

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 11 FEBRUARY 2003

EAST AYRSHIRE LOCAL PLAN

**OBJECTIONS RECEIVED IN RESPECT OF POST INQUIRY MODIFICATIONS
AND ADOPTION OF THE PLAN**

Report by Director of Development Services

1. PURPOSE OF REPORT

- 1.1** To present to Committee the results of the advertisement exercise in respect of the modifications made to the East Ayrshire Local Plan following the Public Local Inquiry into the plan and to seek authorisation for the Head of Planning and Building Control to carry out the necessary statutory procedures to achieve formal adoption of the Local Plan.

2. BACKGROUND INFORMATION

- 2.1** At its meeting on 22 October 2002, the Development Services Committee considered a series of recommendations made by the Inquiry Reporter following his consideration of outstanding objections to the East Ayrshire Local Plan. At that meeting, the Committee agreed to make a series of modifications to the subject plan and to advertise these modifications for objection in the local press, as required by statute. This agreement was ratified by the Council at its meeting on 24 October 2003. The modifications were duly advertised in the press during the weeks beginning 28 October and 04 November 2002, and objections to the modifications were invited by 13 December 2002. All objectors to the Local Plan whose objections had not previously been withdrawn, were also informed individually by letter that the Council were proposing to further modify the plan and that objections to the modifications were being invited.

3. REPRESENTATIONS RECEIVED

- 3.1** Following advertisement of the Modifications to the Local Plan, a total of 11 representations to the modifications were received. A list of the representations made in respect of the modifications, together with a suggested Council response to each representation received has been produced as Annex 1 to this report.
- 3.2** The representations received in respect of the modifications comprised the following:-
- (i) Objections to the modifications;
 - (ii) Statements in support of the modifications;

- (iii) General comment and observations on the modifications which could not, in themselves, be classed as or constitute formal objections;
- (iv) Statements of dissatisfaction with the Reporter's recommendations; and
- (v) Restatements of objections already addressed at the Public Local Inquiry.

3.3 Only those representations constituting formal objections to the modifications are relevant and can be considered pertinent in terms of this particular exercise although, as a matter of courtesy, the Council has also addressed all other types of representation received, as detailed in the attached Annex. For the information of the Committee, those representations that are considered to represent formal objections to the modifications relate to the following:-

- (i) Objection to the removal of the housing site at Waterslap, Fenwick from the plan.
(For the information of the Committee, 5 letters in support of the removal of the site from the plan were also received by the Council).
- (ii) Objection to the allocation of land at Watson Farm, Ochiltree as a housing site in the plan.
- (iii) Objection to the wording of the modifications made to the introductory paragraph of the Kilmaurs section of the plan.
- (iv) Objection to the wording of the modifications made to development opportunity KILMARNOCK 2 relating to Springhill Farm/Mount House, Kilmarnock.
- (v) Objection to the allocation of land at Cutsburn Road and Dalry Road, Stewarton as housing sites in the plan.
- (vi) Objection to the boundary delineating the development site at Old Glasgow Road, Stewarton
- (vii) Objection to the wording of the modification made to Policy RES 13 of the plan relating to housing in the countryside.
- (viii) Objection to the wording of Policy SD8 as modified, regarding the Long Term Development of Kilmarnock.

3.4 Having duly taken into account all of those representations which constitute formal objection to the modifications, it is considered that **no further modifications should be made to the local plan.**

3.5 Some of the issues raised through the advertisement process are premature and would be more appropriately considered through modification and review of the local plan. This applies in particular to objections (i), (iii), (iv) and (vii) above. In particular issues relating to housing demand and supply beyond the current plan period of 2007 as well as strategic areas for growth require

careful analysis and consideration. A separate report outlining the local plan modification and review process has been prepared for consideration by this Committee.

4. ADOPTION OF THE PLAN

4.1 Should the Council agree that no further modifications be made to the Local Plan as a result of the representations received, the Council is open to initiate the necessary statutory procedures required to achieve final adoption of the plan. For the information of the Committee, the steps that require to be taken to adopt the local plan are as follows:-

- (i) The Council requires to give notice of its intention to adopt the local plan by local advertisement and to serve notice of its intention to do so on any person whose objections to the plan have been duly made and are not withdrawn, and on other such persons as it thinks fit.
- (ii) The Council then requires to send to the Scottish Ministers by recorded delivery, a certificate stating that it has complied with the steps detailed in (i) above, together with a certified copy of the local plan in the form in which they propose to adopt it.

4.2 Provided that the Scottish Ministers do not direct the Council not to adopt the plan, the Council can formally adopt the plan on the expiry of a 28 day period following the date on which the certificate mentioned in 4.1 (ii) above has been sent to the Ministers. On adoption of the Local Plan, the Council requires:-

- (i) To give notice by advertisement of the adoption of the plan in the local press;
- (ii) To serve notice of the adoption of the plan on any person who has specifically requested the Council to do so; and
- (iii) To send to the Scottish Ministers, no later than the date on which notice is first given under point (i) above, two certified copies of the adopted plan.

5. FINANCIAL IMPLICATIONS

5.1 The costs involved in advertising the Local Plan can be met within the existing Departmental Budget.

6. LEGAL/AUTHORITY IMPLICATIONS

6.1 Advertisement and adoption procedures for the local plan will require to be in full accord with the Town and Country Planning (Structure and Local Plan) (Scotland) Regulations 1983.

6.2 It should be noted that any person aggrieved by the local plan has, within six weeks of the formal adoption of the plan the right to question its validity. Any application to the Court of Session for judicial review of the local plan will require to satisfy Section 238 of the Town and Country Planning (Scotland) Act 1997.

7. PERSONNEL IMPLICATIONS

7.1 None.

8. RECOMMENDATIONS

8.1 It is recommended that the Committee agrees:-

- (i) to make no further changes to the Local Plan as a result of the representations received in respect of the modifications made to the plan following the Public Local Inquiry; and
- (ii) to authorise the Head of Planning and Building Control to initiate the procedures required to formally adopt the Local Plan as detailed in Section 4 of this report.

Stephen Chorley
Director of Development Services

JL/MMM
3 February 2003

LIST OF BACKGROUND PAPERS

Nil

For further information on the contents of this report contact John Lilley, Principal Planning Officer. Telephone 01563 576754.

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EAST AYRSHIRE LOCAL PLAN

OBJECTIONS RECEIVED IN RESPECT OF MODIFICATIONS MADE TO THE LOCAL PLAN
FOLLOWING THE PUBLIC LOCAL INQUIRY

MOD No.	OBJECTION	SUGGESTED COUNCIL RESPONSE
MOD94 FIGURE 14	<p>1. DICKIE AND MOORE</p> <p>On behalf of our clients Dickie & Moore Ltd. We hereby lodge formal objection to the decision of East Ayrshire Council to delete housing site 175H at Waterslap, Fenwick from the East Ayrshire Local Plan and to draw the settlement boundary back to the Fenwick Water (Reporter ref. 6.334).</p> <p>The decisions of the Council on the issue of the Waterslap site are considered unjustified, unreasonable and perverse given the following considerations:</p> <p>1. The Consultative Draft Local Plan</p> <p>The Waterslap site was proposed by East Ayrshire Council as a housing site in the Consultative Draft East Ayrshire Local Plan published in May 1998 (Policy RES2).</p> <p>That Plan stated that “a small, redevelopment site at Laigh Fenwick has also been identified as being suitable for residential purposes”.</p> <p>In addition, the former nursery site at Waterslap was one of the RES2 sites in relation to which the Draft Plan stated that “Residential development of the following sites will be supported by the Council”.</p>	This information is not disputed by the Council.

