rail halt in the medium term. The scale of new housing land release required to facilitate the provision of these infrastructure improvements is significant and will involve a programme of house building which will extend well beyond the period of both the local plan alteration and the replacement structure plan, as is recognised in the structure plan itself. The allocation of sufficient housing sites in Mauchline to meet identified needs over an extended development plan horizon is recognised as a means of giving certainty to potential developers that their proposals are likely to be acceptable in the longer term. This, in turn, will give developers a degree of certainty that any expenditure incurred in providing a by-pass for the town at an early date would be recouped through the release of housing sites identified as appropriate for development beyond the period of the local plan itself. The Council would intend to negotiate a formal legal agreement with potential developers in this regard.'</p> <p>A Strategic Environmental Assessment under the provisions of the Environmental Assessment (Scotland) Act 2005 will be required for any additional areas of land that are allocated for housing in Mauchline, over and above those contained within the local plan alteration. The Council will undertake a Strategic Environmental Assessment of these additional</p>	<p>confirmed by Reporter</p>
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		sites in future versions of the Local Plan or by way of a Masterplan for the area.'	
Volume 1: Page 49 Glossary	Delete definition of Developer Contributions	Replace with: 'Contributions made by developers to provide, or help provide, new infrastructure, facilities or amenities, or to supplement existing provision, where these are required as a consequence of the development being proposed, on its own, or as a result of the cumulative impact of development in the area.'	
Volume 1: Schedule 4 Page 58	Delete all references to 'Standards'	Replace with: 'Interim Guidelines'	
Volume 1: Schedule 4 Page 58		After 'Min 60 sq m per household insert: comprising 40 sq m of open space (e. g. parks, sports areas, allotments, green corridors, semi-natural space and civic space) and 20 sq m of informal play/recreation space and equipped play areas"	
Volume 1: Schedule 4 Page 58	Delete text immediately above the two bullet points in the schedule and delete the two bullet points.		
Schedule 4 Page 58	Delete the text in Note (i)	Replace with: Public open space provided in association with developments of over 300 houses will be expected to include at least 1.5 ha of public parkland, incorporating areas for active and passive recreation and children's play	

Volume 1: Schedule 4 Page 58		Add additional note (iii) "Source of guidelines: Consultative Draft SPP 11: Open Space and Physical Activity"	
Volume 1: Schedule 5 Page 58	Delete all reference to "standards"	Replace with "guidelines"	
Volume 2 Page 18 Policy RES 1	In the second sentence of policy RES 1, delete: "as may be stipulated or agreed"	Replace with: "described in the plan, or such other programming as may be agreed".	
Volume 2: Page 18 Policy RES 1		Add new Note, to read 'Note: With regard to those sites comprising the strategic expansion locations detailed in Table 7 of the local plan which have a proportion of the site scheduled for development post 2017, the Council may consider permitting the post 2017 element of the site to be developed prior to 2017 where it can be conclusively demonstrated; (i) that there is a shortfall in the supply of effective housing land in the particular Core Area / Investment Corridor within which the site is located prior to 2017; and (ii) that development of the site beyond 2017 is not economically feasible or practical in terms of any detailed phasing programme that may be agreed for the site; and (iii) that development of the site beyond 2017	Council's proposed modification confirmed by Reporter

		would result in prolonged and unjustified construction periods which would have an unacceptable adverse impact the amenity of residents of earlier phases of the site concerned.'	
Volume 2: Page 18 Policy RES 2 (i)	Delete: "East Ayrshire within the period of the plan"	Replace with: "within the period of the local plan, in the Core Area/Investment Corridor in which the proposed residential site is located"	The reporter has made minor changes to a modification proposed by the Council.
Page 20 Policy RES 8 (i)	Delete: "a Category A or B listed building"	Replace with: "a listed building or other significant traditional building"	
Volume 1: Page 29 Paragraphs 5.31 & 5.32	Delete paragraphs	Replace with the following paragraphs to read: '5.31 As stated in the replacement structure plan, housing in the countryside is encouraged and facilitated, subject to certain criteria being met. However, the Council is anxious to ensure that residential development in the countryside does not detract from the attractive rural setting of the area communities or contribute to the coalescence of settlements. Consequently the Council has defined a series of Settlement Protection Areas around existing communities where future residential development will be restricted only to those developments with a demonstrated site specific locational need. Areas of countryside located outwith these areas have been designated as Rural Diversification Areas where a wider range of residential developments are supported, designed to encourage rural enterprise and help stem loss of population from, particularly, the	Council's proposed modification confirmed by Reporter

