

Local Development Plan Committee
29 August 2011

IRVINE, 29 August 2011 - At a Meeting of the Local Development Plan Committee of North Ayrshire Council at 9.30 a.m.

Present

Elizabeth McLardy, Tom Barr, John Bell, Andrew Chamberlain, Margie Currie, John Ferguson, Alex Gallagher, William Gibson, Jean Highgate, Ruby Kirkwood, Pat McPhee, Elisabeth Marshall, John Moffat, Jim Montgomerie, David O' Neill and Ryan Oldfather.

In Attendance

R. Forrest, Planning Services Manager, D. Hammond, Team Manager (Development Plans) and A. Laurenson, Team Manager (Regeneration) (Corporate Services); C. Rowney, Communications Officer and P. Shiach, Committee Services Officer (Chief Executive's Service).

Also In Attendance

J. Miller, Chief Development Management Officer (Corporate Services).

Chair

Councillor McLardy in the Chair.

Apologies for Absence

Robert Barr, Matthew Brown, Anthea Dickson, William Gibson, John Hunter, Tony Gurney and John Reid.

1. Declarations of Interest

1.1 Declarations of Interest: Advice to Elected Members

Submitted report by the Chief Executive highlighting the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declarations of interest.

In a recent report the Standards Commissioner for Scotland recommended that:-

- all Elected Members be made aware of the provisions of Section 5 of the Code of Conduct, including specifically paragraph 5.15, in relation to declarations of interest;

- that Elected Members receive training on how properly to make declarations of interest, including the need to state the nature of the interest; and
- Committee Chairs and officers with responsibility for the conduct of Council or committee meetings should ensure adherence to the proper mode and content of declarations of interest.

Standing Order 16 provides that if any Member of the Council has a financial or non-financial interest in any contract or any other matter as defined by Section 5 of the Councillors' Code Conduct, and is present at any meeting at which that matter is to be considered, he/she must, as soon as practicable after the meeting starts, disclose that he/she has an interest and importantly, state the nature of this interest. Section 5 of the Code, which was appended to the report, sets out the rules in relation to declarations of interest.

To facilitate such declarations, a heading "Declarations of Interest", routinely appears as the first item on agendas for all meetings of the Council and its Committees. The report provided information on the future arrangements for the Committee Chairs when dealing with the Declarations of Interest item on the agenda, the Commissioner's suggested wording for Members declaring an interest in an agenda item and induction training for Elected Members following next year's local government elections.

Noted.

1.2 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 21 March 2011 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Local Development Plan (LDP) Scheme Update 3 and Status Report

Submitted report by the Solicitor to the Council on the status of the preparation of the Local Development Plan to date and presenting the Development Plan Scheme Update 3 for approval.

The Proposed Local Development Plan was published on 29 April 2011, and was followed by a consultation period of eight weeks which closed on 24 June 2011. The Development Plan Scheme sets out the overall programme for Plan production and the Status Report provides a detailed snapshot of LDP preparation at the present time. These documents have been updated to take account of implications arising from the number and scope of representations received during the consultation period.

In terms of the LDP timetable, the report indicated that some 1,150 representations were received in relation to the proposed Plan. It had been foreseen that there would be an increase in comment stemming from the longer term horizon for the new Plan as well as new neighbour notification procedures, however the level of representation received was not anticipated in drawing up the preparation timetable.

The timetabling for the new LDP process was based on projected timescales set out by the Scottish Government. In line with counterpart authorities at a similar preparation stage, the timetabling has been optimistic and not founded on knowledge of available resources. Furthermore, the introduction of a motion to make alterations to the Hunterston allocation prior to the proposed publication of the LDP in March resulted in a delay to the programme of approximately two months.

The aforementioned factors in combination will result in an unavoidable delay to the LDP preparation of approximately 4-5 months. A revised timetable was detailed in the Development Plan Scheme Update 3 in Appendix 1 to the report.

The Status Report, attached as Appendix 2 to the report, provided Members with more detailed information on recent milestones achieved and outstanding risk relating to the LDP preparation.

The next step in the LDP preparation process will summarise the representations received, and the points raised by objectors will be analysed and responded to. The summary of objections and the Council's response will be translated onto "Schedule 4" forms for submission to the Scottish Government. These forms are designed to assist the independent Reporter appointed by the Scottish Government to determine unresolved representations by setting out information in a clear and consistent manner. The completed Schedule 4 Forms will be presented to Members for approval over the next two meetings prior to their submission to the Scottish Government.

It is intended that the LDP Committee will be presented with the following, for approval, at its November meeting:-

- Public consultation on the Plan;
- Vision;
- Strategic Policies;
- Detailed Policies (all topics excluding housing), and
- Site specific allocations (excluding housing).

A further LDP Committee meeting in March 2012 will consider the remaining matters to be dealt with: -

- Hunterston;
- Scale and distribution of the housing land supply, and
- Housing allocations.

Subsequent to the LDP Committee meeting in March 2012, a finalised version of the Proposed Plan will be published and submitted to the Scottish Government, and will include all Schedule 4 Forms outlining the summary of the representations received and the Council's response, together with relevant supporting documentation. This submission is scheduled for May 2012 and will be accompanied by a request for a Reporter to be appointed to conduct an examination to make determinations on unresolved representations.