	<p>The Waterslap site was identified by the Council as a site on which development was likely to commence prior to 31 March 2004.</p> <p>2. The Finalised East Ayrshire Local Plan</p> <p>The designation and allocation of the Waterslap site was confirmed and reinforced in the Finalised East Ayrshire Local Plan.</p> <p>In addition to being confirmed as a housing site, the Waterslap site was specifically identified by the Council as a site to be safeguarded for High Amenity Housing.</p> <p>3. The Local Plan Inquiry</p> <p>At the Local Plan Inquiry held in December 2001 and chaired by the Scottish Executive Reporter the Council presented a strong case in support of the allocation of the Waterslap site for residential development and the extension of the boundary of Laigh Fenwick to the existing road system.</p> <p>The evidence provided at the Inquiry by the Council's witness from the Department of Development Services included the following statements:</p> <p>"It is the Council's view that the development of this site for high amenity housing would be a sustainable use of brownfield land, and would connect the existing isolated housing to the village".</p> <p>"The existing trees on the site would merge and tie in any low density development with the existing environment and would minimise its environmental impact".</p> <p>"The site possesses and is limited in size by strong natural boundaries and it is not considered that the development of the area would create any precedent for further development into the</p>	<p>This information is not disputed by the Council.</p> <p>This information is not disputed by the Council.</p>
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	<p>countryside”.</p> <p>“The allocation of 6 houses at Waterslap will contribute positively to the growth of the settlement of Fenwick”.</p> <p>“It is the Council’s view that the site at Waterslap, Laigh Fenwick is a suitable site for high amenity housing which meets National, Structure Plan, and East Ayrshire Local Plan guidance. I concur with this view”.</p> <p>For the sake of completeness a copy of the precognition of the Council’s witness at the Local Plan Inquiry is attached hereto. The content of the Precognition demonstrates the very sound planning and environmental reasons behind the Council’s decision to allocate the former nursery site at Waterslap for residential development.</p> <p>The Local Plan designation of the Waterslap site for development, and the Council’s case at the Local Plan Inquiry was supported by witnesses for Dickie & Moore Ltd. at the Inquiry.</p> <p>4. The Inquiry Reporter’s Findings and Recommendations</p> <p>In his report to East Ayrshire Council, the Inquiry Reporter agreed with the decision of East Ayrshire Council to designate the Waterslap site for residential development and recommended that no modifications be made to the Finalised Plan.</p> <p>5. Response of East Ayrshire Council to the Reporter’s Recommendations</p> <p>Despite (1) the Council’s long term commitment to the Waterslap site in the Local Plan process from Draft Plan to Finalised Plan, and (2) the recommendation of the Local Plan Inquiry Reporter, the Council’s Development Services Committee decided in October 2002 to delete the Waterslap site from the Local Plan. It is understood that the Committee’s decision was contrary to the advice of the Director of Development services and his staff. The</p>	<p>This information is not disputed by the Council.</p> <p>This information is not disputed by the Council.</p>
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	<p>formal decision is recorded in the Committee report as follows:-</p> <p>“Notwithstanding the recommendations of the Reporter, the Council, in its consideration of the matter, has taken the view that residential development of the site would be unacceptable and that the Fenwick Water should remain the natural boundary of the settlement. It is therefore agreed that the site should be deleted from the plan and the settlement boundary drawn back from the Fenwick Water”.</p> <p>No reasoned justification is given for the Committee’s decision.</p> <p>6. Position of Dickie & Moore Ltd.</p> <p>Dickie & Moore Ltd. consider that given the Council’s clear commitment over a number of years to the Waterslap site, including its strong evidence at the Local Plan Inquiry in support of the development of the Waterslap site, it was unreasonable and perverse of the Council to simply reverse its previous stance. There is a statutory duty on planning authorities to act reasonably in their decision making processes and it is respectfully submitted that not only was the Council’s decision in October 2002 unreasonable and unjustified, but that it also undermines and destabilises the intent and purpose of the statutory Local Plan process.</p> <p>On the basis of the Council’s consistent designation of the Waterslap site for development, Dickie & Moore Ltd. invested considerable expense and effort in bringing forward development proposals for the site and in acquiring legal rights to purchase and develop the site. The company also incurred considerable expense in commissioning reports which established the technical suitability of the site for development in terms of infrastructure provision, access, drainage etc. A specially commissioned flood risk assessment concluded that the site is not at risk of flooding. In addition, the company actively supported the Council at the Local Plan Inquiry.</p>	<p>The views expressed by the objector have been duly noted. Notwithstanding the arguments presented by the objector, the Council’s previous stance taken with regard to the site in previous versions of the Local Plan and the Reporters Recommendations, it is recommended that the site continue to be deleted from the local plan for reasons detailed in the Council’s response to the Reporters recommendations, detailed in the respondents Consideration 5 above.</p>
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	<p>Enclosed herewith is a plan showing the proposed layout of the Waterslap site for a development of 6 high amenity houses. The development is low density and the design of the proposed houses will be in keeping with the site and its location. The houses will be one and a half storeys high and of Scottish Vernacular style. In conjunction with the Council's Roads Department a new footpath link will be provided by Dickie & Moore Ltd. along Raith Road to the village, a provision which will significantly increase safety considerations for the pedestrians who regularly use this country road. In addition, traffic calming measures will be introduced on Waterslap Road. Both these traffic calming measures and the new footpath along Raith Road would represent material benefits to the wider community.</p> <p>Dickie & Moore Ltd. remain of the strong opinion that the Waterslap site is eminently suited to development and that a development of 6 high amenity houses would provide a high quality design solution.</p> <p>The company strongly urges the Council to reconsider its decision of October 2002 and to revert to its long-held view that the Waterslap site should be allocated in the East Ayrshire Local Plan for development.</p> <p>On behalf of Dick & Moore Ltd. we would request that the Council gives due consideration to this formal objection to the Further Modification to the East Ayrshire Local Plan arising from the Council decision in October 2002.</p>	
<p>MOD 99 FIGURE 7</p>	<p>2. OCHILTREE COMMUNITY COUNCIL</p> <p>I am writing to you on behalf of Ochiltree Community Council with regard to the amendment to the East Ayrshire Local Plan, which is open for public discussion until 13 December 2002.</p> <p>The Community Council are concerned at the inclusion of Watson's Field in Ochiltree as a site earmarked for residential</p>	<p>The views of the objector are noted. However, the decision to allocate the land for residential development in the local plan was taken to comply with the recommendation made by the Inquiry Reporter following his consideration of the matter at the Public Local Inquiry into the local plan. It is recommended that the Council stands by its previous decision to comply with the</p>

	<p>development. This has never previously been highlighted as an area for development, although Hope Homes did appeal to the Scottish Executive to build on part of the field. Despite objections, Hope Homes won the right to build on part of the field, although there was no provision for this in East Ayrshire's Local Plan. We do not feel that Hope Home's success in winning the right to build on part of Watson's Field should automatically mean that other parts of the site should also be subject to use for development. The inclusion of, and building on, other parts of the site could have a detrimental effect on the character of the village, altering the visual appearance of the village (the original houses built by Hope Homes were not to be visible from the A70, which is not the case if you drive along it), and putting extra strain on the Primary school, which is near to capacity at present. Further to this, the modified local plan also states than any house building outside the A76 corridor should only be made when justified by LOCAL demand. We do not feel, for several reasons, that this is the case in Ochiltree.</p> <p>We would be obliged if you could submit our objections as part of the consultation process, and would be most grateful if you would pass this letter on to the relevant department for consideration.</p>	<p>Reporters findings, and to retain the site as a Housing Development Opportunity Site in the plan.</p>
MOD77	<p>3. WARREN CONSULTANTS</p> <p>We object to the words "and because of the limited size of the village". We do not think that the existing size of the village, as such, is a reason to limit the development in Kilmaurs. This might have been a valid point if the services in the village were such that they could not support a bigger population. I appreciate that the point has been made about secondary school, but it seems that this is the primary result to restrict the growth of the village and this is already referred to.</p>	<p>The views expressed by the objector are noted. It is not intended to unnecessarily and arbitrarily restrict the growth of Kilmaurs but instead to ensure that the scale of new development in a village the size of Kilmaurs is appropriate as is required by draft NPPG3: Planning for Housing (para 50). It is also pointed out that the Reporter in his recommendation requested the Council to make mention of point (b) of paragraph 6.278 of his report in Volume 2 of the local plan, point (b) making reference to the constraints imposed by the size of the village as well as the capacity of Stewarton Academy. It is recommended that the replacement text remains unchanged.</p>