		<p>remoter rural areas.</p> <p>5.32 Within both the Settlement Protection Areas and the Rural Diversification Areas, as identified on the local plan maps, the Council will, subject to stated criteria being met, be supportive of developments comprising houses for agricultural workers, houses for workers employed in forestry related or other appropriate rural industry or business enterprises, houses providing essential staff accommodation for authorised rural developments and houses replacing existing dwellings which cannot economically be brought up to habitable standards through restoration or repair.</p> <p>5.33 Outwith the identified Settlement Protection Areas in the areas designated as Rural Diversification Areas, a wider range of residential development comprising small scale developments related to existing groups of houses and individual houses on areas of derelict or brownfield land will be considered acceptable.</p> <p>5.34 In the Sensitive Landscape Character Areas identified on the rural area map, the Council will give prime consideration to landscape setting, design and material finish of any proposed residential development to ensure that it is sensitive to the landscape character and appearance of the area in which it is proposed.'</p>	
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<p>Volume 2: Page 21 Policy RES9</p>	<p>Delete Policy</p>	<p>Replace with:</p> <p>'Housing in Settlement Protection Areas</p> <p>Policy RES9</p> <p>The Council will be supportive of single or small scale residential development in the Settlement Protection Area, as shown on the rural area map, only where it can be demonstrated, to the satisfaction of the Council, that the houses are required on a permanent basis:</p> <p>(i) for a worker employed in agricultural in line with the provisions of Policies RES 13 and RES 14; or</p> <p>(ii) as replacement housing in line with the provisions of Policy RES 15; or</p> <p>(iii) for a worker employed by a forestry or other rural industrial or business enterprise in line with the provisions of Policy RES 16; or</p> <p>(iv) for on-site staff accommodation, in line with the provisions of Policy RES 17; or</p> <p>(v) as a rural enabling development in line with the provisions of Policy RES 8;</p> <p>Developments which do not meet any of the above criteria will not receive Council support.</p>	<p>Council's proposed modification confirmed by Reporter</p>
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<p>Volume 2: Page 22 Policy RES10</p>	<p>Delete Policy</p>	<p>Replace with:</p> <p>'Housing within Rural Diversification Areas'</p> <p>Policy RES10</p> <p>The Council will be supportive of single or small scale residential developments within the Rural Diversification Area, as shown on the rural area map, where it can be demonstrated, to the satisfaction of the Council, that:</p> <p>(i) the houses are required for the categories of development detailed in Policy RES9 above; or</p> <p>(ii) the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses not delineated by a formal settlement boundary in line with the provisions of Policy 11; or</p> <p>(iii) the proposed development comprises a residential unit in line with the provisions of Policy RES 12.</p> <p>(iv) the proposed development would facilitate the establishment of a new innovative business, consistent with the provisions of Policies IND 5, IND 6 and IND 7. It will require to be demonstrated conclusively to the council that establishment of the new business would not otherwise be financially viable and that financial assistance is not available from any other source. The council will require to be satisfied that all profits arising from the enabling development will be channelled into the</p>	<p>Council's proposed modification confirmed by Reporter with the exception of allowing additions to four or more houses that came from a conversion. The reporter found that not permitting additions to groups of four or more that were formed through conversions was overly restrictive. The council's proposed paragraph relating to this matter has therefore not been included in policy RES 11.</p> <p>The Reporter has also added a new criterion (iv) to policy RES 10 to allow for limited enabling development to facilitate the establishment of new innovative businesses.</p>
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		<p>business development to be permitted.</p> <p>Developments which do not meet any of the above criteria will not receive Council support.</p> <p>Reasons for Policies RES9 and 10</p> <ul style="list-style-type: none"> • to comply with the provisions of the Ayrshire Joint Structure Plan • to protect the countryside from inappropriate isolated or sporadic residential development <p>Reason for policy RES 10</p> <ul style="list-style-type: none"> • to help support local community infrastructure, facilities and amenities <p>Limited additions to small housing groups: Rural Diversification Area</p> <p>Policy RES11</p> <p>The Council will be supportive of a limited addition to existing, clearly defined groups of four or more houses not delineated by a formal settlement boundary, within the Rural Diversification Area as shown on the rural area map, where:</p> <p>(i) the total number of any new houses proposed in the particular grouping concerned at the end of the local plan period in 2017 does not exceed 50% of the total number of houses existing in that grouping as of the date of adoption of the local plan; and</p>	
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		<p>(ii) the total number of houses within the group, as expanded, does not exceed 15.</p> <p>Any new housing development will require to be appropriate in terms of design to the particular location in which it is proposed, be sensitive to the design and layout of the particular existing group of buildings concerned and meet the standards required by all relevant public and statutory service providers or the provisions of the water supply regulations monitored by the Council. The sensitive infilling of any available gap sites consolidating existing dwellings within the group will be particularly encouraged in preference to any linear expansion of the housing group concerned.</p> <p>Reason for Policy RES 11</p> <ul style="list-style-type: none"> • to protect the countryside from inappropriate isolated or sporadic residential development • to help support local community infrastructure, facilities and amenities 	
<p>Volume 2: Page 23</p>		<p>Add new policy to read:</p> <p>Single Houses on brownfield/derelict land: Rural Diversification Area</p> <p>'Policy RES 12</p> <p>The Council will be supportive of the development of individual new houses within the Rural Diversification Area, subject to compliance with all other appropriate local plan</p>	<p>Council's proposed modification confirmed by Reporter</p>

		<p>policies and subject to all the following criteria being met:</p> <p>(i) the proposal constitutes an area of derelict or brownfield land;</p> <p>(ii) the proposed development site has a minimum plot size of 0.25 hectare; and</p> <p>(iii) the proposed development is specifically designed for the particular site on which it is proposed and is sympathetic to its rural location in terms of its size, scale, design, siting, material finish, landscaping and screening.</p> <p>The Council will be particularly supportive of;</p> <p>(iv) individual residential developments which are of an innovative or individual design; and</p> <p>(v) individual residential developments with an integrated or ancillary workplace / business function which can be demonstrated, through the submission of an appropriate business plan, to contribute to the rural diversification of the area within which the development is proposed. In this regard, the Council will ensure that the proposed business function is appropriate to and compatible with its rural location. Intrusive developments of a business or commercial nature which are detrimental to the amenity, character and appearance of the rural area will not be permitted.</p> <p>Residential developments under this policy will be strictly limited to single house developments with developments for two or more houses on a</p>	
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		<p>particular site not being considered acceptable to the Council. Outline planning applications for such development proposals will also not be accepted by the Council.</p> <p>Reasons for Policy RES12</p> <ul style="list-style-type: none"> • to help stem depopulation from the more remote parts of the authority area; and • to meet with the provisions of SPP 	
<p>Volume 2: Page 23 Policy RES11 (now policy RES 15)</p>	<p>Delete in first sentence of second paragraph: 'the Council's Tolerable Standards and cannot economically be brought up to the habitable standards of the Council through restoration or repair.'</p>	<p>Re-number policy as policy RES 15</p> <p>Insert, under the title "Replacement Housing" : Settlement Protection Area and Rural Diversification Area</p> <p>Add after 'houses in the countryside' in first sentence: ' , both within the Settlement Protection Area and the Rural Diversification Area as shown on the rural area map,'</p> <p>Replace with: 'Tolerable Standards and cannot economically be brought up to habitable standards through restoration or repair.'</p> <p>Add new sentence before notes (i) and (ii) at the end of the policy to read: 'Proposals for replacement dwellings which do not meet the above criteria will not be</p>	<p>Council's proposed modification confirmed by Reporter</p>

		considered acceptable to the Council.'	
Volume 2: Page 23 Policy RES12	Delete Policy		Council's proposed modification confirmed by Reporter
Volume 2: Page 24 Policy RES13	Delete last paragraph.	<p>Renumber policy as policy RES 19</p> <p>Replace with:</p> <p>'Wherever possible, any proposals for individual new houses in the countryside will be required to consolidate and compliment existing farm steadings or small groups of houses in preference to the development being isolated in the countryside.</p> <p>Note: The development of any new housing in the countryside which is considered acceptable to the Council in terms of policies RES 9 to RES 17 and which can be demonstrated to meet an unsatisfied demand for holiday, weekend and second homes will also be supported, in principle, by the Council.</p>	Council's proposed modification confirmed by Reporter
Volume 2: Page 25 Policy RES15	Delete title of 'Agricultural Workers Accommodation' and the first sentence of the policy.	<p>Renumber policy as policy RES13</p> <p>Replace with:</p> <p>'Housing for Agricultural Workers: Settlement Protection Area and Rural Diversification Area</p> <p>RES 13</p> <p>The Council will be supportive of new build</p>	The Reporter has added the words: 'Settlement Protection Area and Rural Diversification Area' to the title of the policy.

