

NOTE FOR COUNCIL PAPERS ON THE ALTERATION TO EAST AYRSHIRE LOCAL PLAN (ITEMS 7.1 TO 7.3)

These papers were originally excluded from publication to the Press and public under paragraph 13 of the Local Government (Scotland) Act 1973, as amended. However, as the Council has now considered and decided on these reports, they have now been released into the public domain.

Council, at its meeting on Thursday 26 February 2009, agreed to the recommendations within these reports and, in terms of report 7.1, Objection and Representations Document and Schedule of Proposed Modifications, to a number of additional matters.

These additional matters are being incorporated within the supplementary background papers as referred to on the Agenda and will be available on the Council's Planning and Economic Development web pages by no later than Friday 6 March 2009. The weblink for this is shown below.

<http://www.east-ayrshire.gov.uk/devser/planandbuild/localplanposter.asp>

EAST AYRSHIRE COUNCIL

COUNCIL: 26 FEBRUARY 2009

ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN

SUSTAINABILITY APPRAISAL REPRESENTATIONS DOCUMENT

Report by Depute Chief Executive / Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To inform Council of the representations received in respect of the Finalised Draft version of the Sustainability Appraisal produced in association with the Finalised Draft version of the Alteration to the East Ayrshire Local Plan; to inform Council of the Department's suggested response to each of the representations received; to seek Council approval for the Strategic Environmental and Socio-Economic Assessments of the new policies, proposals and sites suggested through the objection process; to seek authorisation for the Head of Planning and Development to inform individual respondents to the Sustainability Appraisal on how their representations have been viewed by the Council; and, to seek Council authorisation for a series of modifications which it is suggested be made to the Environmental Report.

2. BACKGROUND INFORMATION

- 2.1 The finalised draft version of the Alteration to the East Ayrshire Local Plan was approved by Cabinet at its meeting of 7 November 2007, the Cabinet giving approval at the same meeting to the Finalised Draft version of the Sustainability Appraisal and a new Appropriate Assessment prepared in support of the finalised alteration. The Cabinet agreed at that meeting to authorise the Head of Planning and Economic Development to advertise the finalised version of the Sustainability Appraisal and to invite further representations on the document within a stipulated six week period early in 2008. The Sustainability Appraisal was subsequently advertised in the local press during the week ending 1 February 2008 with objections to the document being invited over an extended 11 week period, to be received by the Council by 18 April 2008. Formal views on the Environmental Report, which forms part of the overall Sustainability Appraisal, were sought from the statutory consultation authorities comprising, Scottish Natural Heritage, SEPA and Historic Scotland and copies of the appraisal were also forwarded for information and comment, in a CD format attached to the local plan alteration itself, to all local Community Councils, all Council Heads of Department and all neighbouring Authorities.
- 2.2 At its meeting of 4 February 2009, Cabinet received the Sustainability Appraisal Representations Document detailing the objections received in respect of Sustainability Appraisal, and the associated Schedule of Modifications, detailing a number of alterations which it was recommended the Council should consider making to the document. Cabinet agreed at the meeting to refer both the Representations Document

and the Schedule of Modifications to the full Council for its consideration and approval. Following the Cabinet meeting, and in order to provide members with additional information about the proposed modifications and to help clarify any outstanding issues of concern, a Members Seminar was held on 17 February 2009.