<p>MOD 72</p>	<p>4. BELLWAY HOMES PER TURLEY ASSOCIATES</p> <p>4(a) We object to the modifications proposed in response to the Reporter's findings in relation to Springhill/Mount House following the local plan inquiry.</p> <p>In paragraph 6.125 of his report, the Reporter stated that the cross subsidisation of infrastructure for the Moorfield North Industrial site would be achieved by means of legal agreements relating to the grant of planning permission for housing site 145H (i.e. Springhill/Mount House). In paragraph 6.136 the Reporter recommended that advance structure planting around and within site 145H should be carried out.</p> <p>The proposed modifications include an alteration to policy KILMARNOCK 2 recommending the structure planting highlighted by the Reporter. However, this is only stated as a recommendation, not a pre-requisite for development taking place.</p> <p>We therefore object to this proposed modification and request the words "It is strongly recommended" be deleted and replaced with "the Council will require".</p>	<p>The views of the objector are noted. The wording used in this modification follows the wording of Reporter's recommendation contained in his report. In this regard, the reporter '<u>strongly recommended</u> that advance structure planting around and in sites 145H and 158B should be carried out'. It is also considered that advance structure planting can be dealt with at the planning application stage as a condition attached to any consent granted. It is therefore recommended that no changes are made to this modification.</p>
	<p>4(b) The proposed modification of policy KILMARNOCK 2 makes no reference to the Reporter's finding that a legal agreement should be linked to any planning permission at Springhill/Mount House requiring provision of the related infrastructure for Moorfield North.</p> <p>We therefore object to the omission of reference to the requirement for such a Section 75 Agreement from the proposed modification to policy KILMARNOCK 2. In addition, the key to Schedule 2 should be modified by deletion of "likely to" and insertion of "will" after Section 75.</p>	<p>Contrary to the statement made by the respondent, the Reporter has not made any specific recommendation that the Council should include in the local plan reference to a Section 75 Agreement to link any planning permission at Springhill/Mount House to the provision of related infrastructure for Moorfield North. The Council is of the opinion that he was content with the local plans provisions. It is agreed that the Reporter, in his conclusions, has stated that subsidy in relation to infrastructure provision between the two sites would be achieved by means of legal agreements relating to the grant of planning permission for site 145H. For information it is pointed out that the requirement for a Section 75 Agreement for integrated service provision between the two sites has already been approved by the Councils Development Services Committee on 21 November 2000 as part of the Moorfield/Mount House Action Plan. It should however be</p>

		<p>noted that Schedule 2 in Volume 1 and development opportunity Kilmarnock 2 in Volume 2 indicate that the Council will request a Section 75 Agreement. In Schedule 2 and in development opportunity Kilmarnock 2 the Mount House/Springhill Farm reference is clearly supported by notation indicating that a Section 75 Agreement will be requested. Consequently, it is not considered necessary to further modify Schedule 2 and development opportunity KILMARNOCK 2 of the local plan and it is therefore recommended that no further changes are made to this recommendation, in so far as this issue is concerned.</p> <p>Notwithstanding the above comments with regard to the respondents suggested modification to the Key to Schedule 2 of the Local Plan, it is pointed out that no such modification to the plan was made by the Reporter. Consequently, it is not considered that any further modifications are required.</p>
No MOD	<p>5. TESCO STORES PER G L HEARN</p> <p>INTRODUCTION</p> <p>GL Hearn are planning advisers to Tesco Stores Limited. We have been instructed to submit an objection to the Modifications of the East Ayrshire Local Plan following the Local Plan Inquiry. Our objections relate to the fact that Policies RTC1 and RTC5 in the Retail chapter still fail to include district centres within the policy wording. Our objections relate to the fact that the Reporter's Reference 7.8 that deals with the retail area at Glasgow Road, Kilmarnock, supported our view that there was an opportunity to create a district centre at Glasgow Road and our objection deals with the points that the Reporter made and the conclusions that East Ayrshire Council have come to.</p> <p>OBJECTION</p> <p>Planning consent has been granted for an extension that would increase the net sales area up to 2,800 sq.m. however, the layout would remain dated given the constraints of the existing building.</p>	<p>While noting the views expressed by the respondent, it is pointed out that the present exercise is assessing only these objections that were received by the Council in respect of certain modifications that the Council had agreed to make to the Local Plan following consideration of the Reporters Report into the Public Local Inquiry. Although the subject of designating the shopping centre at Glasgow Road was fully discussed at the Inquiry, the Reporter stated in his Report that there was insufficient information to permit a firm recommendation to be made in this regard. It is agreed, however, that the Reporter did suggest that East Ayrshire Council should give serious consideration to designating to Glasgow Road shopping centre and the land to the north both as a 'district centre' and as a development opportunity site. Due consideration was given by the Council to this suggestion and it was agreed not to amend the plan to accommodate the suggested changes. No modification was therefore made to the plan, the content of local plan remaining</p>

GL Hearn, on behalf of Tesco, have maintained that Glasgow Road functions as a district centre. Its function has and will continue to strengthen as a result of the numerous housing allocations identified, and consent approved, to the north of the town centre. Allocations amount to 1,070 units with a further 33 units approved and under construction at the Redrow site immediately to the north of the Tesco store. The plan identifies that the 1070 units will be required to be built during the Plan period. A great number of these are far closer to the Glasgow Road centre than the town centre.

The Reporter was positive in his analysis of the Glasgow Road site and its suitability that the range of commercial uses present appear to justify the designation of a District Centre, in preference to neighbourhood centre, as it seems to serve more than just the immediate locale.

At the time of the Inquiry and the Reporter's report the extension application submitted by County Properties had not been determined. The Reporter correctly identified that the extension is not what Tesco wish to develop as it does not improve the qualitative improvement that shoppers require when compared with the shopping environment that will be created by both Morrison's and the new Safeway store.

It is held that the existing and proposed provision of superstores will not meet day to day needs of residents within this part of Kilmarnock. The ASDA store is located out of centre to the south-west of the town centre. The existing and proposed Safeway stores are to the South and Morrison's is to the North west of the town centre. The site on West Langlands Street is 2.5 miles approx. from the Glasgow Road site. NPPG8 paragraph 17 states "A key Government aim is to ensure the availability of a wide range of shops, employment services and facilities to which people have easy access by a choice of transport. By focusing development, particularly retail development, in locations where the proximity of other businesses facilitates competition, all consumers are able to benefit. Such an approach also reflects the Government's commitment to encouraging the development of attractive and

unchanged insofar as this area is concerned. Consequently, the representation is not relevant or pertinent for consideration in this particular exercise as there is no modification to object to.

It is accepted that the objectors may be aggrieved by the Councils decision not to dedicate the shopping centre as a 'district centre'. However, objections were invited solely to objections to modifications the Council wishes to make to the plan and not against any actions taken by the Council not to accede to the reporters recommendations. While the objectors have also stated their objection to policies RTC1 and RTC5, on the grounds that neither policy includes the wording 'district centre' within the text, it is pointed out that once again, no modification to either policy is involved in this particular regard. As the Council had already agreed following full consideration of the Reporters recommendation not to designate the Glasgow Road centre as a District Centre in the plan, no modification required to be made to the policies in question. Consequently, once again, the representation cannot be classed as an objection to any modification made to the plan.

It is pointed out that full and detailed consideration of this issue was made at the Public Local Inquiry and the Council would contend that all of the additional information detailed in this representation could have been presented to the Inquiry for consideration. As the information was not submitted it is not considered appropriate to revisit the basic arguments of objection at this particular time.

convenient urban areas in which people want to live and work. Retailing and commercial leisure industries should generally be able to respond to consumer needs and demands. The public can then enjoy the benefits of improved choice and lower prices that may flow both from a competition provided by new retail and other developments and between competing centres.”

Paragraph 19 deals with the sustainable development and minimising transport impacts it states “New retail and commercial leisure developments should therefore be in locations which support more sustainable transport choices and reduce the need to travel. While sustainable locations will normally refer to the town centre the guidance makes specific reference to “other centres may also be well served by public transport services and provide convenient access.”

Glasgow Road functions as a district centre, it performs a more sustainable function given that the Glasgow Road site is well served by public transport being on a major route into and out of the town. It is also surrounded by residential development and through allocations the numbers of residential units will increase significantly over the next ten years. As these units are built steadily over the next ten years the need for a designated district centre is further justified. The Bryce report, commissioned by EAC, indicates a substantial projected convenience turnover surplus to 2008, it also points to the significant growth in the catchment area of the Tesco store and concluded that “there may be a case to allow development” at Glasgow Road. While this comment may have been in terms of the extension proposed by County Properties, the main points remain that there will be a Capacity need and our view that there will be a qualitative need. This can best be served by the redevelopment of the Tesco store to ensure that residents in the north of Kilmarnock are well served, if not it may be more convenient to travel north out of the Council area to other centres such as Darnley, Newton Mearns or Glasgow.