	<p>Delete in criterion (ii): ‘full time farm worker’</p> <p>Delete last paragraph</p>	<p>houses for agricultural workers, both within the Settlement Protection Areas and the Rural Diversification Areas as shown on the rural area map, where it can be demonstrated conclusively to the satisfaction of the Council, that:’</p> <p>Replace with:</p> <p>‘farm worker employed directly and full time on the land to which the proposed house relates and’</p> <p>Replace with:</p> <p>‘In all cases, any application for an agricultural workers house will require to be supported by a business plan and a statement from an appropriate and independent professional agronomist, fully justifying the proposal on operational grounds. The Council will not be supportive of proposals which would result in the provision of three or more agricultural workers dwellings on any one particular farm unit, except in the most exceptional circumstances.</p> <p>Proposals for new agricultural workers dwellings which do not meet the above criteria will not be considered acceptable to the Council.’</p>	
<p>Volume 2: Page 24 Policy RES 14 (now policy RES 20)</p>		<p>Renumber policy as policy RES 20</p> <p>Add after ‘would constitute an’ in criterion (iv) of the policy:</p> <p>‘inappropriate or unacceptable’</p>	<p>Council's proposed modification confirmed by Reporter</p>

<p>Volume 2: Page 26</p>		<p>Add new subtitle and new policy to read;</p> <p>'Housing in the Countryside: Design and Locational Considerations: Settlement Protection Area and Rural Diversification Area'</p> <p>Policy RES 18</p> <p>The Council will require all potential developers of new houses in the countryside to demonstrate that:</p> <p>(i) their proposed developments utilise innovative and energy efficient technologies to achieve particularly low / zero carbon emissions;</p> <p>(ii) their proposed developments are sited and orientated specifically to respect the natural topography of the proposed development site and to blend in with the landscape character and appearance of the area in which they are proposed;</p> <p>(iii) their proposed developments, any ancillary outbuildings, boundary treatments and access provision respect, reflect and complement, in their style and material finish, the particular local characteristics of the area in which they are proposed;</p> <p>Developments which are unduly visually prominent or which undermine the identity of the rural area in which they are proposed will not be considered acceptable to the Council.</p> <p>In all cases, developers will be required to</p>	<p>Council's proposed modification confirmed by Reporter</p>
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		ensure that their development proposals comply fully with the Council's approved Design Guidance.'	
Volume 2: Page 25 Policy RES 17 (now RES 16)		Under the heading 'Housing for Other Rural Enterprises' insert: 'Settlement Protection Area and Rural Diversification Area'	
Volume 2: Page 25 New Policy RES 17		Insert heading: Housing for on site staff accommodation: Settlement Protection Area and Rural Diversification Area	
Volume 2: Page 26 Policy RES 19 (now RES 23)	Delete second sentence of second paragraph	Replace with: "In preparing their proposals, developers should have regard to the interim guidelines in Schedule 4".	
Volume 2: Page 26 Policy RES 19 (now RES 23)	Delete note to policy RES 19		
Volume 2: Page 27 Policy RES 22 (now policy RES 26)	Delete policy RES 22	Replace with: "Policy RES 26 All developers of new housing developments should have regard to the private open space guidelines in Schedule 5. These may be relaxed where the council is satisfied that relaxation is justified".	
Volume 2: Page 27	In the 'Reason for policies RES 19 to 22' (now RES 23 to 26) delete the words:		

	"and meets the standards required by the Council"		
Volume 2: Page 28 Policy RES 24 (now RES 29)	Delete policy RES 24	<p>Replace with:</p> <p>Developer Contributions</p> <p>Policy RES 29</p> <p>Where a development of 4 or more houses, either on its own, or in association with existing developments, will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. Contributions will relate to the development concerned, including in nature, scale and kind. Where these cannot be secured by planning conditions or other appropriate means, the council will expect developers to complete a section 75 or other legal agreement. Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, where a developer demonstrates that a development would have exceptional development costs, would bring particular economic, social or other benefits, or is 'enabling development' as defined in the plan</p> <p>(i) In addition to any contributions made under Policy RES 29, developers will require to meet the costs of providing the service infrastructure necessary for their development</p> <p>(ii) The Council will monitor and review, in</p>	The reporter has made substantial changes to the Council's proposed modifications. However, the basic principles remain.

		discussion with stakeholders, including representatives of the development industry, supplementary planning guidance relating to Developer Contributions on an annual basis	
Volume 2: Page 28/29 Policy RES 26 (RES 31 in finalised draft with mods): Affordable Housing	Delete Policy RES 26		
Volume 2: Residential Policies		Renumber residential policies to take account of the deletion of policy RES 26: Affordable Housing.	
Volume 2: Page 30 General Housing Proposals		Insert new Proposal after PROP 6 "PROP 7 The Council will prepare, in consultation with relevant stakeholders, Supplementary Planning Guidance on affordable housing, based on the conclusions of its Housing Needs and Demand Assessment, with a view to promoting a local development plan on this issue as soon as practicable "	
All local plan proposals from PROP 7 onwards		Renumber proposals from PROP 7 onwards to reflect the insertion of PROP 7.	
Volume 1 Schedule 3(i)	Delete all references to the requirement for affordable housing and all "+" symbols next to housing sites.		
Volume 3	Delete all references to the requirement for affordable housing on housing development opportunity		

	sites including all "+" symbols.		
Volume 2: Page 30 General Housing Proposals	Delete PROP 5	Replace with: PROP 5 The council will prepare advice and guidance to open space providers based on the recommendations in the open space strategy it approved in February 2009.	
Volume 2: Page 31 Policy RTC1		Add a new two new Notes to the end of the policy to read; 'Note (i) With the exception of those particular types of out of centre retail developments considered acceptable in terms of policy RTC 7 below, the development of new retail floor space in out of centre locations (including identified commercial centres) will be restricted to the sale of bulky DIY, furniture, carpets, electrical and gardening goods. (ii) The sequential test will not be applied where development proposals for retail, commercial leisure developments and other uses appropriate to town centres as described in Schedule 6(i) are proposed on sites allocated for those purposes in the local plan or where the proposal constitutes a type of out of centre retail development detailed in policy RTC 7 of the plan.'	Councils proposed modification confirmed by reporter

<p>Volume 2: Page 31 Policy RTC3</p>	<p>Delete policy</p>	<p>Replace with:</p> <p>'Both within town centres and elsewhere throughout the area settlements, the Council will positively encourage owners and developers to retain and improve all existing retail facilities and other facilities falling within Schedule 6(i) of the local plan.</p> <p>Where changes of use of properties in Schedule 6(i) use are proposed or where a property in Schedule 6(i) use becomes vacant, the Council will, in the first instance, encourage and support the re-use or redevelopment of the property for an appropriate alternative Schedule 6(i) use.</p> <p>The Council will also be supportive, in principle, to changes of use from Schedule 6(i) use to alternative Schedule 6(ii) uses or to the redevelopment of gap or infill sites within town centres for Schedule 6(ii) uses but only where it can be conclusively demonstrated by the applicant / developer that:</p> <p>(i) the properties or sites concerned have been actively and widely marketed for Schedule 6(i) uses for a period of six months and that no appropriate Schedule 6(i) use for the premises can be found; and</p> <p>(ii) the proposed development is sympathetic, in terms of its scale, design and material finish to the character and amenity or the area concerned.</p> <p>Note: This policy does not apply to ground</p>	<p>Councils proposed modification confirmed by reporter</p>
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		<p>floor premises within the Kilmarnock Core Shopping Area which is covered by Policy RTC6 above. Residential development within town centres is addressed in policy RTC5.</p> <p>Reason for Policy RTC3</p> <ul style="list-style-type: none"> • to safeguard existing retail and other Schedule 6(i) uses throughout the area settlements • to allow for the sympathetic reuse of properties and sites to acceptable alternative uses' 	
<p>Volume 2: Page 32 Policy RTC4</p>	<p>Delete policy</p>	<p>Replace with new policy to read:</p> <p>'Policy RTC 4</p> <p>Subject to the provisions of all appropriate local plan policies, the Council will be particularly supportive of development proposals for new Schedule 6(i) uses within town centre areas as defined on the local plan maps, particularly where the proposals relate to gap or infill sites with potential for redevelopment.</p> <p>In cases where a town centre contains a number of small scale gap or infill sites with potential for redevelopment, the Council will require any developer proposing to develop a large scale retail development outwith the town centre to demonstrate, as part of the sequential test, that the available gap or infill sites cannot be assembled and developed together in a coordinated manner to accommodate either the whole or part of the particular development concerned. The Council will be particularly</p>	<p>Councils proposed modification confirmed by reporter</p>

