

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 26 APRIL 2007

AYRSHIRE JOINT STRUCTURE PLAN: DRAFT MODIFICATIONS

Report by Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

1.1 To advise Council of the draft modifications proposed by Scottish Ministers to the replacement Ayrshire Joint Structure Plan and to approve a policy response for submission to the Scottish Executive.

2. BACKGROUND

2.1 Draft modifications to the submitted replacement Ayrshire Joint Structure Plan were issued on the 27 March 2007 by Scottish Ministers. Objections are invited by 1 June 2007.

2.2 The Joint Ayrshire Structure Plan and Transportation Committee considered a report by the Structure Plan Manager on the proposed modifications at their meeting on 18 April 2007. A copy of the report, attached schedule and minute is appended. East Ayrshire Council is a strategic planning authority in its own right and it is required to formally consider the draft modifications itself and submit its comments to Scottish Ministers for their consideration.

3. PROPOSED MODIFICATIONS AND RESPONSE

3.1 It is considered that all of the suggested responses as detailed in the report to the Joint Committee be supported subject to the clarifications and modifications contained in this covering report. In terms of East Ayrshire's interests it is recommended that we

- object to the wording of policy on wind farms to ensure that we include consideration of airport safety, impact on tourism and connection to the grid
- object to omission of Kilmarnock Town Centre from the Regeneration Strategy
- object to deletion of the need for an east-west route connecting us to the M74

3.2 During the consideration of the modifications the Scottish Executive have not been prepared to enter into any dialogue with officers to gain a better understanding of the plan and their comments thereon. The Structure Plan Committee agreed that the Structure Plan Manager and 3 Heads of Planning write formally to express deep disquiet over this process. It is suggested that as well as endorsing this, there is merit in additionally recording dissatisfaction with 2 more recent developments since

the issue of the Scottish Executive modifications to the Structure Plan in connection with windfarms and waste.

1. Windfarms

In the modification to the Structure Plan the Scottish Executive accept and support the approach whereby large scale wind farms are directed to search areas in the first instance. However in SPP6 on Renewable Energy which was received one week later, such a spatial framework “should not be used to put in place a sequential approach to determining applications.” Officers in the Scottish Executive have since formally written to the 3 Authorities and Scottish Renewables industry to advise that the Structure Plan will have to reflect national planning policy but this contradicts the Scottish Ministers formal view on the modification. This is highly inappropriate and prejudicial and particularly significant to East Ayrshire as we are currently in the middle of a Public Inquiry into the Kyle Wind Farm wherein this policy matter is being considered. It is important that our concerns in this regard are lodged formally with the Scottish Executive at this stage; as the Council not only requires to protect its position relative to the Kyle Wind Farm Inquiry but may also require to consider a formal challenge by way of Judicial Review to any subsequent decision.

2. Waste

In a similar context the Scottish Executive Development Division are content with the modifications in that they refer to an Ayrshire wide approach. However the Environment Group Waste and Pollution Reduction Division Department have since written to ask the 3 Authorities to consider a submission that could involve a joint submission with Authorities in Glasgow and the Clyde Valley. The Waste Managers in each Authority have agreed to write to the Environment Division to express their concerns regarding this approach and it is suggested that a similar letter be sent to the Development Division expressing concerns about the Planning Implications.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications arising from this report.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications directly arising from this report. However policy commitments in the Structure Plan particularly in regard to the provision of waste treatment facilities will have financial implications in the medium to longer term for the Council.

6. POLICY AND LEGAL IMPLICATIONS

6.1 The approved Structure Plan will form part of the statutory development plan for East Ayrshire which the Council as Planning Authority is obliged to consider in determining planning applications. As such Scottish Ministers in approving a structure plan are required to follow due process to enable the Council to respond to

any proposed modifications. On the basis of the information presented in this report and as detailed in the Structure Plan Managers reports there is concern that not all the proposed modifications have been notified to the Council and that the picture remains as of today's date incomplete. It should be made clear to Scottish Ministers that the Council reserves the right to challenge the validity of the procedures adopted to progress the plan to approval.

7. COMMUNITY PLAN IMPLICATIONS

7.1 There are no direct implications for the Community Plan arising from this report.

8. RECOMMENDATIONS

8.1 It is recommended that Council

- (i) formally approves the responses of the Ayrshire Joint Structure Plan and Transportation Committee as appended to this report and in the minute of the meeting on 18th April subject to the comments contained in section 3 above;
- (ii) agrees that correspondence expressing the Council's concern be sent to Scottish Ministers regarding the conflicting information and advice emanating from the Scottish Executive particularly with regard to wind farm and waste policy; and
- (iii) otherwise note the content of this report.

Elizabeth Morton

Depute Chief Executive and Director of Corporate Support

18 April 2007 (KD/SA)

FV-AN

LIST OF BACKGROUND PAPERS

1. Report to Development Services Committee of 11 January 2006 by the Executive Director of Development and Property Services, Replacement Ayrshire Joint Structure Plan: Finalised Draft.

Anyone wishing to inspect the above paper please contact Karl Doroszenko on 01563 576751.

Implementation Officer: Alan Neish

**AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE
18 APRIL 2007**

Ayrshire Joint Structure Plan: Draft Modifications

PURPOSE OF REPORT

- 1 To advise the Joint Committee of the publication by the Scottish Executive of the draft Modifications to the Ayrshire Joint Structure Plan and to seek authorisation to submit the representations to be made on those Modifications to Councils for their approval.

