

Local Development Plan Committee
9 August 2010

IRVINE, 9 August 2010 - At a Meeting of the Local Development Plan Committee of North Ayrshire Council at 2.00 p.m.

Present

John Reid, Robert Barr, John Bell, Matthew Brown, Andrew Chamberlain, Ian Clarkson, Margie Currie, John Ferguson, Alex Gallagher, Tony Gurney, Jean Highgate, Alan Hill, John Hunter, Ruby Kirkwood, Margaret McDougall, Elizabeth McLardy, Ronnie McNicol, Pat McPhee, John Moffat, and David O'Neill.

In Attendance

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

Chair

Councillor Reid in the Chair.

Apologies for Absence

Anthea Dickson, Elisabeth Marshall and Alan Munro.

1. Declarations of Interest

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

2. Local Development Plan (LDP): Status Report

Submitted report by the Solicitor to the Council on the status of preparation of the Local Development Plan to date, in the context of the approved Development Plan Scheme.

Work on the proposed Local Development Plan is underway, with Supplementary Design Guidance on Neighbourhoods, Town Centres and the Coast approved by the Committee in June 2010. It is intended that the constituent components of the Plan, submitted for approval during 2010, will be presented to the Local Development Plan Committee in November 2010 for approval, with electronic publication of the Proposed Plan in December 2010.

The appendix to the report provided details of the key milestones that have been reached to date; future milestones to be achieved; and outstanding tasks to be completed.

As part of the ongoing work, the agenda for the meeting presented reports on the following areas:-

- Implications for the Local Development Plan arising from the Climate Change (Scotland) Act 2009;
- Proposed Plan Policy - Hunterston;
- Proposed Plan Policy - Tourism;
- Proposed Plan Policy - Providing Infrastructure; Supplementary Guidance: The Green Network and Leisure and Open Space; and
- Proposed Plan Policy - Rural Coastal and Island Development.

It is intended that the Committee, at its meeting to be held on 18 October 2010, will examine policy around housing and employment land, supplementary guidance for developer contributions, and affordable housing.

Noted.

3. Climate Change (Scotland) Act 2009 and Its Implications for Planning Policy

Submitted report by the Solicitor to the Council on the statutory requirements arising from the Climate Change (Scotland) Act 2009, related national guidance and their implications for the Local Development Plan (LDP).

The Climate Change (Scotland) Act 2009 introduces a target for Scottish Ministers to ensure Scotland's net greenhouse gas emissions are at least 80% lower than the 1990 baseline by 2050. An interim target of 42% reduction in net emissions by 2020 has also been set. Achieving these targets will require co-ordinated action and a significant commitment to adapting the built environment to reduce energy and other resource requirements, the need to travel and to provide sustainable modes of transport.

Section 72 of the Act specifically requires the Council, as Local Planning Authority, to include a greenhouse gas emissions policy within the LDP, requiring all new buildings to be designed to contribute to energy efficiency through the installation and operation of low and zero-carbon generating technologies. Clarification is awaited through forthcoming secondary legislation and national guidance, on the implications and what is necessary at local level to meet the requirements of Section 72.

The report proposed that the LDP can contribute to the objectives of the Climate Change Act by:-

- Promoting a pattern of development which reduces the need to travel and which encourages sustainable modes of travel;
- Avoiding areas of vulnerability to flooding, land slip, coastal erosion and storms when allocating new land for development; and
- Maintaining existing policies which provide for a precautionary approach to flooding and for renewable energy development and waste management.

These will be achieved respectively through site selection assessment criteria, having regard to the environmental appraisal plan and incorporating existing policies into the Proposed Plan. Officers will review the approach to climate change adaption and mitigation when secondary legislation and national guidance become available, and the implications of what is required at local level can be properly considered. Dependant upon the timing of this, the greenhouse gas emissions policy required by Section 72 of the Climate Change (Scotland) Act will either be included in the Proposed Plan or introduced as Supplementary Guidance. In the interim, development will require to comply with Building Standards regulations.

The Committee noted the proposed planning policy approach for climate change and the intention to incorporate the required Greenhouse Gas Emissions Policy set out in the Climate Change (Scotland) Act 2009 into the Local Development Plan following clarification from the Scottish Government on the implications and requirements at a local level.

4. Exclusion of the Public and Press

The Committee resolved, in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and public for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A of the Act.

5. Hunterston

Submitted report by the Solicitor to the Council providing an update on the future approach to planning policy for Hunterston.