		<p>supportive of such aggregated developments in preference to the development of single sites in out of centre locations.</p> <p>Reason for Policy RTC 4</p> <ul style="list-style-type: none"> to preserve and expand the retail function of town centres to meet the provisions of SPP8: Town Centres and Retailing' 	
<p>Volume 2: Page 32 Policy RTC5</p>	<p>Delete</p> <p>'Reasons for Policies RTC4 and RTC5'</p>	<p>Add after 'Schedule 6(i)' in Criterion (ii):</p> <p>'or Schedule 6(ii)'</p> <p>Replace with:</p> <p>'Reason for Policy RTC5'</p>	<p>Councils proposed modification confirmed by reporter</p>
<p>Volume 2: Page 33</p>	<p>Delete Sub Title.</p> <p>'Out of Town Centre Developments'</p>	<p>Replace with:</p> <p>'Out of Centre Developments'</p> <p>Add new policy to read:</p> <p>Policy RTC 7</p> <p>The Council will assess any proposals to establish new small scale Schedule 6(i) uses in settlements without a specifically designated town centre boundary on their own merits and will be supportive of such developments where it can be clearly demonstrated that:</p> <p>(i) the proposed development is of a size and scale appropriate to the size and</p>	<p>Councils proposed modification confirmed by reporter</p>

		<p>scale of the settlement within which it is proposed;</p> <p>(ii) the proposed development meets the standards of the Council's Roads Division and all other service providers;</p> <p>(iii) the proposed use would be compatible with other uses in the surrounding area;</p> <p>(iv) the proposed development is of a high standard of design and material finish;</p> <p>(v) the proposal would not have any adverse impact on the environmental quality, character and amenity of the area; and</p> <p>(vi) the proposed development would be compatible with all other local plan policy objectives</p> <p>Reasons for Policy RTC 7</p> <ul style="list-style-type: none"> to facilitate sympathetic retail development and to assist commercial enterprise in smaller settlements 	
Volume 2: Page 33 Policy RTC7 (now RTC 8)	Delete the first sentence of the policy, criteria (i), (ii) and (iii) and the Note relating to Criteria (ii) and (iii).	<p>Replace with a new sentence and Note at the start of the policy to read:</p> <p>'The Council will not be supportive of applications for the development of new convenience and comparison retail floor space in out of centre locations, (including identified commercial centres) unless the application relates to a type of retail development detailed in Policy RTC7 above and Policy RTC9 below or to a bulky goods development relating to the sale of DIY, furniture, carpets, electrical and gardening goods.</p> <p>The Council will require applicants for bulky</p>	Councils proposed modification confirmed by reporter

		<p>goods retail developments to demonstrate to the Council that::</p> <p>(i) a sequential approach has been adopted and no suitable alternative sites are available within or on the edge of town centres or within identified commercial centres;</p> <p>(ii) the proposed development would not unacceptably adversely affect, either individually or cumulatively, the vitality and viability of the town centre;</p> <p>Note: Criteria (i) and (ii) above are applicable only with regard to those settlements with a town centre boundary defined on the local plan maps.'</p>	
Volume 2: Page 33 Policy RTC 7 (now RTC 8)		<p>Add a new criterion (iii) to read:</p> <p>'(iii) the proposed development would not unacceptably adversely affect the vitality and viability of any other existing town centres located within its intended catchment area.'</p>	Councils proposed modification confirmed by reporter
Volume 2: Page 33 Policy RTC7 (now RTC 8)		<p>Add a new note to the end of the policy to read:</p> <p>'Note</p> <p>Where it can be demonstrated that no town centre or edge of centre site is available for bulky goods development the Council would, subject to all of the above criteria being met, direct such development firstly to Commercial</p>	Councils proposed modification confirmed by reporter

		Centres as identified on the local plan maps in preference to other out of centre locations.'	
Volume 2: Page 34 Policy RTC8 (now RTC 9)	Delete in first sentence and last sentence: 'out of town centre'	Replace with: 'out of centre' Add before 'Small scale' at the start of the policy: In addition to the types of development detailed in policies RTC7 and RTC8 above'	Councils proposed modification confirmed by reporter
Volume 2: Page 34 Policy RTC 8 (now RTC 9)		Add to the end of criterion (i): "wherever practicable"	
Volume 2: Page 34 Policy RTC8 (now RTC 9)	Delete in last sentence: 'appropriate criteria'	Replace with: 'criteria (iv) to (x)'	Councils proposed modification confirmed by reporter
Volume 2: Page 28		Add new policy CS 3 to read: Water and Sewerage Infrastructure Provision Policy CS 3 Except where no public sewer or public water supply is available, or the council is satisfied that constraints to the public systems make connection unfeasible or impractical, all developers will be required to connect their developments to the public water supply and sewerage systems. Elsewhere, as far as drainage is concerned, connections to private	Note: The Council previously proposed a new policy CS 3 to the plan. This recommendation by the reporter has expanded upon the policy suggested by the Council.

		<p>Waste Water Treatment Works may be permitted where the council is satisfied that:</p> <ul style="list-style-type: none"> (i) the required upgrade of the public system has been agreed and identified in the Scottish Water Investment Programme; (ii) the private works are temporary and are designed and built to a standard to allow future connection to the public sewerage system; and (iii) the proposal would not result in a deterioration of the status of the water environment. <p>In such cases, developers will be required to make provision, including where appropriate, financial provision, to ensure that their development is connected to the public system when the upgrading works in Scottish Water's Investment Programme have been implemented. A planning condition to that effect will be imposed on planning consents. Alternatively, where appropriate, a legal agreement will be required.</p> <p>In all cases, developers will be required to fund non-strategic infrastructure for their developments under the Provision of Water and Sewerage Services (Reasonable Cost) (Scotland) Regulations 2006.</p>	
<p>Volume 2: Page 39 Policy CS5 (now CS 6)</p>		<p>Add a new criteria (vi) and new note to the end of policy CS6 to read:</p> <p>'(vi) development of any public realm features and facilities, particularly including those promoting and interpreting the local heritage, designed specifically to complement and enhance the environmental and visual quality of those areas of public open space safeguarded for their amenity value'.</p>	<p>Councils proposed modification confirmed by reporter</p>