BACKGROUND

- 2 The Committee will be aware the revised Ayrshire Joint Structure plan was submitted to the Scottish Ministers for approval on 14 June 2006. The statutory planning process requires the Scottish Executive to seek formal representations on the plan, and this was completed in late July 2006. Any representations were sent direct to the Scottish Executive, although informal copies were passed to the joint structure plan team for information.
- 3 In a delayed process Draft Modifications were published on 27 March 2007 with any further objections/representations to be made by 1 June 2007. Once comments on the Draft Modifications have been reviewed by the Scottish Executive final Modifications will be published and these become binding changes to the plan. This is the last time therefore Councils will be able to influence any decision on possible changes.

PROPOSED MODIFICATIONS

- 4 As a general conclusion the Joint Committee will be pleased to learn that the proposed Draft Modifications focus more on detail and emphasis rather than substance. The principle elements of the plan remain intact, particularly the recognition of the sustainable growth strategy and the need to maintain sustainable levels of population. With minor changes the policies on sustainable development and the development framework remain in place, as do the broad thrust of the sections on the development of the economy, communities, environment and transport.
- 5 Nevertheless, some of the modifications are a cause for concern and the enclosed Appendix lists each modification together with a commentary and a proposed recommendation. It is not proposed in this report to detail each

comment, but to single out those of most concern. Before starting, however, there is a general point to be made about the modifications and about their reason for inclusion.

- 6 Throughout the process the Scottish Executive has been adamant that they will not discuss any aspect of the submitted plan with officers in order to gain a better understanding of the plan. This has been carried forward to refusing to discuss the reasons for the modifications. Although this is said to be Scottish Executive policy, the reasons given for this set of Modifications is often unclear or so cryptic as not to be understood. This is not helpful and does not seem to fit well with the culture change propounded by the new planning system. If there is to be this lack of debate then the reasons for each will need to be much more explicit. The upshot is that it has been necessary to object to some modifications to seek clarification when a short discussion may have sufficed.
- 7 There are seven key areas of concern.

ECON1 Gateway locations: Glasgow Prestwick Airport

The proposed modification is to add to the final sentence of Policy ECON1 an additional piece of text requiring any Action Plan prepared by South Ayrshire Council to be consistent with a master plan prepared by Glasgow Prestwick Airport. If this modification is accepted the implication is the whole area surrounding the Airport becomes subservient to an airport master plan over which there is limited control. This could present major difficulties in the proper planning of the area. It is to be hoped that any plan prepared for this area will be completed in a spirit of discussion and agreement, not that one rules the other. It is therefore suggested the wording of the modification be changed to read “in conjunction with”.

Strategic Business Locations

The proposed modification is to reinstate Ardeer as an existing strategic business site. Ardeer was identified as a strategic industrial and business development site in the approved structure plan and a site identified in the subsequent North Ayrshire Local Plan. In the submitted plan it was agreed to delete Ardeer as a strategic location in order for it to be considered in the context of a mixed-use regeneration location.

The description Ardeer, however, generally covers a very wide area encompassing the whole of the Ardeer Peninsula. There are multiple land interests and an important existing industry in a central location all within the context of emerging urban regeneration company proposals. Within this framework it is not clear either from the modification, or the reason given for the modification, the exact nature of the proposal to make Ardeer a strategic business site, and whether this refers to a particular part of the wider Ardeer area or a specific use within the area.

Whilst there is no objection in principle to the proposal, clarification is sought on the basis of the definition of Ardeer as a strategic business site and whether the site is the existing one defined by the local plan or another potential location. If it is a different site to the one identified by the local plan there may be issues around whether the site needs to be assessed in terms of Strategic Environmental Appraisal or Appropriate

Assessment under Article 6 of the Habitats Directive before inclusion in the structure plan.

Wind Farms

The proposed modifications to Policy ECON 7 Wind Farms are generally acceptable, with the exception of the changes noted in the Appendix. The need to link capacity of the areas of search to the overall assessment of any proposal in Ayrshire was fundamental to the protection of the remaining parts of Ayrshire and that has been maintained, and generally, the modifications have clarified the policy direction.

The concern, however, is not with the modification but with a subsequent email sent to all Heads of Planning in Ayrshire by an officer of the Scottish Executive in response to an email from the Chief Executive of Scottish Renewables regarding the relationship between the new SPP6 on Renewable Energy and Ayrshire JSP. The email arrived in offices on the morning of a decision by South Ayrshire Council on whether to object to a major wind farm application.

The email confirms an error of timing has occurred between announcing SPP6 and the Modifications such that the Executives view is that "...on publication, SPP6 became the Scottish Ministers authoritative position on renewable energy and the final version of the Ayrshire Structure Plan will have to reflect national policy. In particular, paragraph 23 of SPP confirms that the spatial framework at Annex A *should not be used to put in place a sequential approach to determining applications*".

It is clear from this email the Executive intends to modify the structure plan at its final stage without going through a draft modification process. In addition, although allowing discussion with other organisations seeking clarification of policies, the Executive will not offer the same courtesies to Councils. At this stage, therefore, a modification can be expected without the ability to comment, and with Councils denied access to seek clarification. The modifications proposed do, however, strengthen the criteria based approach to judging development and a consideration may need to be given to an early alteration to the joint structure plan.

Communities Chapter: Table 3

The proposed modification is to replace the existing Table 3 on page 24 with a new Table 3. The basis of the change is difficult to understand without further clarification from the Scottish Executive. Nevertheless, it would seem that whereas the joint structure plan calculations for assessing housing opportunities in 2005 (second column) assume a 50% contribution from brownfield land, the Scottish Executive has reduced this to 25%. This has the effect of increasing both the shortfall 2005 – 2017 and 2005 – 2025 (third and fourth columns) in those communities with reasonable amounts of vacant/derelict land.