Hunterston is identified as a National Development within the second National Development Framework (NPF2). Prior to the meeting, Members received a presentation from officers of the Scottish Government Directorate of the Built Environment, who are responsible for the publication of NPF2. Members were provided with recommendations on the future approach to planning policy for Hunterston within the Local Development Plan (LPD).

During the preparation of NPF2, the Scottish Government undertook consultation on a draft version, in response to which North Ayrshire Council made representations. The key points included:-

- The view that the draft version lacked precise definition of the terms "clean coal" or "carbon capture ready";
- The absence of any demonstration of national need which would justify a presumption in favour of maritime decommissioning work at Hunterston; and

- The failure of NPF2 to recognise essential infrastructure requirements in respect of road, rail and the electricity grid associated with the National Development.

NPF2 published in June 2009, identified Hunterston as a potential location with the capacity to accommodate a major new clean coal fired power station. Hunterston is further identified as a National Development for a new power station and transshipment hub. NPF2 is not site specific and does not allocate a specific boundary, although it provides reference to the location of a National Development being "adjoining the existing bulk handling terminal and maritime construction yard at Hunterston, Ayrshire". It further states that elements covered by the designation include:-

- Coal fired power station and fuel storage yard;
- Biomass/gas fired power station;
- Carbon capture infrastructure;
- Container transshipment hub;
- Maritime construction and decommissioning yard;
- Downstream industrial processes; and
- Associated environmental works.

The report contained details and a summary of the position in terms of LDP Policy relative to the above.

The designation of Hunterston as a National Development establishes the principle of development in the national interest. The Council's role is to consider matters of detail such as siting, design and mitigation of environmental impacts.

In considering the final version of NPF2, Ministers were presented with the views of the Parliamentary Committees on Local Government and Communities, Economy, Energy and Tourism, and Transport, Infrastructure and Climate Change Committees, in addition to issues raised during the Parliamentary debate. Relative to Hunterston, the Ministers view in response to concerns raised over the lack of proven technology for carbon capture and storage was to state that NPF2 identifies carbon impact as a matter to be addressed when consent for a power station development at Hunterston is sought.

The Scottish Parliament separately voted on its response to the publication of the UK Climate Change Committee report, "Scotland's Path to a Low Carbon Economy". This response included the Parliament's view that the Scottish Government should reject plans to build a new coal fired power station at Hunterston, given that large scale carbon capture and storage at existing coal or gas plants has never been successfully demonstrated. This decision fell outwith the period for formal Parliamentary consideration of NPF2, and is therefore not reflected in the published version of NPF2.

NPF2 as published presents several issues for the Council in implementing its requirements, including:-

- The absence of a policy boundary to which the description of development relates;
- The use of inconsistent wording within NPF2 and its Action Programme; and
- The inconsistency between the definition of the proposed National Development being for a clean coal fired power station, and the Action Programmes reference to only a minimum requirement for carbon capture and storage of 300mw. New build power stations are only expected to have full CCS from 2020. The Action Plan provides scope for power generation which does not involve carbon capture, and which therefore may not be described as Clean Coal being Carbon Capture Ready (CCR) only.

The Ayrshire Joint Structure Plan (AJSP) 2007 identifies Hunterston as a Gateway location under Policy ECON1 and states that it will be promoted as an international transshipment hub requiring deep water for sea freight movement, and safeguard existing rail and road access in the vicinity against adverse development. The Adopted North Ayrshire Local Plan (Excluding Isle of Arran) provides for the safeguarding of Hunterston for large scale trading and industrial development of significant national importance requiring deep water access in line with Scottish Planning Policy 2 "Economic Development 2002. The LDP will replace both these documents.

Hunterston has also been identified by National Renewables Infrastructure Plan (NRIP) as one of 11 key coastal sites offering potential to accommodate offshore wind turbine manufacturing and construction operations, and only one of four with capacity for Integrated Manufacturing. The formal status of NRIP, and its relationship to NPF2, and the acceptability of these uses within the National Development requires clarification which has been sought from the Scottish Government.

Details of potential developments, including turbine manufacturing, proposed offshore energy grid connections and a planning application for a multi fuel power station were contained in the report.

With the designation of Hunterston as a National Development, the policy position, including the land allocation boundary, requires to be recognised in the LDP. This will require to consider the following issues which were set out in the Main Issues Report (MIR): -

- A review of the policy boundary to reflect proposals emerging from NPF2;
- Accommodating and clarifying uses defined by NPF2; and
- Planning for off site infrastructure projects where required.