		Note: Development on playing fields and sports pitches specifically safeguarded for open space purposes on the local plan maps will be assessed against the provisions of policy CS7 below.'	
Volume 2: Page 39 Policy CS6 (now CS 7)	Delete Section (iii)	Replace with: '(iii) there is a clear excess in the provision of recreational or amenity open space in the wider area which is capable of meeting current and anticipated demand, and where the site in question could be developed without detriment to the overall quality of that provision.' Add a new note to the end of policy CS6 to read: 'Note: Development on playing fields and sports pitches specifically safeguarded for open space purposes on the local plan maps will be assessed against the provisions of policy CS8 below.'	Councils proposed modification confirmed by reporter
Volume 2: Page 39 Policy CS 6 (now CS 7)	Delete the word "sporting" from criterion (i)		
Volume 2: Page 39		Add a new policy CS8 after policy CS6, to read: 'Policy CS8 The Council will not be supportive of the redevelopment of playing fields and sports pitches, except where one of the following circumstances applies:	Councils proposed modification confirmed by reporter

		<p>(i) the proposed development is ancillary to the principal use of the site as a playing field or sports pitch area;</p> <p>(ii) the proposed development involves a minor part of the playing field / sports pitch area which would not affect its use and potential for sport and training;</p> <p>(iii) the playing field or sports pitch area which would be lost as a result of the proposed development would be replaced by:</p> <ul style="list-style-type: none"> • a new playing field or sports pitch of comparable or greater benefit for sport and in a location which is convenient for its users; or • the upgrading of an existing playing field to provide a better quality facility, either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; <p>(iv) a playing field strategy prepared in accordance with a methodology approved by sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated demand in the area, and that the site in question could be developed without detriment to the overall quality of provision.</p> <p>Notwithstanding that a proposed development may satisfy at least one of the above conditions, and it can be demonstrated that the site is no longer required for formal sports use, any</p>	
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		<p>potential developer will require to demonstrate to the satisfaction of the planning authority that the site has no other recreational, amenity, landscape or biodiversity value which would warrant its retention as open space. Any proposed development will also be required to meet the provisions of all other relevant local plan policies. '</p> <p>(All subsequent CS policies will require to be renumbered accordingly)</p>	
<p>Volume 2: Page 41 Policies CS10, CS11 and CS12</p>	<p>Delete policies CS10, CS11 and the first paragraph of policy CS12</p>	<p>Replace with new policy to read:</p> <p>'Renewable Energy Developments General</p> <p>Policy CS12</p> <p>The Council will positively support and promote the development of sympathetic renewable energy proposals both in stand alone locations and as integral parts of new and existing developments where it can be demonstrated that there will be no significant, unacceptable adverse impact, including adverse cumulative impact with other existing renewable energy developments or other renewable energy developments which are consented or under construction;</p> <p>(i) on any recognised statutory or non statutory sites of nature conservation interest;</p> <p>(ii) on the amenity of nearby communities or sensitive establishments, including individual or small groups of houses in the countryside that may be adversely affected by reason of noise</p>	<p>Councils proposed modification confirmed by reporter subject to minor change to criterion (v)</p>

		<p>emission, visual dominance and other nuisance;</p> <p>(iii) on any recognised built heritage resources, including Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, archaeological sites and landscapes and Historic Gardens and Designed Landscapes and their individual settings;</p> <p>(iv) on the visual amenity of the area and the natural landscape setting for the development, particularly within the Sensitive Landscape Character areas as identified on the local plan rural area map; and</p> <p>(v) on existing infrastructure</p> <p>Developers will also be required to demonstrate to the satisfaction of the Council that all energy production will be generated either at, or in as close proximity as possible to, the source of materials used in the generation process and that there will be no unacceptable adverse environmental impact caused by any proposed connections linking the proposed development with the national grid and the surrounding road network.</p> <p>Note</p> <p>The Council will require all applications for renewable energy developments which fall within the scope of the Environmental Assessment Regulations to be accompanied by an environmental assessment.'</p>	
Volume 2: Page 42	Delete Policy	Replace with the following;	Councils proposed modification confirmed by reporter subject to

<p>Policy CS13</p>		<p>Wind Energy Developments</p> <p>Policy CS14</p> <p>The Council will assess all applications for wind farm developments, including extensions to existing, consented and / or operational wind farms, against the provisions of Policy ECON7 of the approved Ayrshire Joint Structure Plan: Growing a Sustainable Ayrshire and any future supplementary planning guidance to be prepared relating to cumulative impact. Policy ECON7 states:</p> <p>(A) In the Areas of Search, proposals for large and small wind farm developments will be supported subject to specific proposals satisfactorily addressing all other material considerations.</p> <p>(B) Areas designated for their national or international heritage value, and green belts, will be afforded significant protection from large scale wind farms.</p> <p>(C) The integrity of national and international designations should not be compromised.</p> <p>(D) Cumulative impact will be assessed in all relevant cases, taking into account existing wind farms, those which have permission and those that are the subject of valid but undetermined applications. The weight to be afforded to undetermined applications will reflect their position in the application process. Where the limit of acceptable cumulative impact has been reached, the area will be afforded significant</p>	<p>minor change to note (ii)</p>
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		<p>protection.</p> <p>(E) Outside areas of Search all wind farm proposals will be assessed against the following constraints, any positive or adverse effects on them and how the latter can be overcome or minimised:</p> <ol style="list-style-type: none"> 1) Historic environment; 2) Areas designated for their regional and local natural heritage value; 3) Tourism and recreational interests; 4) Communities; 5) Buffer zones; 6) Aviation and defence interests; 7) Broadcasting installations. <p>(F) Proposals affecting Sensitive Landscape Character Areas shall satisfactorily address any impacts on the particular interests that the designation is intended to protect but the designation shall not unreasonably restrict the overall ability of the plan area to contribute to national targets;</p> <p>(G) In all cases, applications for wind farms should be assessed in relation to criteria including, as appropriate, grid capacity, impacts on the landscape and historic environment, ecology (including birds), biodiversity and nature conservation, the water environment, communities, aviation, telecommunications, noise and shadow flicker.</p> <p>Note (i):</p> <p>In order to assist in the assessment process,</p>	
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		<p>the Council has identified a Preferred Wind Farm Area to the north east of Kilmarnock, as indicated on the local plan Rural Area Map. The Preferred Wind Farm Area defines the broad 'Area of Search' in that area, as referred to in parts A and E of Policy ECON7, and as indicated on the Structure Plan Diagram.</p> <p>Note (ii):</p> <p>In order to help developers minimise the environmental and visual impact of their wind farm proposals, the Council intends, in conjunction with North and South Ayrshire Councils, to prepare detailed supplementary guidance pertaining to the cumulative impacts of wind farm developments. The supplementary guidance to be prepared will be adopted by the Council, following discussion and engagement, as a material consideration in the assessment of all new wind farm proposals and developers will be expected to pay due regard to the provisions of the guidance in the formulation of their proposed developments.</p> <p>Reasons for Policy CS14</p> <ul style="list-style-type: none"> • to ensure that wind turbine and wind farm developments have minimum impact on the landscape quality of the area, on natural and built heritage resources worthy of conservation and on areas requiring to be safeguarded for air traffic safety, telecommunications and other reasons. • to comply with the provisions of the replacement Ayrshire Joint Structure Plan 	
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		approved in November 2007.'	
Volume 2: Page 50 Policy T3	Delete criterion (i)	Replace with: “(i) are closely linked to existing and proposed public transport networks”	
Volume 2: Page 50 Policy T3		Add after ‘where necessary’ in criterion (ii) of the policy ‘and practicable’	Council's proposed modification confirmed by Reporter.
Volume 2: Page 50 Policy T3	Delete from the first bullet point of policy T3 the words: “and the wider community within which the proposed development is to be located”		
Volume 2: Page 50 Policy T3	Delete second bullet point	Replace with: “the development of new community transport initiatives required to address the direct or cumulative impact of the proposed development.”	
Volume 2: Page 51 Policy T6		Add a new sentence to the end of the policy to read: ‘Developers may be asked to meet the costs of monitoring any Travel Plans and Transport Assessments as may be required during the construction period of the site concerned and for an agreed period following completion of the development.’	Council's proposed modification confirmed by the Reporter.
Volume 1: Page 42		Add new Bullet Point after bullet point relating to PAN 68, to read:	Council's proposed modification confirmed by the Reporter.