3. REPRESENTATIONS RECEIVED IN RESPECT OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT

- 3.1 A total of 8 representations were received by the Council in respect of Local Plan Alteration Environment Report in the specified objection period. Of these, 3 representations were received from individual developers of specific sites suggested for development in the Local Plan Alteration and responses were also received from the Scottish Government, the 3 statutory consultation authorities and from the Scrutiny Group of interested stakeholders and Council Services convened to consider all aspects of the Strategic Environmental Assessment process and content. All of the points of representation received are addressed individually in the Representation Document provided in the Members Portal and lounges and has been referenced as Annex 1 for the purposes of this report. Annex 1 details verbatim each representation received and suggests an appropriate Council response to each point made. Detailed changes to the Environmental Report are also suggested for consideration by Council in a Schedule of Modifications, which are also provided in the Members Portal and lounges as Annex 2, as a means of meeting those representations which justify an appropriate amendment being made.
- 3.2 In addition to addressing the representations received in respect of the Sustainability Appraisal and detailing the modifications which it is suggested the Council may wish to consider making to the Environmental Report, the Council has also undertaken Strategic Environmental and Socio-Economic Assessments of all new sites suggested for inclusion in the Local Plan Alteration as part of the local plan objection process, as well as the new policy and proposal provisions which are being suggested for inclusion in the Local Plan Alteration itself (See separate report elsewhere on this agenda relating to the Alteration to the East Ayrshire Local Plan: Objection and Representation Document and Schedule of Proposed Modifications). The assessments of the new provisions of the Local Plan Alteration are provided in the Members Portal and lounges and are referenced as Annex 3 for the purposes of this report.

4 SUMMARY OF SPECIFIC MODIFICATIONS THAT IT IS PROPOSED SHOULD BE MADE TO THE STRATEGIC ENVIRONMENTAL ASSESSMENT / SUSTAINABILITY APPRAISAL

- 4.1 A total of 8 representations to the Environmental Report were received as detailed in paragraph 3.1 of this report. From the representations received there are no major changes of a substantive nature that need to be made to the Environmental Report as a result of the representations received. The modifications which it is suggested Council make to the Environmental Report and its accompanying Appendices and Background Information Papers are all minor and relate to presentational or technical matters.

4.2 The main issues raised in the representations are summarised below:

- Representation to the Socio-Economic and Environmental Assessment of the Meadows, Galston and Site 107H, Belvedere View, Galston advocating that the Meadows Site is appropriate in terms of the socio-economic and environmental assessment and merits inclusion in the Alteration to the East Ayrshire Local Plan;
- To ensure that a commitment is given within the post adoption/SEA statement to deliver the mitigation measures contained in the Background Information Papers once the Local Plan Alteration is implemented;
- Representation on the assessment of the Historic Environment in terms of Aim 5, Development Strategies 30, 32, 38 and 74, Policy TOUR 2, Policy MIN 6, Policy CS 13 and Policy ENV 18;
- Representation on the assessment of Site 275H: Ayr Road, Dalmellington;
- Comments on the format of the Environmental Report in terms of navigation through the report;
- Comments that the Environmental Report appendices and background information papers should be combined;
- Representations on the baseline data;
- Representation on the assessment of the Transport Development Strategy
- Representation on the assessment of the suggested site South of Barony Road, Auchinleck, referenced as Site 122(a) and CD 099 in the Environmental Report.
- Representations on the presentation of the Environmental Report, its appendices and background information papers;
- Representations on the assessment methodology and mitigation measures;
- Representation on the assessment of the suggested sites at land at Crofthead Road; land at Millholm Nursery, Kilmaurs and land at Standalane, Kilmaurs.

The modifications that are proposed to be made to the Environmental Report are summarised below:

- Minor changes to the format, numbering and general presentation of the Sustainability Appraisal;
- Additional text to provide clarity to certain sections of the Environmental Report;
- Amendments to Environmental Objective 10 following the advice of Historic Scotland relating to the Historic Environment for Aim 5, Development Strategies 30, 32, 38, and 74, Policy TOUR 2, Policy MIN 6, Policy CS 13 and Policy ENV 18;
- Minor changes to the text in the background information papers for Policy CS 13 and site 191: Land at Ayr Road, Dalmellington

5 NEXT STEPS

5.1 Following approval of the Representations Document by Council, it is proposed that those bodies and organisations that made representations on the finalised version of the Sustainability Appraisal will be sent extracts from the Annexes to this report, informing them as to how their representations have been viewed by the Council. It is also proposed that appropriate amendments to the contents of the Sustainability

Appraisal will be made to reflect the changes detailed in the approved Schedule of Modifications.

