

Local Development Plan Committee
5 March 2012

IRVINE, 5 March 2012 - At a Meeting of the Local Development Plan Committee of North Ayrshire Council at 2.00 p.m.

Present

John Reid, Robert Barr, Ian Clarkson, Margie Currie, Anthea Dickson, John Ferguson, Alex Gallagher, Willie Gibson, Anthony Gurney, Jean Highgate, Alan Hill, John Hunter, Ruby Kirkwood, Elisabethe Marshall, Margaret McDougall (part of meeting), Elizabeth McLardy, Peter McNamara (for part of meeting), Ronnie McNicol, Alan Munro, Ryan Oldfather.

In Attendance

D. Hammond, Team Manager (Development Plans), A Laurenson, Team Manager (Regeneration), L. Wells, Assistant Planning Officer and L. Galloway, Administrative Assistant (Corporate Services); A Wattie, Communications Officer (Chief Executive's Service).

Chair

Councillor Reid in the Chair.

Apologies for Absence

David O'Neill, Pat McPhee, John Moffat 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 1 December 2011 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Proposed Local Development Plan (LDP): Hunterston

Submitted report by the Solicitor to the Council detailing representations to the proposed LDP in relation to Hunterston and Officer's recommended responses.

In August 2010, the Committee approved the inclusion of Policy IND1 and IND2 in the Proposed LDP, which took account of the National Planning Framework (NPF2), the National Renewables Infrastructure Plan as well as Ofgem's specific remit to Scottish Power Transmission to provide a new cross border electricity transmission network by sub-sea HVDC cable.

In March 2011, the Committee considered the terms of a motion to change the policy to introduce tourism uses but Members decided to retain the original policy. 216 representations were received in relation to the Hunterston policy in the Proposed LDP. The objections covered a range of issues which were summarised in the report. A detailed summary of objections received and the Council's proposed response was provided in Appendix 1. No objection was received from Scottish Government, implying that they were comfortable that the LDP policy for Hunterston is appropriate.

Section 16 (2) of The Planning etc (Scotland) Act 2006 states that "in preparing a LDP the planning authority are to take account the National Planning Framework". Therefore, objections relating to the inclusion of projects in the LDP which are specifically mentioned in NPF2 are inappropriate as the Council is not at liberty to be selective regarding elements of NPF2.

The Committee sought, and received, clarification on the information presented in the report, and raised queries about the appropriateness of making provision for a coal fired power station, carbon capture infrastructure and associated transportation within Policy IND2, given the Council's decision in November 2011 to object to, and seek refusal of, a Section 36 application by Ayrshire Power Limited for planning permission to build a multi-fuel power station at Hunterston.

The Team Manager (Development Plans) advised the Committee that there was no contradiction in the Council's position, in that the policy and the application are separate matters and that the proposal for the coal fired power station under the Section 36 application is not what is described in Policy IND2. He further advised that LDPs are expected to conform with the NPF2 and that he would expect the Plan to be readjusted through the Examination if it does not reflect NPF2. He also advised that the removal of the provision from Policy IND2 would add an additional stage to the approval process in that a 'Modified Plan' would need to be prepared to take account of significant changes and then republished and re-consulted on, inviting further representations. This would delay the entire Plan for an estimated 6 months. He noted that, regardless of the decision taken by the Committee, the Reporter would be expected to take cognisance of NPF2.

Members discussed in detail the implications of excluding provision for a coal fired power station, carbon capture infrastructure and associated transportation within Policy IND2.

Thereafter, Councillor McLardy, seconded by Councillor Marshall, moved that the Committee agrees to omit references to clean coal or gas fired power generation or biomass power generation in the Plan. On a division, there voted for the motion 10 and against the motion 9, and the motion was declared carried.

Members further sought and received clarification on an objection within Appendix 1 of the Report relating to exclusion of a landscaped bund and lagoon from the Hunterston allocation. Councillor Hill, seconded by Councillor McLardy, moved that the Committee agree to remove the bund and lagoon from the Hunterston allocation. On a division, there voted for the motion 10, and against the motion, 9, and the motion was declared carried.

Accordingly, the Committee agreed to (a) approve the recommended responses as set out within the report as the basis for responding to the representations relating to Hunterston for the purposes of the LDP examination, with the exception of those relating to clean coal fired or biomass or gas fired power generation; (b) amend the Local Development Plan to omit all references to such power generation at Hunterston, on the understanding that this will result in a Modified Plan to reflect such omissions which will require to be re-published and consulted on; and (c) remove references to the bund and lagoon from the Hunterston allocation.

4. Proposed Local Development Plan (LDP): Representations

Submitted report by the Solicitor to the Council detailing the representations to the Proposed LDP and Officers' recommended response.