In addition, however, the Executive may also have made additional changes to the Ayr Area figure on the basis there will be no housing built on the proposed site at South East Ayr until 2012. This assumption may be based on an outdated view of the status of the site in the recently adopted South Ayrshire Local Plan and on other house building companies promoting alternative locations. Current advice suggests that a product of

450 houses could reasonably be expected from that site in the period 2005 – 2012 with the figure for the Ayr Area in the replacement Table 3 modified accordingly.

The consequence of these modifications is to focus any future development plan stage on identifying any housing shortfall. However in terms of overall housing shortfall the modification to assume the contribution from urban capacity decreases from 50% to 25% seems marginal. On this basis it is recommended this particular modification should not be challenged - if that is the reason for replacing Table 3.

It should be noted there will need to be corrections to some column additions in the replacement Table 3.

Schedule 5: Strategic Expansion Locations

The modification to include the words “South and” before South East Ayr is not understood. Even if the change to SE Ayr has been made to reflect the proposed housing site at Greenan, now included within the South Ayrshire Local Plan, this change has no relevance to the consideration of future expansion area for the purposes of the submitted joint structure plan as it meets the requirements of the Approved Structure plan. The proposed wording as it stands would open the potential for major housing expansion at South and South East Ayr into an area defined as Green Belt, and further, preclude an assessment of appropriate future development opportunities through the local development plan process.

ENV 2 Landscape Protection

The modification splits the landscape protection policies in two parts one (part A) based on National Scenic Areas using the Scottish Executive model policy and part B confirming the Sensitive Landscape Character Areas policy from the Approved Structure Plan. Whilst there is no objection to the principle of this modification, in transposing the policy of the previous structure plan to the new plan the words “prime consideration” have been replaced with “full consideration”. This single word modification has changed the whole meaning of the policy.

It has long been recognised that the upland rural landscapes in Ayrshire have a special character, yet with only one national scenic designation have in the past had limited protection. Both the Approved Structure Plan and the Ayrshire Woodland Strategy recognised that and put in place policies that sought to give prime consideration to the landscape in dealing with proposals in those special areas. In other words the protection and enhancement of the landscape should be the key driver for any decision taken. With the use of the word “full” this policy has been seriously weakened. The realities are that good planning requires full consideration about any issue to be given not just landscape.

East–West Road Link

The draft modifications remove all reference to this road from the plan. The only reason given being the tentative nature of the proposal. This is already recognised in plan by the nature of the graphics. Given the plan is for 20 years the text merely articulates a view that if certain development takes place as predicted then not only

would some form of enhanced link to the national road network be required, but that if properly managed any road improvement could have major regeneration benefits over the Coalfield Communities and eastern Ayrshire. It is not identified as a specific route, and not a new road and is recognised as a long term option for consideration. It has been included in that vein in the Regional Transport Strategy and its loss would be of major concern for the future economic development of Ayrshire, where a Scottish Executive study has already identified access as a key issue.

OTHER ISSUES

- 9 At about the same time as the Modifications were published correspondence occurred between the Scottish Executive and Councils indicating that Ministers did not think the residual waste treatment would necessarily provide value for money if procured separately and wished to see options for joint working with Glasgow and the Clyde Valley pursued. Even though these discussions are not yet underway it is apparent the policy in the Joint Structure Plan are not flexible to deliver alternative solutions and therefore a set of suggestions is made to modify the current text to allow a more flexible approach. It would however mean the removal of the search area from the key diagram.

CONCLUSION

- 10 Modifications to the submitted Ayrshire Joint Structure Plan have been received from the Scottish Executive with a deadline of 1 June 2007 for any objection/representation to be made. Although the Committee will be pleased to note that the main thrusts of the strategy remain in tact, there have been some modifications which cause concern where an objection will be necessary. These have been exacerbated by an entirely unhelpful set of reasons for the changes and an unwillingness from the Scottish Executive to discuss with officers clarification of the issues which could well have reduced the objections or made modifications clearer. If this situation persists at the final modification stage it may be challengeable in law as Councils will not be able to justify the changes at appeals. The full set of Modifications, implications and recommendations for action is contained in the enclosed appendix.

RECOMMENDATION

- 11 The Joint Committee is asked to:
 - (i) agree the enclosed Appendix as the basis for commenting back to the Scottish Executive on the Draft Modifications to the Ayrshire Joint Structure Plan;
 - (ii) pass the report and its recommendations to each of the three Councils for their individual approval and thereafter authorise the Structure Plan Manager to pass the comments to the Scottish Executive; and

- (iii) to ask the Structure Plan Manager in conjunction with the three Heads of Planning to write formally to the Scottish Executive Chief Planner expressing deep disquiet over the inadequacy of the reasons given for many of the modifications and the lack of ability to clarify issues.

Ian Johnson
Manager
Ayrshire Joint Structure Plan and Transportation Committee

Person to Contact: Ian Johnson 01292 673767

Ayrshire Joint Structure Plan - Draft Modifications

No.	<u>Modification/Change</u>	Implications	Recommendation
1	<p style="text-align: center;"><u>Introduction Chapter</u></p> <p>Challenges Box. Community Regeneration. Insert at the beginning: “ Ayrshire has been identified by the Scottish Executive as one of 2 regional priorities for regeneration. It is supporting the Irvine Bay Regeneration Company and will work with local partners to pursue regeneration opportunities with a regional impact. “</p> <p>Reason – To reflect the priorities in the Scottish Executive’s People and Place: Regeneration Policy Statement.</p>	Updating the plan	<u>Agree</u>
2	<p>Delivering the Vision Chapter</p> <p>STRAT1. Delete and insert “The three Councils shall apply the Guiding Principles of Sustainable Development in Schedule 1 to the preparation of development plans, the consideration of masterplans and to planning applications as appropriate.”</p>	Extends policies beyond development plan to include masterplanning and planning applications. Whilst there is no objection to the extension of the policy to masterplanning, there is a concern that also including the words “planning applications as appropriate” is both too vague and for many applications could make Schedule 1 too onerous a responsibility.	Objection to the inclusion of - “...and to planning applications as appropriate”