The table below gives a summary of the Housing Schedule taken from the East Ayrshire Local Plan. It identifies the extent of

	<p>housing growth in the close proximity to the Tesco store. In addition, there is a significant expansion of the Rowallan business area. These factors create a need for an updated district centre where modern convenience and comparison shopping is available accompanied by a range of local services as currently exists.</p>	
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212H	Glasgow Road	26 units	1.83 ha
130H	South Craig	103 units	3.18 ha
131H	Toponthank	365 units	13.97 ha
135H	Long Park	124 units	4.14 ha
149H	Amlaird Road	22 units	0.78 ha
137H	Kirkland Avenue	80 units	3.39 ha
136H	Altonhill	350 units	40.55 ha
TOTAL		1070 units	67.84 ha

	<p>In addition to the above Housing Allocations there is the Redrow site immediately adjacent and north of the Glasgow Road site, to the south of 212H. This is for 33 units and is under construction.</p> <p>There is a need for the Glasgow Road site to meet the growing demand within this part of Kilmarnock. The site is best located and would represent the most appropriate and sustainable location to accommodate additional facilities and retail development to serve the growing need.</p> <p>NPPG8 Paragraph 84 “planning authorities should take account of the broad forecasts of retail demand, deficiencies in retailing provision (if any), and how the retail sector is likely to respond to that demand over the plan period, by reference to location and type of retailing”.</p> <p>Paragraph 85 states “Planning authorities should identify and build on the essential qualities of the centre and seek to ensure that it meets the needs of the community it serves”. The Bryce</p>	
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retail report and the level of housing allocations identified in the Local Plan provide an indication of the growing need for retail in Kilmarnock and while the edge of centre sites by Morrison's and Safeway exist neither are building on the existence of the Glasgow Road centre, the deficiency that exists nor the retail demand over the plan period.

The Reporter notes that the field to the north of the Tesco site is "minerally unstable". Given that it may be a reason why the Reporter did not carry through his conclusions into the recommendation but instead stated that "*there is insufficient information to permit a firm recommendation to be made in relation to this objection*". Tesco's consultant engineers Goodson Cole Associate's have provided advice following initial investigations on the mineral stability of land to the north of the existing Tesco store. A copy of this advice is attached. Goodson Cole Associates advise that the mineral support position on the site is currently unsatisfactory and will require to be stabilised before building works can be undertaken. This is common practice in such circumstances and involves the grouting up of mine workings and the capping of any mineshafts present on site. Such enabling works are currently being undertaken at Tesco's new store site in Shettlestone, Glasgow. Once again, the enabling works are common practice, and the fact that the site lies in an area undermined will not prejudice its future development. Normal reinforced concrete foundations will prove adequate for any proposed structures and these foundations will rest either on the weathered glacial till or underlying fresh till.

Therefore, given that this issue can be overcome and that the Reporter concluded that "*it may well be appropriate for East Ayrshire Council to consider designating the northern land as a development opportunity site*", Tesco wish to object to the Modifications to both Policies RTC1 and RTC5 given that neither policy includes the wording "district centre" within the text. With the submission of this information regarding ground conditions there is no reason for not considering the designation of Glasgow Road as a district centre.

	<p>CONCLUSION</p> <p>It is recommended that there are sufficient reasons for Glasgow Road to be designated as a District Centre. National Planning Policy supports the designation. The Reporter concluded that the range of uses justified the designation as a District Centre. Now the Council has the appropriate information in terms of the unstable land to the north of the Glasgow Road centre and this further justification it is respectfully requested that East Ayrshire Council reconsider the matter whereby modifications can be made to Policies RTC1 and RTC5 to include the wording to include “district centre” within the policy and that a site specific opportunity to designate Glasgow Road as a district centre can be supported.</p> <p>Both Tesco and GL Hearn would be happy to meet to discuss this further representation as a means of progressing Tesco’s interest within the town.</p>	<p>While noting the observations made, it is considered that the representation does not constitute an objection to, or relate to, any modification made by the Council to the plan. The Council would also contend that, despite the conclusion of the Reporter, the range of uses at the centre does not meet the criteria for designation of a ‘district centre’ and it is recommended that no further modification be made to the plan in this regard.</p>
MOD21	<p>6. MRS DIANE FRASER PER BARTON WILMORE PARTNERSHIP</p> <p>Modification 21 (Page 5) proposed the addition of two new sites to Schedule 2: Identified Housing Sites (Page 21):</p> <p>“240H* + Cutsburn Road (NGR) (PDC) 10 1.60 241H* + Dalry Road (NGR) (PDC) 60 5.86”</p> <p>It is stated in the published schedule of Further Modifications (Page 5) that the identification of these specific sites for housing is “to meet the provisions of recommendation 6.241 of the Reporter”.</p> <p>In making his recommendation 6.241 in respect of Dalry Road, the Reporter states two considerations that should be taken into account:</p>	<p>The points raised by the objector are duly noted.</p> <p>In his consideration of the planning situation as it relates to housing at Stewarton the Reporter in his conclusions on the 4 sites under scrutiny (ie. East of Draffen, Old Glasgow Road, Dalry Road and Cutstraw Road) took account of the following:</p> <ul style="list-style-type: none"> • EALP development strategy; • the capacity of Stewarton Academy; • the provision of school and leisure facilities within the town; • housing land supply (generally and more specifically in Stewarton); • visual impact; • infrastructural provision; • the relationship of the development to the community.

- the allocation is dependent upon EAC accepting that **“it is appropriate for Stewarton to make an even greater contribution to East Ayrshire’s housing land supply and that there is no longer a need to curtail development opportunities because of the situation at Stewarton Academy”**, and
- the recommendation **“is made with a degree of reluctance and on the clear understanding that some form of visual containment is provided at an early date along the western site boundary”**.

The fact that the Council has decided to add Dalry Road to Schedule 2 confirms that it is considered appropriate for Stewarton to make an increased contribution to the housing land supply and that Stewarton Academy does not present a constraint to development.

However, the matter which causes the Reporter reluctance, namely the visual containment and visual influence of the site, is not addressed by Modification 21 or its justification.

In his conclusions in respect of Stewarton, the Inquiry Reporter (Paragraph 6.229, Page 6.55) stated that the process of identification of possible development sites on the edge of Stewarton **“does not appear to have been a particularly scientific exercise, and account seems to have been taken as much of landowners’ suggestions as of any independent assessment on planning grounds”**.

In the absence of any comparative landscape and visual appraisal of the possible housing development sites at Stewarton, the Reporter concluded (Paragraph 6.242) that land East of Draffen was less favoured than Dalry Road, **“particularly in terms of visual and landscape impact”**. This conclusion is, consequently, not based upon any detailed appraisal or assessment and informs and explains the Reporter’s stated reluctance to recommend Dalry Road.

The Reporter first had to determine whether “... more than the 25 units which the modified version of the EALP currently proposes at Old Glasgow Road” (para 6.228) should be identified.

On the basis of a careful analysis of the first 4 of the above factors he concluded “In these circumstances and in the absence of any obvious alternative brownfield sites, it would be prudent to allocate land to accommodate more than the 25 units at Old Glasgow Road...”.

In determining how many and which of the 4 sites should be allocated in the local plan the Reporter also brings into his consideration the last 3 of the factors listed above. In other words his recommendations are based on a careful, explicit and balanced analysis of all 7 factors.

The Reporter concludes first, on the basis of a careful assessment of the 7 key factors, that the Council’s identification of the site at Old Glasgow road is correct. The objectors implicit acceptance of this conclusion is noted by the Council.

With regard to the site at Cutstraw Road the Reporter concludes that housing development “... has the potential for having least (visual) impact (in comparison to the other 3 sites), particularly if houses are kept to the lower ground...”. The lack of information on access or road issues in the Reporters opinion “... need not prevent the sites allocation in EALP, although it might affect the potential designation as effective.” (para 6.234). Finally the Reporter concludes (para 6.239) that Cutstraw Road “... is probably closest to Stewarton Academy and the town centre”.

The above provides the background to the Reporters recommendation in para 6.241 (and within the context of his conclusions in para 6.225) that EAC should also take steps to ascertain the effectiveness of “.... Cutstraw Road, with a view to also including it” In the Local Plan.