- 5.2 The next legislative requirement in progressing the Strategic Environmental Assessment to its conclusion, as required by Section 20(1)(c),(2)(b) and 3 of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004, is for the Council to produce a Post Adoption / SEA Statement after the Local Plan Alteration has been through its examination process and adopted by the Council, detailing how the SEA process has been taken into account in the preparation of the Local Plan Alteration.

6 FINANCIAL IMPLICATIONS

- 6.1 No financial implications envisioned as a direct result of this report.

7 LEGAL IMPLICATIONS

- 7.1 The legal implications arising from the Council's approval of this Strategic Environmental Assessment / Sustainability Appraisal report will be the production of a post adoption / SEA statement in accordance with the provisions of Sections 20(1)(c), (2)(b) and 3 of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 as detailed in paragraph 5.2 of this report.

8 POLICY IMPLICATIONS

- 8.1 There are no policy implications arising as a result of the Council's approval of this Strategic Environmental Assessment / Sustainability Appraisal report.

9 COMMUNITY PLAN IMPLICATIONS

- 9.1 The Sustainability Appraisal has been applied to all of the aims and development strategies of the Alteration to the East Ayrshire Local Plan which have, in turn been specifically drafted to reflect the provisions of the Community Plan, particularly with regard to the themes of Improving Opportunities and Improving the Environment. The appraisal has demonstrated that no significant overall negative environmental or socio-economic impacts are likely to be experienced in relation to the implementation of these aims and strategies and that the broad strategic thrust of the relevant themes adopted in the Community Plan are fully justified in strategic environmental and socio-economic terms.

10 RECOMMENDATIONS

- 10.1 It is recommended that Council agrees:

- (i) to approve the Representations Document and the Schedule of Modifications accompanying this report;
- (ii) to approve the Strategic Environmental and Socio-Economic Assessments of the new policies, proposals and sites.
- (iii) to authorise the Head of Planning and Economic Development to inform all those bodies and organisations that made representations on the finalised version of the Sustainability Appraisal as to how their representations have been viewed by the Council;
- (iv) to authorise the Head of Planning and Economic Development to produce an updated version of the Environmental Report, incorporating all of the agreed modifications, for in-house Council use and distribution to members of the general public on request; and
- (v) to otherwise note the report.

Elizabeth Morton
Depute Chief Executive / Executive Director of Corporate Support

17 February 2009 (JL/JL)

LIST OF ANNEXES

All annexes are available on the Members Portal and in Members Lounges

- Annex 1:** Representations Received on the Finalised Environmental Report and Socio-Economic Report (includes the Council's responses);
- Annex 2:** Sustainability Report Schedule of Modifications
- Annex 3:** Sustainability Appraisal of New Sites Suggested for Inclusion in the Plan through the Objection Process and Appraisal of New Policies, Proposals and Recommendations to be Included in the Plan.

LIST OF BACKGROUND PAPERS

- (i) Report to the Development Services Committee of 28 June 2005 entitled 'Alteration to the East Ayrshire Local Plan: Strategic Environmental Assessment'
- (ii) Report to the Development Services Committee of 22 August 2006 entitled 'East Ayrshire Local Plan Alteration and Sustainability Appraisal'.

- (iii) Detailed background information pertaining to the Strategic Environmental Assessment and Socio-economic appraisal of the all of the aims, strategies, policies, proposals, recommendations and potential development sites considered for inclusion in the local plan alteration.
- (iv) Report to Cabinet of 7 November 2007 entitled 'Alteration to the East Ayrshire Local Plan Alteration: Sustainability Appraisal'.
- (iv) Report to Cabinet of 4 February 2009 entitled 'Alteration to the East Ayrshire Local Plan Sustainability Appraisal Representations Document'.

For further information on this report please contact John Lilley on (01563) 576754 or Karl Doroszenko (01563) 576751.

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