<p>Reason – To recognise that the application of the principles has to take account of circumstances and different types of development, and may have to be applied before they can be included in development plans.</p>		
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3	<p>Schedule 1. Development Obligations first sentence. Delete “any” insert “the significant”</p> <p>Reason – clarification.</p>	<p>Although statement weakened it does give consistent approach in wording throughout the plan</p>	<p><u>Agree</u></p>
4	<p>Schedule 1 Development obligations. Delete 6th and 7th sentences.</p> <p>Reason – not development obligations and because the statutory requirement is for EIA.</p>	<p>There may be a wrong presumption in the proposed modification that Schedule 1 is only about statutory obligation rather than local circumstances. Schedule 1 is about achieving a sustainable Ayrshire in line with the national Sustainable Development Strategies. This modification considerably weakens Schedule 1 for the management of development and particularly for those significant developments not requiring EIA, eg large housing developments attached to small communities.</p>	<p>Objection – reinstate previous text.</p>
5	<p>Paragraph 14. Insert at the end: “In particular the distribution of investment, particularly housing, in the 57 communities listed in Schedule 3 as within the Core Investment Area and the 7 Investment Corridors will require careful monitoring. The results will inform the early preparation of a more focussed strategy for the Local Development Plans which will be prepared under the Planning etc (Scotland) Act 2006.”</p> <p>Reason – To provide for the review of the development framework.</p>	<p>Requirement for a future monitoring process to be linked into progress for delivering housing land.</p>	<p><u>Agree</u></p>

<p>6</p>	<p>Economy Chapter Paragraph 31. At the end of the first sentence insert “and requires the preparation of an airport master plan.”</p> <p>ECON 1 final sentence. Add at the end “consistent with the Airport Master Plan”.</p> <p>Reason – To apply the 2003 Aviation White Paper.</p>	<p>None</p> <p>See Committee Report This implies whole of area around GPA becomes subservient to an airport master plan over which there is limited control.</p>	<p><u>Agree</u></p> <p>Objection to proposed modification – Suggested new wording: “in conjunction with”</p>
<p>7</p>	<p>Paragraph 34. After “Riverside/Irvine” insert “, Ardeer” Line 13 delete “and Ardeer”</p> <p>ECON 2 Existing Strategic Business sites. After “Irvine Riverside” insert “Ardeer”.</p>	<p>See Committee Report It is not clear to which part of Ardeer this refers or to the nature of the strategic industrial site designation proposed – is it the site identified as IND2 on North Ayrshire Council’s Approved Local Plan or something different? Is there an issue about SEA and Appropriate Assessment under Article 6 of Habitats Directive if a different site from that included in Local Plan?</p> <p>As above</p>	<p>Objection – Clarification of which part of Ardeer Peninsula this applies to and whether appropriate SEA and natural heritage tests have been applied.</p> <p><u>Objection</u></p>

	Reason – To recognise Ardeer as a strategic business site.		
8	<p>Paragraph 46. Delete ‘but this cannot be at the expense of the environment’ and insert ‘and take environmental impacts into account’. Delete “commercial” in both instances and on the Key Diagram and on the Economic Investment Diagram. Add at the end “An Environmental Impact Assessment is a requirement for proposals likely to have significant environmental effects.”</p> <p>Reason – Clarification.</p>	None	<u>Agree</u>

<p>9</p>	<p>ECON 7 Wind Farms. Delete and insert:</p> <p>A) “In the Areas of Search: proposals for large and small scale wind farm development will be supported subject to environmental impact assessment and other material considerations.”</p> <p>B) Outside the Areas of Search: large scale windfarms will have to demonstrate that there are no suitable opportunities within the search areas: and all wind farm proposals will have to demonstrate that there will be no unacceptable significant adverse effects on:</p> <ol style="list-style-type: none"> 1) communities; 2) landscape character and visual amenity; 3) natural environment; 4) built and cultural heritage; 5) telecommunications systems; 6) airport operational requirements. 	<p>See Committee Report.</p> <p>Although the policy here has been substantially modified there has been a change of emphasis rather than substance, particularly when referenced to the first part of new Policy 7B.</p> <p>The new SPP 6 on Renewable Energy in an Annex includes a checklist of criteria to be considered. Although most are covered in the new Policy 7B 1-6, tourism and recreational interests are not. Given their potential significance to Ayrshire it is recommended this criteria should be added.</p> <p>Policy 7B as submitted included after wind farm developments the words “...including their construction, siting, access and transmission links to the grid...” This has been excluded from the new wording of Policy 7B. This was the only policy means of seeking to mediate this form of development and its loss is of concern.</p>	<p style="text-align: right;"><u>Agree</u></p> <p><u>Objection</u> - add to ECON 7B Wind Farms... “...7) tourism and recreational interests.”</p> <p><u>Objection</u> - add to ECON 7B Wind Farms “...including their construction, siting, access and transmission links to the grid...” after “...all wind farm proposals...”</p>
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C) Cumulative impact will be assessed in all cases, taking into account existing wind farms and other known proposals, with or without planning permission.