Para 7.2	<p>Delete third bullet point:</p> <ul style="list-style-type: none"> NPPG5: Archaeology and Planning 	<ul style="list-style-type: none"> 'PAN 69: Planning and Building Standards Advice on Flooding' 	
Volumes 1 and 2	Delete all references to NPPGs and SPPs	Replace with "SPP"	
Volume 1: Page 45 Para 7.23	Delete penultimate sentence of para 7.23	<p>Replace with;</p> <p>"In line with the provisions of SPP, built development should only take place on functional flood plains where it will not affect the ability of the flood plain to store and convey water, where the development will not be at risk of flooding and where the development will not increase the risk of flooding elsewhere. Exceptionally, infrastructure development may be permitted in such areas if a specific location is essential for operational reasons or it cannot be located elsewhere."</p>	This recommendation from the Reporter overwrites one previously made by the Council.
Volume 2: Page 61 Policy ENV 22		<p>To the first sentence of policy ENV 22, after the words 'or which has been known to flood in the past' add the words:</p> <p>"the proposal first having satisfied the provisions of policy ENV 21,"</p>	
Volume 2: Page 61 Policy ENV22		<p>Add new note at the end of the policy to read:</p> <p>'Note:</p> <p>The issue of new development in functional</p>	Council's proposed modification confirmed by Reporter

		flood plains is addressed in policy ENV21 above.'	
Volume 3: CATRINE 1(v)	Delete '10' and '0.31'	Replace with '15' and 0.50'	Council's proposed modification confirmed by Reporter
Volume 3: CATRINE 3	Delete '0.34' in CATRINE 3(i)	Replace with '0.31'	Council's proposed modification confirmed by Reporter
Volume 3: Catrine Proposals Map		Increase area of Site 250H and decrease area of Site 253B.	Council's proposed modification confirmed by Reporter
Volume 3: CATRINE 1 Note (i)		Add to end of Note (i), the words: "Any development will also require to include structural planting at the southern boundary of the site to effectively define a new defensible edge to the settlement."	
Volume 3: Crookedholm Settlement Profile	Delete the last sentence of paragraph 5 of the profile and its attached bullet points, and paragraph 6.	Replace with: 'However the area would benefit from the refurbishment of the play park at Crookedholm Park This is considered to be an appropriate project to which developer contributions should be directed and, consequently, it is intended that developer contributions should be used to fund this particular initiative. Because of the proximity of Crookedholm to Kilmarnock and the use of Kilmarnock town centre by Crookedholm residents, it is also considered appropriate for a proportion of developer contributions raised by Crookedholm residential developments to be directed towards the regeneration of Kilmarnock town centre itself.'	Council's proposed modification confirmed by Reporter
Volume 3: CROSSHOUSE 1	Delete from CROSSHOUSE 1:	Replace with:	The reporter has recommended that an additional housing

	ii) 258H Riverside Hosiery 5 0.26ha	Site Ref Location Capacity Area ii) 258H Kilmaurs Road 125 8.01 See Note (i)	development opportunity site at Kilmaurs Road be included in the local plan.
Volume 1: Tables 5 and 6 Paragraphs 5.18- 5.21		Amend Tables 5 and 6 and paragraphs 5.18-5.21 take into account increased housing numbers at Crosshouse.	
Volume 1: Schedule 3(i)		Amend Schedule 3(i) to include site 258H at Kilmaurs Road with a capacity of 125 units.	
Volume 3: Darvel Settlement Profile		Add at the beginning of the last sentence of paragraph 2: 'With the exception of the proposed site 280H at Hillview,'	Council's proposed modification confirmed by Reporter
Volume 3: DRONGAN 1	Delete from DRONGAN 1 : (iv) 290H Martnaham Way 89 units 5.75ha		The reporter has recommended that this site is deleted from the local plan and that the settlement boundary for Drongan is redrawn around the boundary of the houses at Lomond View.
Volume 3: DRONGAN 1	Delete from DRONGAN 1: (iii) 289H Watson Terrace, 50 units, 2.84ha	Replace with: (iii) 289H Watson Terrace 95 units, 5.3ha	The reporter has recommended that the site at Watson Terrace, Drongan be extended to accommodate 95 units.
Volume 3: DRONGAN 1		Add to DRONGAN 1: (vii) 273H Mill O'Shield Road 60 units 3.16ha see note (iv)	The reporter has recommended that a new site at Mill O'Shield Road, Drongan is included in the local plan.

Volume 3: DRONGAN 1		Insert a new note (iv) to read: (iv) Any development on site 273H will require to include structural planting to effectively define a clear, defensible western boundary.	
Volume 1: Tables 5 and 6 Paragraphs 5.18-5.21		Amend Tables 5 and 6 and paragraphs 5.18-5.21 take into account increased housing numbers at Drongan.	
Volume 1 Schedule 3(i)		Amend Schedule 3(i) to take account of all changes to housing sites at Drongan	
Volume 3: FENWICK 1	Delete from FENWICK 1: (ii) 296H East Fenwick 20 units 2.95ha		The reporter has recommended that the site at East Fenwick is deleted from the local plan
Volume 3: FENWICK 1	Delete the words "and site 296H" from line 2 of note (ii) Delete the word "developments" from the last line of note (ii)	Replace with "development"	
Volume 3: FENWICK 1	Delete the "+" notation for site 174H and the related part of the key under FENWICK 1		
Volume 3: Fenwick and Laigh Fenwick Settlement Profile	Delete last sentence in the paragraph 5 and its attached bullet points, and paragraph 6.	Replace with: 'The most pressing priorities are improvements to the King George v sports pavilion and the provision of new leisure facilities at an appropriate location at Stewarton to serve the Glasgow Link Corridor indoor sports facility. It is intended that developer contributions will be specifically directed towards funding these particular initiatives.'	Council's proposed modification confirmed by Reporter

