

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 28 AUGUST 2001

CONSIDERATION OF NEW ISSUES ARISING SINCE THE DETERMINATION OF PLANNING APPLICATIONS IN RESPECT OF THE DEVELOPMENT OF MOTORWAY SERVICE AREAS AT KINGSWELL JUNCTION, FENWICK

APPLICATION NO. KL/E/OL/95/251A: Texaco

APPLICATION NO. KL/E/OL/89/143B: Mr Ashley Bell

Report by Director of Development Services

1. PURPOSE OF REPORT

1.1 The purpose of this report is to consider the changed circumstances since determining the above planning applications on the 6 March 1997. With the application submitted by Texaco having been withdrawn, it is necessary to make a recommendation on the one application still to be determined (Mr Ashley Bell).

2. BACKGROUND

2.1 The two applications for Motorway Service Areas (MSA's) were approved by the Development Services Committee on 6 March 1997 subject to conditions and notification to the Secretary of State under the Town and Country Planning (Development Contrary to Development Plans Direction 1988). On the 16 May 1997 the then Secretary of State for Scotland "called-in for his determination" both applications in view of the possible implications for national policy governing the provision of MSA's. In broad terms this related to the fact that the Council were intending to grant 2 applications within the minimum separation distance of 24 klms. of each other as advised in NPPG 9 (the Provision of Roadside Facilities on Motorways and Trunk Roads in Scotland).

2.2 Texaco withdrew their planning application in November 2000 and on the 18 July 2001 the Scottish Executive issued a direction which revoked the call in of the remaining application (Mr Ashley Bell). The Council are now able to proceed to determine the remaining application by Mr Ashley Bell. In doing so however the Council require to give consideration to relevant changed circumstances as it is some 4 years and more since the original decision. These are listed as follows:

1. The revised direction from the Scottish Executive Development Department – Road Network Management and Maintenance Division. (16 July 2001)

2. Approval of the Ayrshire Joint Structure Plan by the Scottish Executive (21 January 2000) and Approval of East Ayrshire Finalised Local Plan with modifications.
3. Approval of the funding for the Construction of the M77 (insert date).
4. Approval of the Glasgow South Orbital Route by the Scottish Ministers. (14 June 2001)
5. Submission of a further application for an MSA to East Renfrewshire Council.
6. Consideration of the requirement for the submission of any additional information since the coming into force of The Environmental Impact Assessment (Scotland) Regulations 1999.

3. CONSIDERATION OF ISSUES

3.1 The revised direction from the Road Network Management and Maintenance Division attaches the same conditions as those previously considered by the Council and therefore raises no new issues in relation to the planning application. It should be noted however that their position remains that the minimum separation distance between such facilities should be 24 klms., and they will control this by signing of the facility (i.e. they will not allow signing of two such facilities and this will be a defining economic factor in terms of implementation of the MSA.)

3.2 The Ayrshire Joint Structure Plan now supersedes the Strathclyde Structure Plan. In approving the Ayrshire Joint Structure Plan the Scottish Ministers added a Modification as follows "The AJSP Committee when preparing the first Alteration to the Structure Plan will consider whether the following topics raise issues of strategic significance for inclusion in the plan;

- a) infrastructure
- b) service areas for motorways and trunk roads
- c) sport and recreation
- d) flooding"

This alteration has not been considered by the Structure Plan Committee and the Structure Plan has no specific policies relating to the provision of MSA's

3.3 When the application was determined in March 1997 it was tested against the Strathclyde Structure Plan (as submitted). Assessment of the application has now been made against Policies G1, G2, G5 and W5 of the Ayrshire Structure Plan. Policy G1 is the most pertinent. In respect of criterion B the

proposed site is identified in the East Ayrshire Local Plan Finalised version (as modified). The proposal is therefore in accord with the Structure Plan. Policy G5 essentially mirrors Policy CAT 1A contained in the Strathclyde Structure Plan. Although the application has already been considered against Policy CAT 1A it is considered that it fully meets the requirements of Policy G5. Similarly in respect of Policy G2 it is considered that the proposals meets all of the policy criteria. The proposals are fully compliant with Policy W5.

3.4 The East Ayrshire Finalised Local Plan with Modification has been approved and the development is shown on the proposals map and is referred to in Policy T 7 which specifies;

“Pending full consideration of the subjects by the Ayrshire Joint Structure Plan and Transportation Committee, the Council will in principle, be supportive of any suitable proposal to establish an MSA at Kingswell near the junction of the M 77 and the B 764 Eaglesham Moor Road, as shown on the Local Plan Rural Area Map, provided that environmental and access requirements can be met. Given the weight that should be attached to this plan, this is a significant change which further reinforces support of the application.

3.5 As part of the Strategic Roads Review announced by the Scottish Executive in November 1999 the M. 77 Fenwick – Malletsheugh would proceed next year and this is also reflected as a modification to the Structure Plan. This is a positive development, which gives further support to the application.

3.6 The Scottish Office Ministers gave approval of the Glasgow South Orbital Route on 14 June 2001 and an application to construct an MSA on the M 77 in the vicinity of the junction with the GSO route is under consideration by East Renfrewshire Council. That MSA is still to be determined by East Renfrewshire Council, however, having regard to this application and on the assumption that planning permission is granted the issue remains that only one signage agreement would be issued by the Scottish Executive. Whilst this competing application could be viewed to be a changed circumstance the same logic applies in the original determination by East Ayrshire Council to approve 2 MSA's as identified in the previous committee report. Specifically, a comparison of the applications is not necessary and each must be determined on its own merits. This is further reinforced as the applications require to be determined by different authorities.

3.7 The determination of the application in 1997 pre-dates the Environmental Assessment (Scotland) Regulations. However in determining the application at that time, an Environmental Statement was submitted and fully considered. This Statement has been reviewed against the new Regulations and it is considered that no further information is required.

4 LEGAL IMPLICATIONS

4.1 The Council is able to issue the decision on the application following the revocation of the call in by the Scottish Executive, but as a substantial period has passed since the original decision it is proper to have regard to the changed circumstances in that time.

5 CONCLUSIONS

Having regard to the changed circumstances referred to above there is no apparent impediment to the Council issuing the previous decision.

6 RECOMMENDATION

It is recommended that the decision notice should be issued in accordance with the previous decision of the Council on 6 March 1997.

**Stephen Chorley
Director of Development Services**

(AN/IMB - FV)
20 August 2001

LIST OF BACKGROUND PAPERS

Planning Application Report KL/E/OL/89/143b; Mr Ashley Bell
Planning Application Report KL/E/OL/95/251A; Texas

Implementation Officer: Alan Neish

AGENDA