After undertaking the appropriate research as indicated by the Reporter to confirm effectiveness and being fully aware of the

	<p>In the context of our client, Mrs Fraser's current planning application (01/0859/OL) seeking permission in outline for residential development at Draffen East, a landscape and visual appraisal report has been prepared. This has been submitted to the Council accompanied by drawings which illustrate the respective Zones of Visual Influence (ZVI) of the Draffen East (Drawing L6) and the Dalry Road (Drawing L9) sites.</p> <p>For each site, the existing Zone of Visual Influence is based upon an evaluation of a series of multiple points established at 50m intervals around the boundary of the site and also upon points established by the intersect points of a 50m grid placed across the site. Both the Dalry Road and the Draffen East sites have been assessed on the basis of a 75m to 5km radius of the site, with it having been assumed that both sites are visible from all points within 75m of the site.</p> <p>The ZVI drawings clearly illustrate that the Dalry Road site has zone of visual influence considerably more extensive and will, therefore, result in significantly greater adverse impact than Draffen East.</p> <p>It is submitted that this detailed information confirms that the Reporter was correct in his reluctance to recommend Dalry Road and demonstrates that Draffen East should replace Dalry Road as the preferred site for allocation in Schedule 2 and Stewarton 1. The Council should have regard to this submitted information and, taking account of the specific terms of the Reporter's recommendation in respect of Dalry Road, should allocate the Draffen East site under Schedule 2 and Stewarton 1 in its stead.</p> <p>As Dalry Road has been considered to be acceptable to the Council as a housing site and the submitted ZVI information demonstrates that Draffen East has less visual impact, it must also be considered acceptable to the Council.</p>	<p>ownership situation (having been in contact with the owners) the Council is satisfied that the site is effective and can be developed within the plan period (ie 2007).</p> <p>Although in para 6.228 the Reporter concluded that sites for more than 25 housing units should be identified in the local plan at Stewarton, his conclusions in 6.225 indicate that some limitation rather than "a significant limitation" in allocated housing land was appropriate. It is for these reasons that the Reporter saw no need for proposed modification No. 52 to be withdrawn. In the Council's opinion it is also for these reasons that the Reporter has taken the view that "... it is inappropriate for Stewarton to have to accommodate more than 3 new greenfield sites at one time, and the implications for Stewarton Academy and other facilities of an additional number of almost 100 upper market houses (at East of Draffen) being built would be unacceptable." (para 6.242).</p> <p>The Reporter's recommendation to the Council if it "... accepts that it is appropriate for Stewarton to make an even greater contribution to East Ayrshire's housing land supply ..." (ie. more than the 35 in total between Cutstraw Road and Old Glasgow Road) is clear and unambiguous, but must be seen within the overall context outlined above.</p> <p>At para 6.233 the Reporter states "... the prospect of development at East of Draffen can be viewed with some alarm on visual and landscape grounds, as it would be prominent, would result in the coalescence of Stewarton and Meikle Cutstraw, and would seem to invite further development to the east. Relating to what was written in the report following the earlier inquiry, EAC has not found it appropriate to extend Stewarton significantly to the south east, and its reluctance to do so is understandable".</p> <p>Further the Reporter concludes, with regard to infrastructure and related matters that "... a Transport Assessment has been</p>
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	<p>It is appropriate, in the context of the terms of the Reporter's recommendation, to allocate land at Dalry Road without consideration of this information which demonstrates the greater extent of the impact of the site by comparison with Draffen East.</p> <p>In making his recommendation in respect of Cutsburn Road, the Reporter states (Paragraph 6.241) that the Council “should also take steps to ascertain the effectiveness of Mr Bennett’s site at Cutstraw Road, with a view to also including it in STEWARTON 1 and schedule 2 as a site for up to 10 units (restricted to the lower ground), again marked WGR”.</p> <p>The effectiveness of the land at Cutsburn Road is questionable for a number of reasons, not the least of which is the fact that, whilst the contribution of the site would not exceed 10 units, the site is in a multiplicity of ownerships which act as a constraint to its availability and co-ordination for development.</p> <p>Modification 21 proposes the allocation of Cutsburn Road specifically “to meet the provisions of recommendation 6.241 of the Reporter”. However, neither the Schedule of Further Modifications nor the report to Council on the Reporter's recommendations confirm or provide any evidence that the Council has complied or sought to comply with the Reporter's requirement to establish the effectiveness of the site. Without confirmation of the effectiveness of the site the reason stated for and basis of Modification 21 remains unjustified and unjustifiable.</p>	<p>requested, the road connection to Cutstraw/Cutsburn Roads seems likely to be expensive, and there may be adverse archaeological and flooding implications. The alleged benefits of the proposed link road between Loudoun Street and Cutstraw Road remain unconvincing...” (para 6.238).</p> <p>With regard to the relationship of developments of the 4 sites to the community of Stewarton the Reporter concludes that “... there is not much to choose between them” but “... Dalry Road is not far from the rail station...” and therefore has an advantage over East of Draffen. In the opinion of the Reporter, which the Council also accepts, the Dalry Road site also has the advantage in terms of its visual impact on the landscape over East of Draffen, although he “... places the site behind Old Glasgow Road and Cutstraw Road...” (para 6.232).</p> <p>The Reporters conclusion with respect to housing land supply generally and more specifically in Stewarton have already been referred to above and are accepted by the Council. Since development on part of the site at Draffen subsequent to the inquiry has progressed rapidly, and given the information received from the Education Department with respect to the roll at Stewarton Academy and the Reporters conclusions on this, the Development Services Committee of the Council at its October 22, 2002, meeting accepted that a further site could and should be identified. The Committee accepted the Reporters recommendation that Dalry Road was to be preferred over East of Draffen.</p> <p>With respect to development requirements beyond 2007 the Council considers that this issue should be progressed through an alteration to the local plan and should follow a local plan monitoring and review exercise.</p> <p>The Council considers that in making his recommendations the Reporter has paid full and due regard to all of the evidence presented at the Inquiry.</p> <p>It is not considered appropriate for the Council at this stage to</p>
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		<p>accept further evidence not presented to the Inquiry in respect of East of Draffen.</p> <p>In view of all of the above it is not considered that any further modification should be made to the Local Plan as a result of the objection made.</p>
MOD 103	<p>Modification 103 proposes to add land at Cutsburn Road as a Housing Development Opportunity Site and to amend the Stewarton Settlement Boundary to meet the provisions of the Reporter's recommendations (paragraphs 6.240 and 6.243).</p> <p>This Modification is related to Modification 21 and, therefore, objection to Modification 103 is made for the same reason and on the same terms as set out in paragraphs 2.14 to 2.16 above.</p>	The response to this particular objection is detailed above.
MOD 104	<p>Modification 104 proposes to add land at Dalry Road as a Housing Development Opportunity site and to amend the Stewarton Settlement Boundary to meet the provisions of the Reporter's recommendations (Paragraphs 6.240 to 6.243).</p> <p>This Modification is related to Modification 21 and, therefore, objection to Modifications 104 is made for the same reason and in the same terms as set out in paragraphs 2.11 – 2.13.</p>	The response to this particular objection is detailed above.
MOD 102	<p>7. MR MAURICE RODGER</p> <p>1. ERRORS AND OMISSIONS</p> <p>1.1 INTRUSION INTO THE COUNTRYSIDE</p> <p>At the Inquiry EAC acknowledged that a settlement strategy was required that acknowledged the landscape setting of the town but that such a strategy had not been produced. It was also noted by the Inquiry that official planning guidance (NPPG 3) makes it clear that reliance upon landscaping to mitigate the visual impact of a prominent site is bad practice. This site will result in urban sprawl. It should be designed for retention with the rural area.</p>	<p>The views of the respondent are noted. The Reporters reasoning for accepting the Local Plans allocation of the Old Glasgow Road site are fully contained in his conclusions to his report but can be found particularly in para 6.231, 6.235-6.236 and 6.239. These conclusions were fully accepted by the Council in October 2002.</p> <p>The context for greenfield release as well as the factors considered in detail by the Reporter in selecting the sites</p>

1.2 DEFENSIBLE BOUNDARY TO THE EAST

This so-called defensible boundary is an overgrown hedgerow between two identical fields and is indistinguishable from many similar boundary hedges in the vicinity. It does not contain any mature trees. A defensible boundary is one where there are significant or distinctive features or relationships to other built-up areas that create 'natural' new boundaries to the built-up area. To zone plot 230H for residential is to open the floodgates for future development in the next field and so on until the Causeyhead hilltop is fully developed. As each section is developed, it would be argued that the development is being contained by a defensible boundary, or overgrown hedgerow... 'which could be strengthened....'.

The Reporter's conclusions in this regard are patently incorrect and cannot be considered to support the designation of this Greenfield site for residential use.

1.3 DAMAGE TO THE BESSIE'S BANKHEAD TREE PRESERVATION AREA

During his site visit to Old Glasgow Road, the Reporter was shown the line of the proposed footpath as set out by Messrs Craig and Gilmartin. This setting out exercise was not in accordance with the Highways Department's approved road alignment scheme as the footpath shown was less than 1.8 metres wide. Further, the full impact of the footpath on the TPO at Bessie's Bankhead was not apparent as the full extent of excavations necessary to construction the 1.5 metre high footpath retaining wall was not set out on site. Its impact upon the TPO will be substantial as Craig and Gilmartin's engineer's drawings show. How it is to be constructed is not shown but this activity will have a severe and damaging impact upon the TPO that is already under stress due to the ravages of Dutch elm disease. The Reporter partially acknowledges this in his phrase '... the retaining structure is unlikely to be a thing of beauty.' (p6.57). It beggars belief that the Reporter would support anything so described to be constructed within a Tree

recommended by him are set out in the Council's response to the non inclusion of East of Draffen above to which the objectors are referred.