This brings added recognition to the last part of the previous policy and is a welcome strengthening of the policy

Agree

	<p>D) Proposals for wind farm development in areas designated for their national or international natural heritage value will not conform to the plan.</p> <p>Reason – To reflect Scottish Planning Policy (SPP)6.</p>	<p>Concern this only applies to natural heritage not historic environment as well.</p>	<p>Objection – add “...and historic environment significance...” after “...national and international natural heritage value...”</p>
10	<p>ECON 8 and Paragraph 47 headings. After “Biomass” insert “and power generation”.</p> <p>Reason – To clarify that the policy applies to more than biomass.</p>	<p>This is an extension of the policy that was considered at the time and the text makes clear that it is only biomass that will require strategic direction in Ayrshire. The inclusion of ...and Power Generation... as both a heading both for text and policy in effect gives conformity to <u>all</u> forms of power generation in Ayrshire which was not the intention. Recommend the words “and power generation” be removed or at least the word “and”</p>	<p><u>Objection</u> - delete either “...and power generation...” or simply “...and...” from heading of both text and policy</p>
11	<p>ECON 9. Delete “plant” insert “facility”.</p> <p>Reason – To be consistent with paragraph 51.</p>	<p>None</p>	<p><u>Agree</u></p>



<p>12</p>	<p>Communities Chapter</p> <p>Above Paragraph 65. delete “National” from the title.</p> <p>Paragraph 66. Insert at the beginning “The Scottish Executive has identified Ayrshire as one of 2 regional priorities for regeneration. It is supporting Irvine Bay Urban Regeneration Company and will work with local partners to pursue regeneration opportunities with a regional impact.”</p> <p>Move the text of paragraph 66 to 65 and vice versa.</p> <p>COMM 1 A) Add at the end “including the Coalfield Communities Initiative Area”.</p> <p>COMM 1 C) Delete and insert “Promote Irvine Bay as part of the national regeneration initiative.”</p> <p>Reason – To conform with the Scottish Executive’s People and Place: Regeneration Policy Statement.</p>	<p>Weakens the text and the context for the Coalfield Communities but perhaps more accurately reflects “People & Place Regeneration Strategy”</p> <p>The “People & Place Regeneration Strategy” seeks Ayrshire as a whole to be more fully integrated into the Glasgow City region and wider economy of the central belt and this should be a prime objective of plans for the regeneration of Irvine Bay and also Kilmarnock town centre.</p> <p>Weakens Coalfield Community Initiative Area but is reflective of new Regeneration Strategy</p> <p>As above, but Kilmarnock Town Centre should be added to policy as a location identified in Regeneration Strategy and to Challenges box on page 2.</p> <p>Confirms Irvine Bay as a major regeneration initiative which can have a wider regional impact</p>	<p><u>Agree</u></p> <p><u>Agree</u></p> <p><u>Agree</u></p> <p><u>Objecti</u> <u>on –</u> <u>add</u> <u>Kilmar</u> <u>nock</u> <u>Town</u> <u>Centre</u></p> <p>Agree</p>
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13	Table 2. Delete and replace: See Attached Sheet Reason – To insert figures for 2017 – 2025	To introduce greater clarity in the table by identifying allocations for the 2012-2017 period and indicative targets for the period 2017-2025.	<u>Agree</u>
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14	<p>Table 3. Delete and Replace</p> <p>See Attached Sheet</p> <p>Reason – to reflect different assumptions about unproven and constrained sites becoming effective.</p>	<p>See Committee Report.</p> <p>Without a detailed explanation of the figures the reasons for the change are not fully understood. If they are brought about by a reduction in assumed contribution from urban capacity sites to 25% there is no objection to the principle, but this does not explain change to Ayr Area which requires clarification.</p>	<p>Objection – Ayr Area figures may be based on mis-understanding of SE Ayr</p>
15	<p>M74 Link. Wherever “M74 Link” occurs throughout the plan delete and replace with “Cumnock Link”</p> <p>Reason – to better describe the area.</p>	<p>This gives a false impression of the purpose of this Investment Corridor and includes communities in both East and South Ayrshire, seeks to regenerate communities on both A70 and A76 as part of the wider Coalfield Initiative and whilst Cumnock is the largest community in the area does not specifically focus on Cumnock itself.</p>	<p>Objection – retain existing definition</p>

16	<p>Community Investment Diagram. Indicate on the diagram the subdivision of the Core Investment Area into 'Ayr Area', 'Kilmarnock Area' and 'Irvine Area' as per Table 3. Strategic Expansion Locations - add a symbol for South Kilmarnock and ensure the symbol at Ayr covers south and south east. Amend figures to conform with replacement Table 3.</p> <p>Reason – To facilitate the identification and delivery of housing land, and to clarify the areas shown in Table 3.</p>	<p>Reasons for the sub division of the core area are unclear and at this scale meaningless.</p> <p>Change for Kilmarnock reflects more accurately Schedule 5.</p> <p>See also Modification 19. Change from South East Ayr to South and South East Ayr gives unrestricted scope for development to the south of Ayr into the Green Belt.</p>	<p><u>Objection</u></p> <p><u>Agree</u></p> <p><u>Objection</u></p>
17	<p>Paragraph 74. After the second sentence insert 'This does not preclude the identification of other strategic locations through an alteration to the plan or by inclusion in subsequent local development plans providing they accord with Table 3 and any infrastructure and other requirements are met.'</p> <p>Reason – To clarify the first 2 sentences of Paragraph 74.</p>	<p>The strategic locations identified in Schedule 5 are not randomly chosen. They represent the Council's views on which communities represent particular advantage in early development to stimulate the housing market. Other sites will be brought forward, and policies don't preclude this, but they are not considered to be in the same category.</p>	<p><u>Objection</u></p>
18	<p>Paragraph 75 second sentence. Add at the end 'extending in some cases beyond the plan period'.</p> <p>Reason – To enable long term investment in infrastructure.</p>	<p>To reflect the long term delivery of infrastructure schemes</p>	<p><u>Agree</u></p>

