

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 27 AUGUST 2002

THE PROVISION OF A MOTORWAY SERVICE AREA – M77

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 To inform the Committee of the current position regarding the provision of a motorway service area on the upgraded M77 between Kilmarnock and Glasgow, as contained in the East Ayrshire Local Plan Finalised Version with Modifications, the Glasgow and Clyde Valley Structure Plan and the finalised East Renfrewshire Local Plan.

2. BACKGROUND

2.1 The issue of providing a motorway service area at an appropriate location along the M77 between Kilmarnock and Glasgow has recently been the subject of separate policy considerations promoted by the affected local planning authorities, East Ayrshire Council and East Renfrewshire Council, and the Glasgow and the Clyde Valley Structure Plan Committee.

East Ayrshire Local Plan

2.2 In the East Ayrshire Local Plan (Finalised Version with Modifications) East Ayrshire Council recognised that a motorway service area located at an appropriate site along the upgraded M77 between Kilmarnock and the authority boundary at Floak would correspond with National Planning Policy Guidance as regards siting of motorway service areas and could bring considerable benefits to the area. Therefore, it was agreed that a specific policy should be included in the plan, to read:-

‘Pending full consideration of the subject by the Ayrshire Joint Structure Plan and Transportation Committee, the Council will, in principle, be supportive of any suitable proposal to establish a motorway service area at Kingswell, near the junction of the M77 and the B764 Eaglesham Moor Road as shown on the Local Plan Rural Area Map, provided that environment and access requirements can be met.’

The location of the MSA at Kingswell was chosen to reflect the views of the Council that the area was the optimum site for a motorway service area along the M77 .

Glasgow and the Clyde Valley Structure Plan

2.3 In the Glasgow and the Clyde Valley Structure Plan 2000, as submitted to the Scottish Ministers for approval, recognition was given that an opportunity for a Motorway Service Area existed on the M77 south of Glasgow, between central Glasgow and the boundary of East Renfrewshire and East Ayrshire. The Council formally objected to this provision on the grounds that this proposal could prejudice the Council's stated intention (at that time) to approve a new Motorway Service Area at Kingswell, and effectively negate any possibility of a MSA being established along the line of the M77 within East Ayrshire. Following consideration of all objections received, the Scottish Ministers subsequently approved the Glasgow and the Clyde Valley Structure Plan subject to certain modifications, one of which was to remove the previously recognised need for a Motorway Service Area along the M77 (South of Glasgow). This modification was fully supported by the Council.

Planning Applications

2.4 Two planning applications for an MSA at Kingswell on different sites were lodged with the Council for consideration some time ago. The Council resolved to approve both, on the basis that only one would proceed. These were then called in by Scottish Ministers because of their trunk road responsibilities. Since then one of these applications has been withdrawn, and following the approval of the Glasgow and Clyde Valley Structure Plan Scottish Ministers referred the remaining MSA application (by Ashley Bell) back to East Ayrshire Council for determination. A consent was issued on 3 September 2001.

East Renfrewshire Local Plan

2.5 East Renfrewshire Council is currently producing an East Renfrewshire Local Plan and, in the finalised version of that plan, Policy T7 supports the development of a Motorway Service Area in the vicinity of the junction of the M77 and the proposed new Glasgow Southern Orbital Road (GSO). The identification of this area in the plan was, at the time, in full conformity with the provisions of the Glasgow and the Clyde Valley Structure Plan. However it does not conform with the Structure Plan as approved by Scottish Ministers. A formal objection to the identification of this site in the East Renfrewshire Local Plan was lodged by East Ayrshire Council and this objection is currently being considered, by written submission procedures, at the ongoing Public Local Inquiry into the Plan.

3. FURTHER OBJECTIONS TO PROPOSALS FOR EAST RENFREWSHIRE

3.1 Notwithstanding the fact that Structure Plan support for a MSA within East Renfrewshire has now been removed, East Renfrewshire Council is continuing to support the principle of a Motorway Service Area at the M77/GSO junction and is continuing to promote a Local Plan Policy to achieve this aim. East Renfrewshire Council is also currently in the process of determining two planning applications for MSA's at the M77/GSO junction.

3.2 As stated above, the issue of MSA provision is currently the subject of consideration at the ongoing Public Local Inquiry into the East Renfrewshire Local Plan. As the Scottish Ministers' approval of the Glasgow and the Clyde Valley Structure Plan has occurred during the Inquiry Period and as the Scottish Ministers' modification to the MSA element of the Structure Plan directly impacts on the Reporter's consideration of objections to the Local Plan, East Renfrewshire Council has prepared a supplementary statement of evidence to be submitted to the Inquiry Reporter for consideration. This statement considers the impact of the approved Structure Plan modification that removes the reference to a MSA on the M77. As an objector to the Local Plan, East Ayrshire Council has been forwarded a copy of this supplementary statement of evidence by the Local Plan Inquiry Programme Officer and has been invited to make additional submissions on the Statement by 12 August 2002.

3.3 Bearing in mind the date for further submissions to be lodged with the Inquiry Programme Officer, the Head of Planning and Building Control has already forwarded further objections to the continuing reference to the MSA in the East Renfrewshire Local Plan.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications for the Council.

5. POLICY IMPLICATIONS

5.1 An MSA located within East Ayrshire would support the Council's economic development and tourism objectives.

6. LEGAL IMPLICATIONS

6.1 Any deviation by East Renfrewshire Council either to retain Policy T7 in the Local Plan contrary to the Reporter's recommendations or to approve either of the planning applications for Motorway Service Areas, currently lodged with that Authority for determination, might be considered unreasonable and open to legal challenge in the context of the circumstances set out in this report. There could also be a strong case for a call-in by Scottish Ministers of either the Local Plan or the planning applications if East Renfrewshire were to be minded to support the proposed MSA. East Ayrshire Council may wish to consider supporting a judicial review if pursued by the developer of the approved MSA, given the potential impact on the East Ayrshire Local Plan Finalised Version with Modifications of such decision(s).

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications for the Council.

8. RECOMMENDATIONS

8.1 It is recommended that the Committee:

- (a) agree the action taken by the Head of Planning and Building Control in lodging an objection on behalf of the Council to the proposal by East Renfrewshire Council to maintain its policy support for an MSA at the junction of the M77/GSO route in the East Renfrewshire Local Plan; and
- (b) request the Director to draw the concerns of the Council to the attention of both East Renfrewshire Council and the Scottish Executive.

Stephen Chorley
Director of Development Services

26 July 2002 (JL/SA)
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LIST OF BACKGROUND PAPERS

- 1. Letter of Objection**
- 2. Supplementary Statement of Evidence by East Renfrewshire**
- 3. East Ayrshire Local Plan, Finalised Version with Modifications.**
- 4. Report into Objections to the East Ayrshire Local Plan – July 2002.**
- 5. Decision Letter of Scottish Ministers to approve the Glasgow and the Clyde Valley Structure Plan and Annex of Modifications – 20 April 2002.**

Anyone wishing to inspect the above papers please contact John Lilley on (01563) 576754.

Implementation Officer: Alan Neish

AGENDA