In para 6.231, whilst the Reporter acknowledges the various points made in relation to landscape impact, he concludes that the eastern boundary of the Old Glasgow Road site is defensible, the escarpment and the lower part of the site can be protected by the local plan from development, and that there is scope for new planting on the site. The Reporter also accepted that the existing development at Old Glasgow Road is non divorced from Stewarton and therefore appreciates the arguments relating to consolidation.

In para 6.235 and 6.236 the Reporter accepts that the necessary infrastructure requirements can be met, and in 6.239 that there is very little between the sites under consideration when considering their relationship to the community. On the basis of all of the above (including his conclusions in para 6.224-6.229) the Reporter supported the allocation of the Old Glasgow Road site in the Local Plan.

The modifications advertised in relation to the Old Glasgow Road site did not refer to the principle of allocation but to amending the boundary delineating that part of the site that was deemed developable in line with the Reporters recommendation in para 6.240. All comments relating to the principle of the site being identified cannot therefore be accepted.

No evidence is submitted to substantiate the conclusion made that the 110m contour should become the boundary line for development other than that the site is too large for 25 houses and that the sewer connection will be shorter in length. However this issue was fully discussed at the inquiry. All other comments made as part of this submission include either points already discussed at the Public Local Inquiry or new issues which should have been submitted at the time of the PLI. In addition it is not considered appropriate to accept new information regarding the site at this time.

	<p>Preservation Order area! And how is the hedgerow to be replaced at the top of a 1.5 metre retaining wall?</p> <p>The character of this section of Old Glasgow road will be materially and permanently damaged by the construction of this footpath. In place of a trimmed rural hedge will be an urban pedestrian fence and, due to the drop on the other side and the proximity of the bend, a vehicle impact barrier will be required. The Reporter has singularly failed to fully appreciate the visual and environmental damage this footpath will cause.</p> <p>1.4 RELATIONSHIP TO THE COMMUNITY</p> <p>Throughout his record of the inquiry, the Reporter makes several references to distances to local amenities, transport links and the secondary school. Indeed at paragraph 6.239 he thus compares the merits of the 4 sites under consideration. However, in relation to upper market housing, which generally means houses with gardens for families, the significant factor is generally recognised to be the distance to primary schools. Young children have to be escorted to school, at least initially, and it is therefore essential that walking distances are minimised and are preferably not routed along busy commuter roads such as Old Glasgow Road. The distance to secondary schools is largely irrelevant as older children have a greater awareness of road safety and can walk further or cycle to school.</p> <p>On this criterion, of the 4 sites considered by the Reporter, Old Glasgow Road is by far the furthest from a primary school which can only be accessed along one of the busiest and most dangerous stretches of commuter route in the town.</p> <p>1.5 DENSITY</p> <p>A substantial part of our submission to the Reporter related to the density of development proposed for site 230H when compared to other high amenity upper market sites around the town. None</p>	<p>Accordingly no change should be made to the local plan.</p>
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of this evidence appears to have been considered by the Reporter. However, in his Recommendations at para 6.240, the Reporter concludes that 25 houses may be accommodated above the 105 metre contour (para 6.231). This will result in an unusually low density of less than 5 units per hectare of the gross developable area (ie above the contour). Despite writing 25 units into the Local Plan, this number will inevitably be challenged by the developer (whoever that may ultimately be) on the basis that it is excessively restrictive and well below the average for local high amenity housing of 12 units per hectare and which would result in 50 or more units being proposed. Realistically, that is the likely scenario, as was the case at Draffen.

The designated site is clearly far too large for the 25 units recommended by the Reporter. A substantially greater extent of the site requires to be protected by extending the Rural Protection Area up to the 110 metre contour. This will have the added benefit of reducing the developer's drainage infrastructure costs, as a connection to the existing Old Glasgow Road sewer will be shorter and shallower.

1.6 AFFORDABLE HOUSING

Throughout the many Local Plan and Inquiry documents there are many references to local market demand as justification for the designation of development sites. The majority of such sites are for detached houses at relatively low densities and many are clearly described as upper market or high amenity sites. There is little provision made for development sites suitable for affordable housing for low-income adults or families. This is surely a glaring omission from the plan, as it must constitute a substantial portion of local demand.

The objectors consider that the Council's assessment of local market demand is seriously flawed as it makes no provision (in Stewarton) for the supply of affordable housing to meet local demand. As site 230H on Old Glasgow Road is clearly a high amenity site, its designation is therefore unjustified and should be withdrawn.

2. CHANGES IN MATERIAL CIRCUMSTANCES

2.1 NEW DEVELOPMENT OPPORTUNITIES IDENTIFIED

The recent applications to redevelop the former bakery at Cocklebee and the former Q8 filling station in Brown Street are both additional to the sites considered at the PLI. They present excellent opportunities to develop residential accommodation to meet local demand, close to the town centre and all amenities. They do not involve release of greenfield land. They are representative of the sort of development opportunities that pop up from time to time throughout the life of the Local Plan. The fact that neither of these two medium sized opportunities feature in the Reporter's considerations is a material change of circumstances.

Further, EAC in their submissions and evidence to the LPI admitted that their site search procedure for residential land in Stewarton had been neither thorough nor scientific. The Reporter's conclusions are therefore based on flawed or incomplete information and should be set aside until a fully detailed audit of all residential development opportunities both within and around the established town boundary has been professionally completed. This information should be the subject of a further inquiry.

2.2 REFUSAL OF CONSENT FOR HOUSE AT NO. 4 OLD GLASGOW ROAD

This decision, dated 28 June 2002, to refuse outline consent for the construction of a single house on the south side of Old Glasgow Road within the garden of No 4 is significant due to the reasons stated for refusal, viz

1. the proposal would be detrimental to the visual amenity of the surrounding areas, and

2. road safety

In relation to point 1, the Councillors at the application committee hearing felt that the view of the Annick valley from Old Glasgow Road was important to the wider community and should be preserved.

In relation to point 2, despite the provision of a 2.0 metre wide footpath along the Old Glasgow Road frontage (the same as proposed for site 230H) and the ability to meet Highway's sight line requirements, the Councillors considered that Old Glasgow Road was already overloaded with traffic at peak times and too dangerous to permit one additional house to be built.

This decision has a significant implication for site 230H on both counts. It represents significant change in material circumstances and the effect of this decision on the proposals for site 230H should be subject of a further inquiry.

3. CONCLUSIONS

In relation to the errors and omissions noted above, the Reporter has ignored or misrepresented the evidence presented on behalf of the objectors affected by the proposed zoning of site 230H for residential use. As a result he has underestimated the adverse impacts of the proposed development and accordingly we object to his conclusions and to the consequent modifications to the Local Plan proposed and approved by the Council on 22 October 2002.

In relation to the changes in material circumstances, we believe that these are significant and would have an impact upon the outcome of the Inquiry had they been known at the time. Accordingly we request that a further inquiry be held to consider these matters.

<p>No MOD</p>	<p>8. MRS GRETA ROBERTS</p> <p>Before referring to specific modifications, I take this, my only opportunity to cover other issues arising from the Reporters Report on the Plan/PLI & subsequent Report to Council.</p> <p>1. Belvidere View: I welcome Reporter's recommendation to include site 107H in the Approved Local Plan and to consider the adjacent land in any subsequent review of housing land requirements in the area. If the Council's new Primary School in Galston is to go ahead, we are hopeful that drainage constraints will be lessened, but look forward to the Drainage Review which we understand is shortly to be presented to Dev. Service's Committee.</p>	<p>The respondents support for the retention of the Belvedere View Site, 107H, in the plan is welcomed. Information from Scottish Water regarding drainage constraints is awaited by the Council with anticipation.</p>
<p>MOD 67, 68 and 69, and Figure 14</p>	<p>2. Fenwick: Waterslap: (new modification 107?):- see point 14, re. modif.67) The exclusion of potential housing site 175H and associated boundary extension from the Plan is welcomed and covered in my letter to you dated 26 Nov. 2002.</p>	<p>The respondent's support for the deletion of the site from the plan is welcomed.</p>
<p>No MOD</p>	<p>3. Demolition of (Council) Houses: (Ref: viii) in your Report to Committee on 22 Oct '02) The Reporter agreed with my interpretation of the legislation, but it appears that other Council departments have not 'got the message'. I have even been told that the perpetrator of the latest unauthorised demolition in Cumnock Conservation Area is saying that if the Council can knock down Council houses without planning consent, why bother about demolition in a Conservation Area etc? I am having difficulty finding the Council's adoption of Recomm: 6.663 in the proposed modifications: 24 & 29 merely adding them to sites with development potential.</p> <p>If the sites, which the Council proposes to clear within the next 5 years, cannot be shown as proposals on an actual plan, will the Council, with the co-operation of Housing/Estates and Planning Sections produce a 5 year Action Plan.</p>	<p>The views of the respondent are noted but are not considered to represent a formal objection to the modification. For the information of the respondent, the Councils response to the Reporter's recommendation 6.663 is embodied in modification number MOD 25.</p> <p>The Council will, with the assistance of the Department of Homes and Technical Services, consider the identification of those redevelopment sites, created through the demolition of housing areas, for possible redevelopment in the proposed future Review of the Local Plan. The production of a 5 year Action plan, while</p>