19	<p>Schedule 5. Insert the words ‘South and’ before ‘South East Ayr’</p> <p>Reason – To clarify the location.</p>	<p>See Committee Report. Also see 16 above. This seems to be based on a false assumption about proposed housing development in SE Ayr. It is not clear if the change has been made to reflect the proposed housing site at Greenan – now included in the Adopted South Ayrshire Local Plan. This has no relevance to the submitted plan being a housing land release to comply with the Approved Joint Structure Plan. If the modification is not to include this proposed housing location then the modification gives strategic policy direction to major housing expansion for Ayr into the Green Belt which is unacceptable and precludes a consideration of development options through a local development plan.</p>	<p>Objection removal of “...South and...”</p>
20	<p>COMM 2 A) second sentence. After ‘review’ insert ‘at no more than 5 year intervals’.</p> <p>Reason – To ensure the land supply.</p>	<p>To reflect the need to modernise the development plan and to ensure the land supply for housing remains up to date and relevant</p>	<p><u>Agree</u></p>
21	<p>COMM 3 B). Delete and replace with: ‘apply the Indicative Targets identified in Table 3 without significantly departing from them and to achieve the Housing Requirements of Table 2.</p> <p>Reason – The Targets in Table 3 are only indicative.</p>	<p>Clarifies the significance of the targets set in the Structure Plan.</p>	<p><u>Agree</u></p>



22	<p>COMM 3 F). Delete “any shortfalls” insert “appropriate shortfalls”.</p> <p>Reason – To clarify the scope of developer contributions.</p>	<p>Clarifies the scope of developer contributions to community infrastructure.</p>	<p><u>Agree</u></p>
23	<p>Paragraph 85 and COMM 6. B). Add at the end “as indicated in Schedule 3”</p> <p>Reason – To define the functions of centres”</p>	<p>Link to Schedule 3 is confusing as this infers a relationship to all communities listed, which is not the case. Text is unnecessary and should be deleted.</p>	<p><u>Objecti on</u></p>
24	<p>COMM 6. First sentence. After “by” insert “policies and”.</p> <p>Reason – to ensure that local plan policies apply the strategy.</p>	<p>To recognise that consistent policies in addition to development can promote the vitality and viability of town centres within Ayrshire</p>	<p><u>Agree</u></p>
25	<p>COMM 6. C) Delete “extant” insert “non completed retail development, unimplemented”.</p> <p>Reason – To reflect Schedule 6.</p>	<p>Clarifies the meaning of “extant”</p>	<p><u>Agree</u></p>

<p>26</p>	<p>Environment Chapter</p> <p>ENV 2 Landscape Protection. Delete and insert:</p> <p>A) Development that affects a National Scenic Area will only be permitted where it has been demonstrated:</p> <p>a) The overall objectives of the designated area and the overall integrity of the area would not be compromised; or</p> <p>b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.</p> <p>B) In Sensitive Landscape Character Areas the protection and enhancement of the landscape shall be given full consideration in the preparation of local plans and the determination of planning applications.</p> <p>Reason – To recognise the different status of the National Scenic Area and the Sensitive Landscape Character Areas and to reflect the SE model policy.</p>	<p>This modification reflects a change back to the original policies in the first joint structure plan and as such there is no objection to the principle, however, see comment on ENV 2B</p> <p>This was a modification to the first structure plan required by SNH and is replicated here in the form of the SE model policy.</p> <p>See Committee Report.</p> <p>The word “full” has replaced “prime” in an otherwise unchanged copy of the previous policy. The word “full” gives a different interpretation to the policy and is not acceptable. It may be that rather than just change the policy the text from the previous plan should be added as well for clarification.</p>	<p><u>Agree</u></p> <p>Objection</p>
<p>27</p>	<p>ENV 3 Core Investment Area Landscape. Add at the end</p>	<p>None</p>	<p><u>Agree</u></p>

“in a subsequent development plan”.

Reason – to clarify the means of defining a green belt.

28	<p>Woodland Strategy Diagram. Insert in the key “Terms have the same meaning as in the Ayrshire and Arran Woodland Strategy”</p> <p>Reason – Clarification.</p>	Suggest put terms into glossary rather than complicate diagram	<u>Objecti on</u>
29	<p>Paragraph 102. Delete “concept” insert “conservation”.</p> <p>Reason – To comply with the legislation.</p>	None	<u>Agree</u>
30	<p>ENV 7. Final sentence. Delete “prepare detailed” insert “include policies based on the Scottish Executive Model Policy”.</p> <p>Reason – To deliver best practice in policy wording.</p>	None	<u>Agree</u>
31	<p>ENV 8 Flooding. A). Delete the first sentence and insert: “In accordance with the policy in SPP7, development proposals which would be at significant risk of flooding or which would increase the probability of flooding elsewhere will not be permitted. Local plans will apply the policy in the light of SEPA’s flood risk maps.” Second sentence. Delete: “and, only then, on brownfield sites”</p> <p>Reason – to accord with SPP7.</p>	None	<u>Agree</u>