Representations made to the MIR on these issues were considered, and observations on individual representations were detailed in Appendix 3 to the report. Representations received in response to the MIR generally stated support for a reduced area of land allocated for Hunterston, referring to the perceived blight on West Kilbride created by the scale of the existing land use allocation, the changing nature of proposals since the original designation of was made and the agricultural and landscape value of land to the south of the designation. The report also contained details of elements not covered by the designation including radioactive waste storage, the future of the Hunterston A site and marine renewables.

The Chief Executive advised the Committee that Magnox North would be carrying out a feasibility study at the Hunterston A site into alternative means of dealing with waste graphite, and that a Planning Application would be submitted towards the end of the year.

The Committee sought, and received, clarification on various aspects of the report, including definitions of clean coal and carbon capture technologies and tourism as an alternative use for part of the Hunterston site area.

The Committee (a) noted the report and the presentation by the Scottish Government; and (b) agreed that the principles set out in the report reflect the Council's position in implementing the requirements of NPF2 in designating Hunterston as a National Development.

6. Proposed Plan Policy: Tourism

Submitted report by the Solicitor to the Council on the proposed policy in respect of 'Providing Tourism' for the Proposed Plan.

Scottish Planning Policy indicates that the tourism industry is one of Scotland's largest business sectors and planning authorities should support high quality tourism related development, including the provision of appropriate facilities in key locations across urban and rural Scotland. Tourism is a major industry and employer within North Ayrshire. The Vision for North Ayrshire, approved by Committee states that new development which actively promotes tourism and leisure uses, which results in a change in perception and the attraction of new people will be promoted.

In terms of a policy for Tourism, the report presented:-

- Tourism proposals as a key area of change from the MIR;
- A summary of the representations received;
- Observations on the representations received; and
- Implications for the Proposals and Development Management Statement, Policies and Supplementary Guidance, Action Programme, and Schedule for Land Ownership for the Tourism section of the Proposed Plan.

The MIR identified tourism proposals as a Main Issue which may result in a change in policy.

Representations made to the MIR on Tourism have been considered and observations on individual representations were summarised in the report and detailed in Appendix 4 thereto. Draft Policy Proposals and the Development Management Statement, Policy and Supplementary Guidance and the proposed Action Programme were contained in Appendix 1 to the report. In implementing the LDP with regard to Tourism, the Action Plan will set out a programme for -

- Irvine Beach Park;
- Ardrossan Marina;
- Auchrannie, Brodick;
- Largs Yacht Haven;
- Cladach, Brodick; and
- The Whitehouse site, Lamlash.

Detailed policy and additional justification contained within supplementary guidance, was outlined in Appendix 2 to the report.

The report further indicated that the Development Management Statement will also include maps. For Tourism, the LDP maps will incorporate the following Proposals which are considered to represent key opportunities not currently identified in the adopted Plans, and illustrated in Appendix 3 to the report: -

- Identification of land at Irvine Beach for Tourism, Leisure and Open Space purposes;
- Identification of land at Ardrossan Harbourside for Tourism purposes including an expanded Marina;
- Identification of land to allow for the expansion of the Auchrannie Hotel and Spa Resort; and
- Provision of a policy boundary for Largs Yacht Haven to recognise the existing uses and their tourism value.

Where proposals are located within the Countryside, a Tourism allocation will be overlaid on the existing countryside allocation. The identification of projects within the Action Programme represent a commitment to their implementation by the parties involved and may have implications for spending programmes as set out in the Capital Plan. A Schedule of Land Ownership will require to be incorporated into the Proposed Plan, and should include a list of sites within the Council's ownership which will be materially affected by Policies or Proposals in the Plan.

The Committee sought, and received, clarification with regard to policies in relation to Irvine Bay, attracting major events to the area and the lack of proposals for Saltcoats and Ardrossan.

The Committee agreed that policy with regard to Tourism, subject to proposals in relation to Ardrossan and Saltcoats seafronts being incorporated into the Local Development Plan Proposed Plan for approval in November 2010.

7. Proposed Plan Policy: Infrastructure

Submitted report by the Solicitor to the Council on the proposed policy in respect of "Providing Infrastructure" for the Proposed Plan.

The status report previously presented to Members referred to the intention to publish a Proposed Local Plan in November 2010.

In terms of dealing with the policy area of infrastructure for the Proposed, LDP, building on the topic of "Providing Infrastructure" which formed part of the Main Issues Report, the Committee was presented with:-

- The matters to be dealt with as part of the infrastructure for the Proposed Plan;
- Draft "Development Management Statement and Proposals";
- Draft "Policies and Supplementary Guidance";
- A programme of future Supplementary Guidance associated with Infrastructure topics;
- Provisional details of the Action programme in respect of Infrastructure; and
- Details of consultation responses and how these have been taken into account.