		worthy of note, is not an issue that can be addressed through this particular exercise in relation to the modifications made to the plan.
No MOD	4. I welcome the Reporter's recommendation, - to make the final version of the Local Plan clearer, by use of colour and a clear annotation, - NGR, showing new greenfield land release on all such sites.	The respondents support for the Reporters recommendation is welcomed.
No MOD	5. Also MOD 90 in line with recommen. 10.45, that provisional Wildlife Sites should be identified on proposals maps.	The Reporter recommended that all provisional wildlife sites should be shown on the proposals map or some associated separate plan. The Council would point out that these sites are already shown in plan form in an appendix to the local plan and the respondents support for this approach is welcomed.
No MOD	6. Prop 28: Hurlford Bypass. The Reporter recommended in 9.47 that this should be progressed as a matter of priority, but I cannot find any further reference to it.	For the information of the respondent, paragraph 9.47 does not constitute a recommendation of the Reporter but merely a statement which mirrors an existing proposal, PROP 31 which refers to this issue.
MOD 31	<p>7. MOD. 30: RES 13: 'Supporting information': The Reporter added: '(eg. business plan) should also be provided'. Please include this as 'supporting information' is far too vague:</p> <p>For information, when someone wishes to establish a new business and associated new house in the countryside, South Ayrshire Council, through (Pol. RES2) requires submission of a business plan and this is examined by their Econ. Dev. Unit, who require the plan to demonstrate to the Council's satisfaction, that by the third year of operation, the business will employ at least the proprietor on a full-time basis at a wage of at least 50% of the S. Ayrshire average; And that the remaining income from the business will support the total equivalent borrowing cost of creating the whole asset of business, business premises and residential accommodation.</p> <p>They have 'found out' one hobby farmer, trying to get pp for a rural home on the back of such a business excuse, and refused planning permission for such a 'scam'.</p>	<p>The Council consider that a business plan is only one of a number of items of supporting information which may be requested by the Council to help justify an application. It is not considered necessary or appropriate for the Council to highlight any one particular possible piece of supporting information in the policy. In addition it is considered that the precise type of supporting information requested could vary with the type of development proposed. The Council would not therefore agree with the views expressed by the respondent and would not propose to make any further amendment to the policy.</p> <p>For the information of the respondent, it is intended to address the issue of residential properties attached to rural businesses other than agriculture, in the forthcoming review of the local plan.</p>

	<p>So, EAC's 'Supporting Info.' – Without mentioning a business plan, could simply be a letter from an interested party recommending a new house! <u>Please clarify!</u></p>	
MOD 39	<p>8. Modif: 38: Waste Disposal: Welcome Council's stated negative attitude towards incineration of waste, but perhaps there should be a reference to the Aera Waste Plan's attitude, adding more than in 8.9: and a clarification of 'not considered justified', - to 'not acceptable'.</p>	<p>Modification 38 relates to out of town centre retail developments and not to waste disposal. It is presumed, that the respondent is meaning to refer to modification 39. The support of the respondent for the Councils approach to the incineration of waste is welcomed. However, the use of the term 'not considered justified' is considered preferable to the term 'not acceptable' and it is not proposed to make any further modification to the local plan in this regard.</p>
MOD 41	<p>9. Modification 40: Site for Travelling People: Prop 7 merely refers to investigation during the plan period, yet last year at the PLI EAC stated that the site at the former Skares Brickworks '<u>was being investigated</u>' (8.66) Does not the Council, under current Gov't legislation, require to identify a particular site and provide for the needs of these Travellers?</p>	<p>Modification 40 relates to waste generation and not to Travelling Persons issues. It is presumed that the respondent is meaning to refer to modification MOD 41. The Council is aware of its responsibilities with regard to Travelling People and new paragraph 8.13 has been specifically included in the plan, on the recommendation of the Reporter, to address this particular issue.</p>
MOD 43	<p>10. Modification 42: CS4: Welcome alteration to policy, to omit reference to the needs of neighbouring local authority areas: & new CS5: re new landfill sites.</p>	<p>It is presumed that the respondent is referring to modification 43 rather than modification 42. The support of the respondent for the modification is welcomed.</p>
MOD 47	<p>11. Modif 46: In new CS8, what are 'bring sites'?</p>	<p>It is presumed that the respondent is referring to modification 47 rather than modification 46. For the information of the respondent, 'bring sites' are the current terminology for such facilities as bottle banks etc, situated at locally accessible sites for the deposition of glass, cans, paper etc in dedicated receptacles.</p>
MOD 49	<p>12. Modif 48: Welcome REC4 being replaced by a policy, viz: new CS8.</p>	<p>It is presumed that the respondent in referring to modification 49 rather than modification 48. The support of the respondent for the modification is welcomed.</p>

MOD 51, 52 & 53	13. Modification 50: T8: Most disappointed with regard to lack of identification of rail-head siting.	The views of the respondent are noted.
MOD 67, 68 and 69	14. Modification 67: (Fenwick; - Waterslap site 175H) This should be omitted, now that this site has been recommended for removal by the Council.	All reference to the Waterslap site has been deleted from the plan, in line with the Councils decision to remove the site from the plan.
MOD 76	15. Modification 74: Kilmarnock 15: Site 164M site adj. To Asda, Queens Drive. In section 4.2 (xv) of your report to Committee (Oct 22, 2002) you recommended the addition of bulky goods, - to add to the retailing potential of this site; but then said that sites for sale for bulky goods would be reviewed in the future: It is therefore unclear why you should identify this potential use now?	The comments of the respondent are noted. The identification of the site 164M for the sale of bulky goods was made on the specific recommendation of the reporter. The future sale of bulky goods in Kilmarnock will be investigated fully, in the light of changing circumstances, in the forthcoming review of the local plan.
MOD 98 FIGURE 6	16. Modifications 5 & 95; Bellfield. Site 127M Welcome restriction of this site to approx. half that previously identified, although the revised site still appears to extend east beyond natural boundaries formed by topography & trees. It is particularly important to leave undeveloped, the field immediately adjacent to Bellfield Interchange: Current traffic congestion there, will become greater, on completion of the M77 & land could be required for another slip lane. IF the Council is now considering more office development within Kilmarnock; If there is already a considerable amount of vacant office space and underused property in/near Kilmarnock Town Centre, - <u>is there a need to continue to identify such an out of centre, NGR location, as at Bellfield Interchange?</u>	The support of the respondent for the reduction in size of the Bellfield site 127M is welcomed. The area of land adjacent to the interchange is not identified as part of the revised development opportunity site. The points made about increased traffic congestion at the location are noted, as are the points made about alternative office space in or near Kilmarnock Town Centre.
No MOD	17: Finally, Kilmarnock 8: Site 169M Burnside St/Tannock St I have already written to you about the status of this site (letter dated 3 Dec) The Reporter recommended re-instatement: The Council disagreed on rather illogical grounds , particularly when it was	The views of the respondent are noted but do not relate to any modification made by the Council to the Local Plan. The Council will continuously monitor all new development proposals and consent as an integral part of producing an early review of the local plan.