32	<p>Paragraph 116. After the second sentence insert “The 3 Councils will work together to resolve these uncertainties. Meanwhile “</p> <p>ENV 12. Add at the end “They shall work together to prepare a strategy for mineral development, including opencast coal, to guide the preparation of future local development plans.</p> <p>Reason – To provide a planned and up to date approach to mineral working.</p>	<p>See below</p> <p>This could have financial implications for Councils but there are no objections as such to the change.</p>	<p><u>Agree</u></p>
33	<p>Transport Chapter</p> <p>TRANS 1. Add a new clause: “G) a transport appraisal process, which may include traffic modelling, is undertaken in accord with SPP17 and the results incorporated if necessary into the implementation of this plan and local development plans prepared under the Planning etc. (Scotland) Act 2006. Transport Scotland shall be consulted on the scope and content of the appraisal.”</p> <p>Reason – To apply Scottish Planning Policy 17</p>	<p>Councils currently undertake this work already, however highlights the need to support Strategic Environmental Assessments and STAG appraisals when appropriate and to support modelling/accessibility analysis for future development plans and transport strategies.</p>	<p><u>Agree</u></p>
34	<p>Paragraph 120 third sentence. Add at the end “in accordance with national guidance on new railway station proposals”.</p>	<p>None</p>	<p><u>Agree</u></p>

	Reason – To apply national guidance on new stations.		
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<p>35</p>	<p>Paragraph 124. Delete “These are” and insert: “These improvements will strengthen connectivity between Ayrshire and the M74 to serve European and UK locations, the Glasgow conurbation and, via the motorway and trunk road network, the rest of Scotland. Transport Scotland is undertaking a Strategic Transport Projects Review which will enable projects and improvements to be prioritised.”</p> <p>Paragraph 124. Delete indent (i) and insert “Improved A78 links between Hunterston, the Irvine Bay Regeneration area and the Core Investment Area, which will improve connectivity with the Central Belt and beyond.</p> <p>Paragraph 124. Indent (iv). Delete “in (i)”.</p> <p>Reason – To recognise the importance of the road improvements to connectivity, the role of the Strategic Transport Projects Review, the tentative nature of the east – west link as proposed and the links to the M74 provided by other roads.</p>	<p>None</p> <p>See Committee Report. Significant shift in policy. Removal of the east-west route between the Core Investment Area and the M74. Strategic link to main national motorway system now either through Glasgow or using A76. Policy was put in as a long term option and is included as a proposal in Regional Transport Strategy to preclude increasing pressure on communities on A70 and A71 and to assist regeneration opportunities. Removal will commit these communities to significant future environmental damage as current links south are inadequate.</p> <p>Consequential only.</p>	<p><u>Agree</u></p> <p><u>Objecti on</u></p>
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36	<p>Paragraph 124. Add after indent (iv) “The transportation schemes within TRANS 3, which include alterations and improvements to the strategic trunk road network, require to be determined through an appraisal process which will include a STAG Appraisal as detailed within SPP 17 and PAN 75. The transportation schemes require approval from Transport Scotland, where collaborative working should be promoted for the provision and approval of strategic transport infrastructure. Currently, none of the schemes included in TRANS 3 have undergone an appropriate appraisal and do not have approval from Transport Scotland.”</p> <p>Transport Investment Key Diagram Insert and Schedule 7 heading. Insert “Potential Opportunities for” before “New”.</p> <p>Reason – to be consistent with the text.</p>	<p>Statement factually incorrect. Several parts of several routes identified in TRANS 3 have gone through appraisal.</p> <p>Clarifies the text but does recognise that the stations listed are potential opportunities which could be supported through new development.</p>	<p><u>Objecti on</u></p> <p><u>Agree</u></p>
37	<p>Transport Investment Key Diagram Insert, Key Diagram and elsewhere. Wherever they occur the references to the ‘east–west road” shall be deleted.</p> <p>Reason – to be consistent with modified paragraph 124 and TRANS 3.</p>	<p>See Modification 35 above. Removal of the east-west route between the core investment area and the M74</p>	<p><u>Objecti on</u></p>

38	<p>TRANS 2 Opening sentence. After “bodies” insert “and in the context of Scotland’s Railways”.</p> <p>Reason – To take account of Scotland’s Railways.</p>		<u>Agree</u>
39	<p>TRANS 2 B). After “appropriate” insert “and subject to national guidance on new station proposals”; and after “developments” insert “prioritising the locations which support the implementation of the plan’s strategy as high, medium or low priorities”.</p> <p>Reason – So the structure plan prioritises the locations in Schedule 7 in support of the strategy.</p>	<p>See 36 above. The Ayrshire Councils would hope all new stations could be built by the end of the plan period and through developer led investment, thus prioritisation not a primary consideration. It is not clear whether classification is to be done before AJSP approval.</p>	<u>Objecti on</u>
40	<p>TRANS 3. B). After “study” insert “and if appropriate the”.</p> <p>Reason – to ensure that any promotion and development of the proposals is founded on the studies.</p>	<p>Weakens policy. Current text accords with the reason given for the proposed change</p>	<u>Objecti on</u>
41	<p>TRANS 3. B) i). delete “an enhanced east-west link to the M74 motorway including” and add at the end “from the Core Investment Area”.</p> <p>Reason – See paragraph 124 reason.</p>	<p>See Modifications 35 and 37 above. Removal of the east-west route between the core investment area and the M74</p>	<u>Objecti on</u>