The Committee (a) approved for publication Development Plan Scheme Update 3 as detailed in Appendix 1 to the report; and (b) noted the contents of the Status Report as outlined in Appendix 2 to the report.

4. Overview of Responses to the Proposed Local Development Plan

Submitted report by the Solicitor to the Council on the number and scope of representations received during the proposed LDP consultation period.

The consultation period for the proposed Local Development Plan closed on 24 June 2011. There is a statutory process with which the Council must comply in handling these representations. The content of the representations is currently being analysed, however they can be indicatively split as follows:-

- Irvine/Kilwinning: 47 representations;
- 3 Towns: 28 representations;
- Garnock Valley: 450 representations ;
- North Coast and Cumbraes (excluding Hunterston) 375 representations;
- Arran: 54 representations
- Hunterston: 137 representations;
- Policies: 26 representations, and
- General comments from key agencies/other groups: 24 representations.

Details of the key points arising from these representations were contained within the report.

The majority of objections received, related to specific new sites allocated for housing, particularly on greenfield locations, with the most common reasons cited as loss of countryside, lack of infrastructure capacity (transport, drainage, education or health) to accommodate new development and increased risk of flooding.

The report indicated that in selecting housing allocations for recommendation in the Proposed LDP, an iterative process was followed. Representations for areas for future development were analysed comparatively with reference to environmental considerations as well as other priorities including deliverability and contribution to regeneration aims. the Committee was advised that given the obligation to meet the housing requirement in full, any proposal to remove a proposed housing allocation in response to objection will require substitution with a replacement site and may result in a requirement to introduce a "Modified Plan" stage. The implications of a Modified Plan Stage are re-publication and re-consultation on the Plan as a whole, and the introduction of cost and delay. The Scottish Government has stated that in the interests of planning reform, such a stage should be avoided if possible.

Members sought, and received, clarification on a number of aspects of the report, including the timescales in terms of the consultation responses to Committee in March 2012, and submission to the Scottish Government in May 2012, the consequences for non-adherence with this timetable and the new procedures for dealing with representations.

The Committee agreed to note (a) the areas of concern raised through representations with the understanding that further detail will follow, along with the Officer's recommended response; and (b) the timescales for this work as set out in the Development Plan Scheme.

5. Update on LDP Sustainability Reports

Submitted report by the Solicitor to the Council on the representations made in relation to the environmental, economic and social adoption statements published in connection with the Proposed LDP.

The Proposed LDP was published on 29 April 2011 and accompanied by three sustainability "adoption statements" which highlighted how the three original sustainability reports, covering environmental, social and economic dimensions had been taken into account during the preparation of the Proposed LDP.

The Proposed LDP was the main focus of representations during the consultation period, however several representations were made which related directly to the adoption statements.

Direct representations to the Environmental Adoption Statement were made by Scottish Natural Heritage (SNH), the Scottish Environmental Protection Agency (SEPA), Historic Scotland (HS) and the Royal Society for the Protection of Birds (RSPB). The main concerns raised by SNH and RSPB related mainly to the methodology applied to assess the environmental effects and their significance. The methodologies used for the assessment processes have been subject to robust scientific scrutiny, while at the same time reflecting the resource requirement which is significantly reduced compared to that required for more traditional approaches.

The report advised that there is no statutory obligation to reach agreement with SNH or RSPB in terms of the methodology although reaching consensus encompasses the spirit of the legislation. If the concerns raised by SNH and RSPB cannot be resolved, there would be a risk of their pursuing the challenge through the courts. Internal legal advice on this matter has been sought which indicates that the Council is compliant with the relevant legislation.

The Committee noted the report and approved further consultation with appropriate parties to address outstanding concerns.

6. LDP Action Programme Implementation

Submitted report by the Solicitor to the Council on the implementation of the LDP Action Programme and identified priority actions.

The publication of the Proposed LDP was accompanied by a Proposed Action Programme, which is a statutory requirement of the Planning (Scotland) act 2006 and a new component of Development Planning.

The Action Plan is still under preparation, however there are a number of actions which can be progressed at this stage.

A limited number of comments were received on the content of the Action Programme through the period for representations, details of which were contained within the report.

The Action Programme will be carried forward within available resources alongside work on the preparation of the LDP. An update on progress by each individual action as at August 2011 was contained in Appendix 1 to the report. Significant areas of work which have been undertaken in relation to regeneration were detailed in the report.

The report highlighted the following areas of work which have been identified as early priorities for implementation:-

- The undertaking of a study into means of stimulating the housing market within North Ayrshire including consultation with the development industry;
- The undertaking of a study into the use of land on the River Irvine Corridor including constraints and opportunities e.g. improved access, development of the green network and tourism uses;
- Work in relation to the release of funding for the Irvine Conservation Area Regeneration Scheme including a Conservation Area Appraisal and Management Plan;
- Further progression of development proposals for major development sites allocated by the LDP including West Byrehill, Kilwinning, Lochshore and Ardrossan Harbour, and
- The production of supplementary guidance on developer contributions to give certainty on infrastructure required and its delivery, with transport impacts of the LDP being a priority.

Members sought, and received, clarification on a number of aspects of the report, including confirmation of a corridor route with Transport Scotland in terms of the A737 bypass east of Dalry, and options to mitigate Stevenston Rail Crossing closures.

The Committee noted the progress on the implementation of the Action Programme and agreed the priority actions identified.

The meeting ended at 10.10 a.m.