Volume 3: FENWICK 1		Add new site to FENWICK 1: (ii) 368H Stewarton Road (North) 20 units 2 ha	
Volume 3: FENWICK 1		Add new Note to FENWICK 1 to read: “(iii) built development on site 368H will be confined to the south-eastern part of the site. Substantial buffer planting will be required in the northern and western parts of the site.	
Volume 1: Schedule 3(i)		Amend Schedule 3(i) to take account of changes to housing sites at Fenwick	
Volume 3: RURAL AREA DEVELOPMENT OPPORTUNITIES	Delete Policy RURAL AREA 4 which relates to land at the Meadows, Galston		Council's proposed modification confirmed by Reporter
Volume 1: Schedule 8	Delete from Schedule 8: “105M Galston Roundabout 1.09 ha:		
Volume 3: RURAL AREA 4		Add a new RURAL AREA 4 to read: RURAL AREA 4 The Council will encourage and support the development of the following area for further tourism and recreational development. The Council will be particularly supportive of holiday lodge and hotel development in the area or an appropriate scale of tourism based retail development catering for the needs of visitors to the area. Subject to the provisions of all other local plan policies or the provisions of any future master plan that may be agreed, the council will be particularly supportive of enabling development which would involve or contribute to the restoration or enhancement of Loudoun	The first two sentences of RURAL AREA 4 have been added by the Council as the Reporter omitted to include them despite the Council being clear that they should be included. However, the remainder of the policy complies with the reporter's recommendation.

		<p>Castle itself and of its associated garden and grounds, or which would secure and enhance the function and viability of the Castle Estate as a major tourism destination.</p> <p>Site Ref. Location Area (ha)</p> <p>(i) 366M Loudoun Castle & Estate, Galston 260ha</p> <p>Note:</p> <p>(i) The Council will require a master plan approach to be adopted in respect of future tourism-related development of the site. The master plan to be produced will be required to fully reflect and respect the provisions of the council's supplementary planning guidance on master planning and should be submitted to the council for formal consideration prior to the lodgement of any associated planning applications with the planning authority.</p> <p>(ii) Any proposed development in the area will be required to fully respect, in terms of size, scale, siting, design and material finish, the location of the area within the Loudoun Castle Historic Garden and Designed Landscape.</p>	
Volume 1 Investing in the Economy (ii) Tourism	Delete first bullet point under "Prime Objective of the Local Plan"	<p>Replace with:</p> <ul style="list-style-type: none"> • "the area's built and cultural heritage based on Dumfries House and Estate, Dean Castle Country Park, Loudoun Castle and Estate and other historic properties in the area." 	The Reporter has confirmed the Council's proposed modification subject to Loudoun Castle and Estate being added.
Volume 1 Investing in the	Under Tourism Development Strategy, delete	Replace with:	

Economy (ii) Tourism	Development Strategy DS 24	(vi) encourages and promotes tourism developments based on the area's built and cultural heritage, particularly in relation to the area's association with Robert Burns, to Dumfries House and Estate, Loudoun Castle and Estate and to other buildings or areas of significant historic, architectural or cultural importance.	The Reporter has confirmed the Council's proposed modification subject to Loudoun Castle and Estate being added.
Volume 3: HURLFORD 1		Add note (ii) to HURLFORD 1 to read: (ii) Any development of site 113H will require to incorporate a significant woodland planted area extending over the north-eastern part of the site, sufficient to enclose the development and protect the landscape setting of Hurlford.	
Volume 3: Kilmarnock Map		Redraw the settlement boundary of Kilmarnock to include site 152B	
Volume 3: Rural Area Map		Redraw the settlement boundary of Kilmarnock to include site 152B	
Volume 3: Page 7 Policy IND1	Delete policy	Replace with: 'Strategic Policy IND 1 The strategic industrial sites identified on the local plan map at Meiklewood / Mossie and Rowallan in Kilmarnock will be safeguarded for high amenity and high quality Class 4 industrial and business uses. The Council will be particularly supportive of the development of the sites for high profile business and industrial developments which reflect, compliment and capitalise on the strategically important location of the sites at the principal gateway to Kilmarnock from the north. The establishment of service sector and knowledge based industries	Council's proposed modification confirmed by Reporter

		<p>at Meiklewood / Mosside will be considered particularly appropriate and development of the area as a single user site will also be supported by the Council. Alternative, non industrial or business development proposals for the Meiklewood / Mosside and Rowallan sites will not be considered to conform to the local plan.</p> <p>Reason for Strategic Policy IND 1</p> <ul style="list-style-type: none"> to comply with the provisions of Scottish Planning Policy SPP.' 	
Volume 3: KILMARNOCK 2		<p>Add new note to KILMARNOCK 2 to read:</p> <p>(iv) The Council will require the owner of the Meiklewood / Mosside Strategic Industrial Site (Site 152B) to produce a comprehensive Master Plan for the area, including a detailed development and design brief, in line with the provisions of strategic policy IND1. Any Master Plan to be produced should indicate appropriate access arrangements to the site from the surrounding road network, to the satisfaction of Transport Scotland and the Council as Roads Authority.'</p>	
Volume 3: KILMARNOCK 10	Delete KILMARNOCK 10 which identifies 328M at Mill Street for Class 1 retail use.		Site 328M has already been developed for a supermarket and the reporter is therefore recommending it is deleted from the plan.
Volume 3: Kilmarnock Map	Delete site 328M at Mill Street, Kilmarnock		Site 328M has already been developed for a supermarket and the reporter is therefore recommending it is deleted from the plan.

Volume 1 Schedule 7	Delete reference to 328M Mill Street Kilmarnock		Site 328M has already been developed for a supermarket and the reporter is therefore recommending it is deleted from the plan.
Volume 3: KILMARNOCK1		Add new note to read: 'The Council will require the developers of sites 317H, 318H, 319H, 320H and 321H to prepare Master Plans for their proposed development sites, to meet the provisions of Policy RES 27'	Council's proposed modification confirmed by Reporter
Volume 3: KILMARNOCK 1		Delete Note (iv)	Note (iv) states that certain sites have been safeguarded for affordable housing in the local plan, all of which are either under construction or complete. The note also states that a number of sites will be required to provide 15% affordable housing. Given that the Reporter has recommended that the affordable housing policy is deleted from the plan, this note requires to be deleted.
Volume 3: Kilmarnock Settlement profile	Delete the last sentence of paragraph 6.	Replace with: "It is considered that the approach taken to identify future directions of growth will be helpful to those planning investment in future infrastructure".	
Volume 3: KILMARNOCK 1	From (iv) 148H Maxholm, remove reference to Note (ii)	Replace with reference to Note (iii)	

