

Local Development Plan Committee
21 March 2011

IRVINE, 21 March 2011 - At a Meeting of the Local Development Plan Committee of North Ayrshire Council at 2.00 p.m.

Present

John Reid, Elizabeth McLardy, Robert Barr, Andrew Chamberlain, Ian Clarkson, Margie Currie, Anthea Dickson, John Ferguson, Jean Highgate, John Hunter, Ruby Kirkwood, Margaret McDougall, Ronnie McNicol, Elisabeth Marshall and Ryan Oldfather.

In Attendance

I. Mackay, Solicitor to the Council, R. Forrest, Planning Services Manager, A. Laurenson, D. Hammond, (Development Plans) (Corporate Services); C. Rowney, Communications Officer and P. Shiach, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Reid in the Chair.

Apologies for Absence

Tom Barr, Matthew Brown, William Gibson, Alan Hill, Pat McPhee, David Munn and Robert Rae.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Minutes

The Minutes of the previous meeting of the Committee held on 29 November 2010 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Local Development Plan: Status Report

Submitted report by the Solicitor to the Council on the status of the preparation of the Local Development Plan to date.

The Proposed Plan is the follow up to the Main Issues Report (MIR) and acts as the precursor to the adopted Local Development Plan (LDP). Work on the Proposed Plan is substantially complete, with the constituent components being approved at various meetings during 2010. Powers were delegated to Officers to consolidate the Proposed Plan, make editorial changes where necessary and prepare the accompanying Proposed Plan Maps, Schedule of Ownership and Strategic Environmental Assessment (SEA) Adoption Statement.

The Committee was advised that the following required to be considered: -

- Proposed changes to the Isle of Arran Affordable Housing Policy;
- Strategic infrastructure requirements associated with future development, including the mechanism by which detailed requirements will identified, costed, apportioned and delivered at a future date
- Consideration of a motion remitted from the Council concerning a tourism allocation at Hunterston, and
- The Adoption Statement in terms of the SEA process in the context of the Proposed Plan.

Formal publication of the Proposed Plan has been suspended for a period of five weeks pending clarity on whether the motion presented to the Committee in relation to Hunterston would be introduced into the Plan, as this would affect the text and map content. The revised date for publication was indicated as Friday 29 April 2011 with a subsequent period of 8 weeks for representations on the Plan. The LDP Committee scheduled for June and October 2011 will be delayed until August and November 2011.

Noted.

4. Infrastructure and Development Delivery

Submitted report by the Solicitor to the Council on the links to be established between residential development sites allocated in the Local Development Plan (LDP) and the provision of infrastructure required for their delivery.

The Proposed LDP allocates residential development sites to meet the additional housing land requirement of 4,538 units to 2025. the Infrastructure Requirements Schedule (IRS) as detailed in appendix 1 to the report, has emerged from the analysis of the impact of these allocations on existing infrastructure. It sets out future requirements of sites in terms of education, transport, water supply and drainage, health and other principles of development which allow land allocation, demonstrating the manner in which the LDP will be delivered.

Scottish Planning Policy (SPP) provides the Scottish Government's core principles and objectives for the operation of the planning system. SPP states that investment and infrastructure may be required and these issues should be addressed in development plans. From an analysis of the individual and cumulative impacts of development in consultation with infrastructure providers, the IRS has identified the infrastructure likely to be required as a consequence of development proposed in the LDP. The IRS will operate as a mechanism to co-ordinate the delivery of the necessary new infrastructure for development, and will form the basis for planning obligations where required.

Further to the principles established by the IRS, Supplementary Guidance will provide further detail on the delivery, of infrastructure including capital costs and the timing and levels of developer contributions. Appendix 1 to the report identified the requirements of individual development sites. The report further provided a strategic overview on: -

- Transport;
- Education;
- Water and Waste Water;
- Health; and
- Other factors which allow release for development.

The IRS does not cover the following: -

- Affordable Housing;
- Sustainable Urban Drainage Systems (SUDS);
- Open Space; and
- Landscaping

The Committee sought, and received clarification on a number of issues in the report, including the stage at which developer contributions would be sought, the current bottleneck at Pennyburn Roundabout and the position in relation to sites in Irvine and Dalry.

The Committee approved the content of the Infrastructure Requirements Schedule for publication with the Local Development Plan.