Extensive consultation has been undertaken with stakeholders to inform the Proposed Plan. Details of the consultation responses were contained in Appendices 3 and 4 to the report. The report detailed key issues which will be covered in the Proposed Plan with particular regard to the following: -

- Transport - Key matters emerging from the MIR related to the A737/A78 improvements, the Stevenston Rail Crossing and improved public transport connections to Irvine. The Proposed Plan will contain a safeguarded line for a bypass east of Dalry, emerging from the Scottish Transport Project Review. Aspirations for A78 improvements were contained in the Vision Statement.

- Waste Management - Policy is being consolidated and carried forward from the existing Plan, with additional criteria inserted to provide greater certainty to applicants and reflect updates in legislation. A fundamental proposed change is the removal of a criterion requiring proposals to deal with waste principally arising from North Ayrshire. Work on proposals for a residual treatment facility (energy from waste plant) in Ayrshire have been temporarily halted whilst the implications from the Scottish Government's new Zero Waste Plan are considered.
- Drainage, SUDS and Flooding - Policy for drainage SUDS and flooding will be consolidated and carried forward from the existing plan. There is a suggested new requirement for completion of a Drainage Assessment to ensure matters related to drainage and flooding are considered at an early design stage.
- Renewable Energy - Pressure for renewable energy development is likely to continue, in order to meet Scottish Government targets for renewable electricity and heat production. Policy in this regard has been expanded, retaining a presumption in favour of renewable energy development, but reflecting new work which has been undertaken such as the Landscape Capacity Study for Wind Farm Development .
- Community Infrastructure - Encompasses development such as education, health and social care facilities, and cemeteries. New detailed criteria are proposed relating to consideration of co-location with similar or complimentary uses and proximity to key local services. The Proposed Plan may also include preferred sites for a replacement Garnock Academy and the consolidated east Irvine primary schools, if sites are identified prior to the final draft of the Plan being completed.
- Open Space - Proposed "Supplementary Guidance: Open Space" will deal with the green network and set out open space standards for new development, leaving development of open space to be dealt with in the Infrastructure section of the Proposed Plan.

The report indicated that much of the detail previously contained in plans should be removed to Supplementary Guidance. The Development Management Statement, as contained in Appendix 1 to the report has been fundamentally changed from the existing plan, and is now a concise suite of overarching and key principles in relation to infrastructure topics.

The Committee sought, and received clarification with regard to the Dalry bypass, Ardrossan Harbour and transport policy in terms of improving connections in Ardrossan.

The Committee agreed that the policy in respect of Infrastructure be incorporated into the Proposed plan for approval in November 2010.

8. Supplementary Guidance: The Green Network and Leisure and Open Spaces

Submitted report by the Solicitor to the Council on proposed policy regarding The Green Network and leisure and open space.

National Policy, as summarised in Appendix 1 to the report, promotes green networks as a means of providing opportunities for physical activity, access to the outdoors, and increasing accessibility within settlements and to the surrounding countryside.

The LDP sets the framework for implementing policies and strategies relative to the green network.

The Committee agreed to continue this item to a special Meeting of North Ayrshire Council on 18 August 2010 to allow Elected Members to further consider proposed additions to green networks as contained in the current local plans relating to Leisure and Open Space.

9. Proposed Plan Policy: Rural Coastal and Island Development

Submitted report by the Solicitor to the Council advising the Committee of proposed policy with regard to rural, coastal and island development.

Rural, Coastal and Island Development was presented as a main issue within the MIR and concerns the definition of the coast, rural housing, tourism proposals, Hunterston and coastal access. A proposed framework for rural housing will be submitted to the Committee in October 2010.

Representations made to the options presented within the MIR on "Definition of the Coast" and "Coastal Access" have been considered and observations on individual representations contained in Appendix 1 to the report.

The report proposed that existing policies set out in the current Local plans protecting the environmental value of the coastal zone, defining developed, undeveloped and isolated coast, be maintained.

In terms of coastal access, representations advised that provision should identify specific schemes incorporating new or existing coastal paths, promote access to wildlife and encourage coastal development with good public transport connections.

Rural, Coastal and Island Development must be considered in the context of a largely protective countryside. A list of current policies was set out in Appendix 2 to the report.

The Committee agreed that the proposed policies outlined regarding Rural, Coastal and Island Development, be incorporated into the Local Development Plan Proposed Plan for approval in November 2010.

The meeting ended at 4.25 p.m.