	<p>keen to develop the similar eyesore of a derelict site next to Asda in Queen's Drive. I can understand Local Plan's reluctance to identify yet more land for non-food retailing, but surely a compromise could be reached by adding it to Prop30;- as in urgent need of an Action Plan.</p> <p>If in fact the Council is now intending to alter its Local Plan proposals, by allowing significant new development on sites not identified for such uses in this Local Plan, will it now take the opportunity to publish <u>further amendments</u> to its vision of the area, particularly in/near Kilmarnock Town Centre?</p>	
No MOD	<p>9. Mr I C RAE 10. Mrs E M RAE 11. Mr T RICHMOND</p> <p>I object to the Council's proposal to modify the Local Plan in order to include site 107H (Belvedere View), Galston as suitable for residential development.</p> <p>My objections are:-</p> <ol style="list-style-type: none"> 1. Environmental impact on open countryside. 2. Insufficient drainage capacity which is already well known to the residents in Belvedere View. 3. Inadequacy of the existing road structure in Belvedere View to accommodate the additional traffic which would be generated leading for a potential road safety problem both within Belvedere View and with the junction of Duke Street and Station Road. 	<p>The views of the objectors are noted but cannot be considered as objections to any modification made to the local plan as no modifications to the plan in respect of the Belvedere site were made by the Council as a result of the Reporters recommendations. Rather, the views expressed represent a very much abridged version of the objections which were discussed in great detail at the Public Local Inquiry. The representation cannot, therefore, be considered pertinent to the current exercise which considers solely objections in respect of modifications that the Council intend to make to the plan following the Inquiry.</p>
	<p>12. MORTON & GARVEN PER RPS CONSULTANTS</p> <p>Background</p> <p>Policy SD8 was originally proposed by RPS Consultants as a means to address objections submitted on the Local Plan in respect of land at Meiklewood, Kilmarnock.</p>	

After some amendment of the wording by East Ayrshire Council, the policy was presented to the Inquiry as an agreed position between the Objectors and East Ayrshire Council.

On this basis, the Objectors did not attend the Inquiry and present further evidence as to why this was the best option for strategic growth in and around Kilmarnock. It was the implicit assumption that, on the basis of an agreed position, East Ayrshire Council would ensure that adequate evidence was presented before the Reporter in support of the jointly agreed position in respect of Policy SD8.

However, in light of the Reporter's comments regarding the proposed wording of Policy SD8, East Ayrshire Council has subsequently proposed a wider view of the opportunities for strategic growth in and around Kilmarnock. It is therefore apparent that if concerns regarding the specific selection of Kilmarnock North were raised at the Inquiry, these were not adequately addressed.

Grounds for Objection

In terms of the Council's now proposed wording for Policy SD8, whilst it is acknowledged that this does identify the North as the principle area for investigation, it also specifically refers to the potential of the south and west. What this immediately introduces is the opportunity for other options to be brought forward and the Council being dragged into a more drawn-out process in seeking to implement Policy SD8.

Policy SD8 as now proposed therefore introduces a significant degree of uncertainty for of all parties, be they developers wishing to take forward a strategic development opportunity, the community or public agencies and therefore a risk to the successful implementation of Policy SD8 at any location.

The core reasons for promoting Kilmarnock North, and those underlying the original objections to the Local Plan, was the opportunity to build on the significant investment that will be delivered through the upgrading of the A77 to motorway status

Notwithstanding the views of the respondent, the Council maintains its view that the future long term direction of growth of Kilmarnock can only be ascertained after a full and comprehensive investigation of the development potential of the whole of the town and that to arbitrarily opt for Kilmarnock North as the only possible development area without any detailed justification of this option being made, would be contrary to all acceptable planning principles and best planning practice. The Council would most strongly disagree that the Kilmarnock North area should be identified as the preferred area of growth for the town without first conducting a study into this option, taking on board, through the democratic process, the view of all other interested parties who may, like the current objectors, have a legitimate interest in promoting other potential development sites for consideration in this regard. It is not accepted by the Council that the land proposed for long term development by the objector is necessarily the only area of land suitable for this purpose. It is consequently considered that the individual interests of all involved parties, not

	<p>and the benefits of the north part of Kilmarnock in terms of sustainable development criteria.</p> <p>These reasons have been explored further in the “Bridgehead Brochure” prepared on behalf of the Landowners. Of greatest significance perhaps is the section titled <i>Why Kilmarnock North</i>. This provides a broad strategic assessment of all potential strategic development directions in and around Kilmarnock and, notwithstanding the A77 opportunity, demonstrates that North is the best, if not the only realistic, option for growth. This is acknowledged by the Council.</p> <p>In light of the Council’s previous, and now only partially retained, acknowledgement that Kilmarnock North is the best option for strategic growth, it must also acknowledge the implication of delays in terms of strategic roads infrastructure in light of the impending start to the upgrading works on the A77.</p> <p>The significant opportunity presented secures the potential implementation of a major new gateway into the north of Kilmarnock as part of the current works on the A77 as outlined in the “Bridgehead Brochure”. If the implementation of these works is delayed until after completion of the A77 project, this will require significant additional expenditure and will generate a greater need for public sector investment to achieve this. This is avoidable.</p> <p>Conclusion</p> <p>In conclusion, the Council had sufficient information before it at the Inquiry, now augmented by the “Bridgehead Brochure”, to retain the wording agreed between the Objectors and East Ayrshire Council in advance of the Public Local Inquiry. The Council is therefore justified in setting aside the specifics of the Reporter” recommendations in respect of Policy SD8 and therefore focus strategic development opportunities to the Kilmarnock North area.</p>	<p>just the particular interests of the objector, need to be taken into account when considering this matter.</p> <p>For this reason, the Council fully endorses the recommendation of the Reporter to remove from the agreed policy, any impression that the Council has already plumped for Kilmarnock North to accommodate future growth. It is not therefore intended that the Council should set aside the specifics of the Reporters Recommendations to arbitrarily limit the area of investigation for potential future strategic growth of Kilmarnock solely to the Kilmarnock North Area.</p> <p>As can be readily confirmed from his report the Council did forward the agreed wording of Policy SD8 to the Reporter for his consideration. Following careful consideration of all of the material passed to him the Reporter made his recommendations which were then accepted by the Council. Notwithstanding all of the arguments presented by the objector, the wording of the original Policy SD8 did not indicate in any way that future strategic development opportunities would be focused solely on the Kilmarnock North Area. The Councils only commitment was to investigate the suitability of this area as a possible locus for future development growth given the A77 upgrade and future demand for</p>
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	<p>On behalf of Messrs Morton and Garven, RPS Consultants object to Proposed Modification 1 as this fails to provide sufficient certainty in terms of strategic growth options and is therefore contrary to advice on the framing of policies as contained in PAN 49. The proposed wording of Policy SD8 will also introduce greater risks in terms of the successful implementation of Policy SD8 through the introduction of greater uncertainty to developers, public agencies and the local community.</p> <p>In light of the above, and the anticipated failings of Policy SD8 as now proposed, East Ayrshire Council may be unable to deliver sufficient employment land and housing land to meet strategic requirements and market expectations.</p> <p>On behalf of our clients, we therefore request that East Ayrshire Council propose a further Modification to Proposed Modification 1 that states the agreed wording of Policy SD8 as presented to the Local Plan Inquiry.</p> <p>The Council will investigate the potential of the Kilmarnock North area as indicated on the proposals map for future</p>	<p>housing, commercial and other uses. Even with the wording of SD8 as modified to incorporate the Reporters recommendation, it would still be the intention of the Council to fully investigate the Northern part of Kilmarnock, the only difference being that this should be done in the context of a wider study into the development potential of Kilmarnock as a whole, which is considered fair and equitable, rather than in isolation as advocated by the objector. The conclusions of the study would be incorporated into the future review of the East Ayrshire Local Plan.</p> <p>The Council would contend that a proposal to initiate a study into a particular area would not, in itself, provide any certainty in terms of strategic growth options and that this can be achieved only after the results of a wider study have been thoroughly analysed and a preferred development option agreed. Consequently the Council would strongly disagree with the assertion of the objector that the revised policy SD8 would introduce greater uncertainty to developers, public agencies and the local community, than would the wording of the policy as originally formulated. It is not considered possible to 'provide sufficient certainty in terms of strategic growth options' as stated by the objector, if only one development option, ie. that of the objector, is being investigated in this regard.</p> <p>The Council maintains that there is sufficient employment and housing land identified in the Local Plan to meet strategic requirements and market expectations for the period of the plan. Any study in pursuance of Policy SD8 will address longer term requirements, and any conclusions can be incorporated into any future Local Plan review.</p> <p>It is recommended that no further modification be made to the Policy.</p>
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mixed use development in the context of its longer term development strategy. The development opportunities within the Kilmarnock North area will be investigated for housing, economic and other requirements to 2012 and beyond.

A partnership approach will be adopted in conjunction with the private sector and relevant stakeholders. Any proposals or planning applications for development in the Kilmarnock North locality will need to accord with an agreed Master Plan for the area prepared in conjunction with all relevant stakeholders and any future alteration to the East Ayrshire Local Plan.

If East Ayrshire Council disagrees with the above position, we would wish to revisit the various growth options for Kilmarnock through the Inquiry process and therefore present the evidence in support of growth northwards before the Reporter.

This Objection should also be read in conjunction with our letter dated 3 December and the "Bridgehead Brochure" issued previously to East Ayrshire Council.