Volume 3: KILMARNOCK 1	Delete Note (v)	Replace with: (iv) Any development of site 321H will require to incorporate appropriate measures to mitigate the impact of traffic noise from the A77 on the site, together with a significant woodland planted buffer along the boundary of the site with the A77, sufficient to screen the development from the trunk road and provide an attractive settlement edge. The nature and detail of such measures will stand to be addressed in the master plan for development of the site, required by Note (x) below.	
Volume 3: KILMARNOCK 1	Delete Note (x)		Council's proposed modification confirmed by Reporter.
Volume 3: KILMARNOCK1		Add new sentence to the end of Note (xi) [now note (ix)]: 'Access to sites 317H and 321H will require to be afforded directly from the local road network and not from the adjacent A77 trunk road.'	Council's proposed modification confirmed by Reporter.
Volume 3: Kilmaurs Settlement Profile	Delete third paragraph	Replace with: "An additional greenfield housing site has been identified at Crosshouse Road West on the south-western edge of the village".	
Volume 3: Kilmaurs Map		Amend settlement boundary to include a small area of land at Knocklandhill, to the west of Kilmaurs.	
Volume 3: KILMAURS 1	Delete: (ii) 331H*+ Irvine Road 90 units 4.78ha and attached notes (i) and (ii)	Replace with: (i) 305H* Crosshouse Road West 140 units 8.87ha	The Reporter has not accepted the Council decision to identify site 331H at Irvine Road, Kilmaurs and has instead recommended the site at

		<p>Key *New Greenfield Release</p> <p>Note:</p> <p>(i) The Council will require any applications for development on this site to be accompanied by a Transport Assessment identifying the development's transport effects and the sustainable transport measures proposed to cater for the travel needs associated with the development.</p> <p>(ii) A park and ride facility for Kilmaurs Rail Station will be required as part of any development on the site. The size and exact location of this facility will require to be agreed with the Council's Roads and Transportation Division.</p> <p>(iii) The Council will seek to ensure delivery of the matters referred to in (i) and (ii) above by means of planning conditions or, if this is not possible, a section 75 or other type of legal agreement.</p>	Crosshouse Road, West be identified for housing.
Volume 3 Kilmaurs Proposals	<p>Delete PROP 56 which states that:</p> <p>The Council will work in partnership with the relevant transport bodies to identify, develop and promote new, enhanced park and ride facilities at Kilmaurs Railway Station.</p>		The Reporter has recommended that site 305H is included as a housing development opportunity in the local plan. Developers of this site are required to provide park and ride facilities as part of their development. PROP 56 is therefore no longer necessary.
Volume 1: Tables 5 and 6 Paragraphs 5.18-5.21		Amend Tables 5 and 6 and paragraphs 5.18-5.21 take into account increased housing numbers at Kilmaurs.	
Volume 1:		Amend Schedule 3(i) to take account of	

Schedule 3(i)		changes to housing sites at Kilmaurs.	
Volume 3: MAUCHLINE 1	Delete '120' and '5.05' in MAUCHLINE 1(iii)	Split existing site 335H into two separate sites. Replace with '70' and '3.95' Add new MAUCHLINE 1(vi) to read: (iv) 363H Corrie Mains Farm 30 units 1.1ha	Council's proposed modification confirmed by Reporter.
Volume 3: MAUCHLINE 1		Add to the end of Note (v): "Development on site 336H will also be required to incorporate structural planting along the north-eastern boundary of the site to provide a clearly defined, defensible edge to the settlement."	
Volume 3: NEW CUMNOCK 1	Delete in (i): '342H* Westland Drive 35 1.87' Delete Note (i) Delete in Note (ii): '342H'	Replace with: '365H* Mansfield Road 35 2.15' Replace with : '365H'	Council's proposed modification confirmed by reporter.
Volume 3: Newmilns Map		Amend the settlement boundary of Newmilns to include land to the rear of the existing gap site between 29 and 45 Brown Street, Newmilns.	
Volume 3: NEWMILNS 2		Add new note at the end of the entry to read: 'Note: Parts of site 348B lie within, or close to, the '200 year' flood envelope as defined by the	Council's proposed modification confirmed by reporter

		Indicative River and Coastal Flood Map (Scotland). SEPA would advise that a flood risk assessment would be required for this brownfield redevelopment and that the flood risk at this site is appropriately managed.'	
Volume 3: STEWARTON 1	In the entry for (iii) Draffen East, delete "see notes (i), (iii) and (v)"	Replace with: "see notes (ii), (iv) and (v)"	
Volume 3: STEWARTON 1	In the entry for (ii) Kilwinning Road, delete "see notes (i), (ii) and (v)"	Replace with: "see notes (i), (iv), (v) and (vi)"	
Volume 3: STEWARTON 1		Add new note to STEWARTON 1 to read: "(v) The Council will require the developers of sites 354H, 355H and 356H to prepare masterplans for their developments."	Council's proposed modification confirmed by reporter
Volume 3: STEWARTON1		Add new note to STEWARTON 1 to read: (vi) The Council will require the developer of Site 354 H to enter into a Section 75 Agreement regarding the provision of upgraded footpath links along Kilwinning Road, particularly in the vicinity of the War Memorial.'	Council's proposed modification confirmed by reporter
Volume 3: STEWARTON 1	In the entry for (iv) Dunlop Road, delete "see notes (i), (iv) and (v)"	Replace with: "see notes (iii), (iv) and (v)"	
Volume 3: STEWARTON 1	In note(v) (now note (iv)) delete reference to site 326H	Replace with "356H"	
STEWARTON 1		Renumber notes to reflect the deletion of affordable housing requirements and the inclusion of new notes	
Volume 3: Waterside (by Fenwick) Settlement Profile	Delete the last sentence of paragraph 3 together with its associated bullet points, and paragraph 4		Council's proposed modification confirmed by reporter.

Volume 3: Waterside (by Fenwick) Proposals Map		Amend settlement boundary to include additional area of land to the east of Main Road.	Council's proposed modification confirmed by reporter.
Volume 3: Rural Area Map		Extend the Settlement Protection Area boundary to include an area of land along both sides of the M77 / A77 route north of Fenwick to the local authority boundary	Council's proposed modification confirmed by reporter.
Volume 3: Rural Area Map		Extend the Settlement Protection Area boundary to include an area of land along the eastern side of the A719 route south of Moscow.	Council's proposed modification confirmed by reporter.
Volume 3: Rural Area Map		Revise boundary of Sensitive Landscape Character Area in the vicinity of the Water of Coyle at Drongan.	Council's proposed modification confirmed by reporter.
Volume 1: Page 5 Policy SD5(ii)	Delete in Policy SD 5(ii): 'sympathetic industrial, business, tourism, leisure and recreational developments'	Replace with: 'appropriate industrial, business, tourism, leisure, recreational or other developments'	Council's proposed modification confirmed by reporter.
Volume 2: Page 5 Policy SD5		Add new note to read: 'Note With regard to criterion (ii) above, the Council does not consider the erection of new houses in the countryside to represent or constitute, in itself, an appropriate form of rural diversification.'	Council's proposed modification confirmed by reporter.
Volume 1: Page 19 Para 4.6		Add new bullet point to read: • 'to stimulate the development of knowledge	Council's proposed modification confirmed by reporter.

		based industries and service sector development within East Ayrshire.'	
Volume 2: Page 8 Policy IND6	Delete criterion (iii)	Replace with the following: '(iii) sympathetic industrial, commercial and business developments including sensitive recreational, tourism, leisure and sporting developments and developments which support the knowledge based economy and the service sector, and which contribute positively to the diversification of the rural economy, and can be clearly demonstrated to have a specific requirement for a rural location;'	Council's proposed modification confirmed by reporter.