5. Affordable Housing Policy: Isle of Arran Review of Policy

Submitted report by the Solicitor to the Council on the proposed minor changes to the existing interim Affordable Housing Policy: Isle of Arran and consequential changes to the Affordable Housing Policy: Mainland, which is not yet in operation, together with the Supplementary Guidance for Developers.

The Affordable Housing Policy (AHP) for the Isle of Arran has been in operation since April 2009. A similar policy for mainland North Ayrshire was approved by the Local Development Plan Committee in October 2010, with implementation delayed pending the adoption of the Local Development Plan, following which approval will be sought on an implementation date.

In order to clarify the interpretation of the AHP for the Isle of Arran, and to update Guidance for Developers in accordance with current national planning advice, minor changes were proposed to the Policy and Guidance. It was also deemed appropriate to bring the Arran and Mainland Policies into line with one another.

The Isle of Arran AHP seeks developer contributions to meet demonstrated need for affordable housing development with an overall site capacity of 4 units or more or a site area equal to or greater than 0.2 hectare, to incorporate affordable housing at a rate of 25%. The Mainland AHP is similarly worded but with thresholds of 16 units and 0.6 hectare.

Difficulties of interpretation of the policy have become evident on sites of greater than 0.2 hectare which are proposed to be developed for fewer than 4 houses and in other cases where figures are rounded up. Full details were contained within the report.

The report proposed to amend the wording of the Isle of Arran AHP to make it clear that developer contributions will only be sought for sites which have an overall development capacity for housing of 4 units or more. It was also proposed that the 0.2 hectare threshold be retained as it provides a valuable safeguard against deliberate underdevelopment of sites designed to circumvent the policy. Appendices 1 and 2 to the report contained the detailed wording of the revised policy for the Isle of Arran AHP, and the wording of the proposed Mainland AHP respectively.

It was further proposed that the wording of the Supplementary Guidance for Developers be amended to clarify the intention of the policy and as a consequence of the changes introduced by Planning Advice Note (PAN) 2/2010, Affordable Housing and Housing Land Audits. In addition, amendments to the Guidance were required to reflect changes in the funding mechanism for subsidised housing.

The Committee sought, and received clarification on a number of issues raised in the report, including practices within other local authorities and the ability of the policy to address need.

The Committee agreed, Councillor Marshall dissenting, to approve the revised Affordable Housing policy, Isle of Arran and Mainland, together with the Supplementary Guidance for Developers.

6. Hunterston Policy

Submitted report by the Solicitor to the Council on the potential introduction of a tourism and leisure allocation and policy to the Hunterston area within the Proposed LDP.

At its meeting held on 23 February 2011, the Council agreed a motion By Councillor McLardy, seconded by Councillor Reid in terms of North Ayrshire Local Development Plan Final Draft 2011, that the Area currently designated in the existing adopted plan as IND4 plus the Hunterston Construction Yard site be redesignated IND4/Tourism. The Council agreed that the motion be remitted to the Local Development Plan Committee for consideration, and instructed the Solicitor to the Council to prepare a report outlining the implications of the motion.

Details of the proposals were illustrated on a plan and supporting text contained in Appendix 1 to the report.

National Planning Framework 2 (NPF2), approved by the Scottish Parliament in 2009, identifies Hunterston as a National Development, providing a "Clean coal fired power station, container transshipment hub, maritime construction and decommissioning yard, and associated energy and industrial development.

Hunterston has also been identified by the National Renewables Infrastructure Plan (NRIP) as a key strategic location with the capacity for integrated manufacturing.

The LDP Committee, at its meeting in August 2010, discussed the potential for tourism in the Hunterston area, however no firm proposal or motion was tabled at that time, and a policy for Hunterston was approved which reflected the National Development designation. The policy was later amended to include restrictions on decommissioning activity and the exclusion from the industrial designation of an area of 148 ha (366 acres) to the south of the electricity pylons. The Committee also approved Policy TOU2 "Tourist facilities and accommodation outwith settlements", which permits tourism uses within the countryside where a site specific locational need and economic benefit are demonstrated. While this is generally supportive of tourism development, it does not extend to industrial allocations.