42	<p>Implementation, Monitoring and Review chapter</p> <p>IMP 2 Water and Sewerage Infrastructure. A) Insert at the end “and if a development can reasonably be connected to a public sewer there will be a general presumption against private waste water treatment systems.” C) Delete from “fund” to the end and insert “fund the non-strategic infrastructure servicing of their sites under the Provision of Water and Sewerage Services (Reasonable Cost)(Scotland) Regulations 2006.</p> <p>Reason – To maximise the use of public sewers and clarify the apportioning of costs.</p>	<p>None</p> <p>None</p>	<p><u>Agree</u></p> <p><u>Agree</u></p>
43	<p>Glossary</p> <p>Large Scale Wind Farms. Delete and insert “developments of more than 20MW of generating capacity.”</p> <p>Reason – To reflect Scottish Planning Policy (SPP)6</p>	<p>Based on current technology the modifications raise the threshold by two turbines. Turbines currently have a generating capacity of 3MW (the equivalent of seven turbines).</p>	<p><u>Agree</u></p>
44	<p>Green belt. Delete “An area of land where strict planning controls apply” and insert “ An area of land designated for the purposes of managing the growth of a town or city in the long term where there is a strong presumption against inappropriate development”.</p>	<p>None</p>	<p><u>Agree</u></p>

	Reason – To accord with SPP 21 Green Belts.		
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45	<p>Environmental Assessment (Under Communities). Make consistent with the definition of Environmental Impact Assessment under Environment.</p>	None	<u>Agree</u>
46	<p>Key Diagram</p> <p>Add the green belt.</p> <p>Reason – To indicate the general location of the green belt</p>	None	<u>Agree</u>
47	<p>Add Ardeer as an Existing Strategic Business Site.</p> <p>Reason - To be consistent with the modified text.</p>	See Modification No.7	<u>Objection</u>
48	<p>Delete the “NR” symbol to the south east of Ayr and in the key after “National Regeneration” delete “Priorities” and insert “Initiative”.</p> <p>Reason – To be consistent with People and Place: the SE Regeneration Policy Statement.</p>	Deletion of symbol means no recognition for Coalfield Community Initiative. Needs some symbol to recognise context for text reference and to provide link to National Planning Framework.	Objection

AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 18 APRIL 2007 AT 1400 HOURS IN THE GIRVAN COMMITTEE ROOM, COUNTY BUILDINGS, SOUTH AYRSHIRE COUNCIL HEADQUARTERS, WELLINGTON SQUARE, AYR

PRESENT: Councillors Peter Convery, Ian Fitzsimmons, Helen Moonie and Margaret Toner (South Ayrshire Council); George Smith (East Ayrshire Council); and Tom Barr and David Munn (North Ayrshire Council).

ATTENDING: Ian Johnson, Structure Plan Manager; John Esslement, Senior Policy Advisor; and Nigel Wallace, Policy Officer (Ayrshire Joint Structure Plan); Ian McLarty, Head of Planning and Transportation and Ian M Johnson, Planning Manager (South Ayrshire Council); Alan Neish, Head of Planning and Economic Development; Jim Kane, Head of Roads and Transportation; and Stuart Nelson, Administrative Officer (East Ayrshire Council); and Bob Forrest, Planning Services Manager (North Ayrshire Council).

APOLOGIES: Councillors Robert McDill, Jim Raymond and Eric Ross (East Ayrshire Council).

CHAIR: Councillor Peter Convery, Chair (South Ayrshire Council).

MINUTES

1. There were submitted (circulated) and approved as a correct record, the Minutes of the meeting of the Ayrshire Joint Structure Plan and Transportation Committee held on 1 September 2006.

AYRSHIRE JOINT STRUCTURE PLAN: DRAFT MODIFICATIONS

2. There were submitted (a) a report (circulated) by the Structure Plan Manager which advised of the publication by the Scottish Executive of the Draft Modifications to the Ayrshire Joint Structure Plan and sought authority to submit the representations to be made on those Modifications to Councils for their approval; and (b) a report (circulated) by the Structure Plan Manager which advised of additional representations to be made on the Draft Modifications to the Scottish Executive as a result of meetings held on Monday 16 April 2007 with Council Officers for both Planning and Waste.

At the request of the Chair, it was agreed that the following items be tabled in order to facilitate the Committee's deliberations, namely:- (i) a further report by the Structure Plan Manager incorporating the relevant text from the two previous reports which had been circulated; and (ii) a letter dated 17 April 2007 received by the Structure Plan Manager from Nick Evans, Planning Division at the Scottish Executive Development Department regarding the issue of Scottish Planning Policy 6 and the Ayrshire Joint Structure Plan Draft Modifications, and the implications of SPP6 for the final version of the Structure Plan.

It was agreed:-

- (i) to approve the Report and the Appendix attached to the report by the Structure Plan Manager, which had been tabled, as the basis for commenting to the Scottish Executive on the draft Modifications to the Ayrshire Joint

Structure Plan, subject to further amendment to Modification 9(B)(6) to read “airport operational requirements including safety”;

- (ii) to pass the report and its recommendations, subject to in para 8, lines 16 and 17, deletion of the words from “unequivocally” to “totally” and the insertion of the words “recognise that the Ayrshire Councils in the approved joint structure plan were” , to each of the three Councils for their individual approval, and to authorise the Structure Plan Manager to, thereafter, pass the comments to the Scottish Executive;
- (iii) to request the Structure Plan Manager, in conjunction with the three Heads of Planning, to write formally to the Scottish Executive Chief Planner expressing deep disquiet over the inadequacy of the reasons given for many of the modifications and the lack of opportunity to clarify issues, and relating this Committee’s dissatisfaction, in the strongest terms, at the content of the letter received by the Structure Plan Manager in respect of Scottish Planning Policy 6 and the Ayrshire Structure Plan Draft Modifications; and
- (iv) to request the Structure Plan Manager to circulate to the three Councils a copy of a letter sent to the Scottish Executive by the Strategic Waste Management Group, with a recommendation that Councils support the position of that Group and authorise the Structure Plan Manager to intimate this in appropriate terms to the Scottish Executive, this in addition to the Council’s own submissions on waste arising from (ii), above.

The meeting terminated at 1502 hours.