The Scottish Government advise that Local Development Plans must provide certainty, justified through analysis of locational need and deliverability, informed by consultation. To assist in formulating a proposal and to inform a professional recommendation, views on the motion and subsequent supporting information were sought from key consultees. The responses received were detailed in appendix 2, and summarised in the report.

In terms of the planning process, any significant change at this stage may result in the risk of delay in adopting the LDP.

The report indicated that the undernoted 2 policy options were available to provide clarity in terms of the priority which would be given to the alternatives of tourism and industry. Either option would be taken forward via an addition to the policy approved in November 2010, as specified in Appendix 3 to the report: -

- Reflecting the motion and incorporating a policy establishing the circumstances where there would be a presumption in favour of tourism uses including the definition of specific areas where tourism use would be supported, and
- Reflecting the motion, but with a less explicit priority given to the tourism use with no defined area within the IND2 boundary for the specific uses. There would be a presumption in favour of industrial uses across the Hunterston site boundary unless a significant tourism application is submitted.

The report indicated that in terms of legal implications, risks to the Council included legal challenge by aggrieved parties on the grounds of : -

- Non compliance with NPF2;
- The late introduction of policy relating to a Section 36 planning application currently under consideration;
- The insertion of a policy which may impinge upon the established permitted development rights of the Harbour Authority, and
- The insertion of a policy which may restrict the development potential of land, for which NPF2 establishes the principle of development for the uses as prescribed therein.

The Local Development Plan Committee considered a letter sent on behalf of Fairlie Community Council, and heard the Planning Services Manager on the content thereof. The Committee sought, and received, clarification of a number of issues raised in the report including marketing of the site, perceived lack of communication with the local community, the potential for challenge from landowners, those with development rights and the Scottish Government in respect of divergence from the National Plan Framework, and concerns over amending the Local Development Plan. Diametrically opposed views were expressed on the merits of the recommendation and the inclusion of Options 1 or 2.

Councillor Reid proposed that a vote be taken on the recommendation contained within the report followed, if required by a vote on options 1 and 2 respectively.

Councillor Reid, seconded by Councillor Chamberlain, moved that the Committee agrees to maintain the policy for Hunterston approved in November 2010.

On a division, there voted seven Members for the motion, and seven members for the direct negative. The motion was approved on the casting vote of the Chair.

The Committee agreed to maintain the policy for Hunterston approved in November 2010.

7. Report of Conformity with the Participation Statement

Submitted report by the Solicitor to the Council on Report of Conformity with the Participation Statement for approval.

Public consultation on the Local Development Plan provided opportunities for individuals, community groups, developers and businesses to express their opinions on options for future development and regeneration of North Ayrshire. The Report on Conformity with the Participation Statement, as contained in Appendix 1 to the report, summarised the approaches taken to stimulate discussion and build partnerships with a wide range of stakeholders.

Through examination of the LDP, the Scottish Government Reporter will consider whether the Council has conformed with its Participation Statement and whether there are any shortcomings with regard to public involvement in the plan-making process.

The Committee approved the Report of Conformity with the Participation Statement and authorised the Solicitor to the Council to make editorial changes to install appropriate dates for future public engagement.

8. Strategic Environmental Assessments and Accompanying Social and Economic Assessments: Adoption Statements

Submitted report by the Solicitor to the Council on the status of the assessment processes for the LDP.

In terms of the Environmental Assessment (Scotland) Act 2005, there is a requirement to undertake an Environmental Assessment for all plans and programs. Environmental assessment is directed with a "view to promote sustainable development".

The Local development Plan was produced with three separate assessment processes: Social, Economic and Environment, which allowed the maximum potential for each of these to be available as reference as the plan progressed. Since the publication of the Main Issues Report, feedback through consultation has been received and additional information sought and presented.

To take account of the new information and consultations that have arisen, and in order to describe all the environmental effects requires an additional reporting stage to be undertaken. This stage will come before the adoption of the Local Plan, is considered to be an Adoption Statement.

To provide a balance for sustainability, adoption statements for social and economic aspects have also been prepared. Authority to finalise and publish these adoption statements was approved by the Committee in November 2010. Key outcomes from the assessment process were detailed in the report.

The Committee noted (i) the key outcomes from the assessment process and (ii) that environmental, economic and social adoption statements will be published with the proposed plan.

The meeting ended at 3.10 p.m.