Following the publication of the Proposed LDP in April 2011, a consultation period followed during which some 1,600 representations were received. Representations have been broken down into individual comments which were then grouped into 'issues' of which there are 70 in total. Issues dealt with in the report were:

- Scale of housing land requirement;
- Distribution of the housing land requirement;
- Objections to housing sites allocated in the Proposed LDP (Appendices 1-5);
- Objections to non inclusions of housing sites in the Proposed LDP (Appendices 1-5);
- Comments on the various housing policies in the Proposed LDP (Appendix 6)

The Committee was given a brief presentation on the issues highlighted. Members asked questions, and received clarification, in respect of the following areas:

- Concerns in respect of flood risk at housing allocations at Noddsdale Meadow, Largs and Brisbane Glen Road, Largs, as well as road bridge access arrangements for the Noddsdale Meadow, Largs site;
- The inclusion, or otherwise, of sites at Drakemyre, and Wingfaulds Avenue, Dalry within the Plan;
- Concerns in respect of the viability of a Lochshore, Kilbirnie allocation, as a large scale regeneration opportunity in the Proposed LDP and the potential to re-allocate this area;
- the preparation of a development brief for Auldlea Road given the potential impact on the road network.

Councillor Hill, seconded by Councillor Gallagher, moved that the Committee agree to delete the two allocations Noddsdale Meadow, Largs and Brisbane Glen Road, Largs, pending further investigation on flood risk and the potential for a new bridge being carried out to the satisfaction of the Council. On a division, a majority of Members (11) voted for the motion which was declared carried.

Following discussion, Councillor Dickson, seconded by Councillor R. Barr, moved that the Committee agree to reallocate the Lochshore site as countryside or recreational land. On a division there voted for the motion 13, and against the motion 6, and accordingly the motion was declared carried.

On a point of information, Councillor Gallagher requested clarification on Councillor Hill's earlier motion in respect of Noddsdale Meadow, Largs and Brisbane Glen Road, Largs. His understanding was that the sites were to remain in the Plan pending further investigation. The Chair advised the motion was that the sites be removed pending further investigation.

The Chair sought clarification on whether any objections had been conceded. The Team Manager (Development Plans) advised that a later report set out some non significant changes to the Plan in mitigation of some objections. It was also highlighted that the new planning system is designed to be more front loaded, with early discussion with communities and stakeholders and that the Proposed Plan published last April was supposed to be the Council's settled view.

Accordingly the Committee agreed (a) to approve the recommended Council response to the second and final tranche of representations for submission to the Scottish Government at a later date, subject to (i) the deletion of the two allocations at Noddsdale Meadow, Largs and Brisbane Glen Road, Largs, pending further investigation being carried out to the satisfaction of the Council; and (ii) the reallocation of the Lochshore site as countryside.

5. Proposed Local Development Plan: Transport Issues

Submitted report by the Solicitor to the Council on the Dalry Bypass and the impact of proposed development on the trunk road network and the officers' recommended response to these.

At its meeting held in December 2011, the Committee considered a recommendation to remove the corridor from the Dalry Proposed LDP Map and revise the wording of Policy P12. At that time the Committee agreed to continue consideration of this matter to allow further information gathering to take place. The Team Manager (Development Plans) advised that since the December meeting events had moved on and that £10M has now been made available by the Scottish Government to fund the Bypass.

Transport Scotland have confirmed they cannot withdraw their objection at this stage as the line of the Bypass is still unknown. It was therefore recommended that the safeguarded line in the Plan is replaced with a wider 'consultation zone', and that Policy P12 'Dalry Bypass' is reworded as outlined in the appendices to the report. Any planning applications coming forward within the consultation zone, will trigger a requirement to consult with Transport Scotland to ensure that the proposal would not prejudice delivery of the Bypass. Transport Scotland have confirmed that this change to the Plan would allow them to withdraw their representation. If the existing Bypass line is retained in the Plan, their objection will remain and be determined by the independent Reporter at Examination, with significant risk of legal action being raised against the Council.

The Committee agreed to (a) approve the replacement of the safeguarded A737 Bypass corridor with a 'consultation zone' and the amended policy wording as outlined in the appendices to the report; and (b) instruct officers to continue to work with Transport Scotland to resolve their representation on the transport impact of LDP allocations, failing which the matter will be determined by the Reporter at Examination.

6. Proposed Local Development Plan (LDP): Replacement Garnock Education Campus

Submitted report by the Solicitor to the Council detailing representations to the Proposed LDP in relation to the replacement Garnock Education Camps and the recommended responses thereto.

In the Proposed LDP, four sites were identified as potential sites for the replacement Garnock Education Campus i.e. Lochshore North, Lochshore South, West Bankside and Longbar. During the LDP consultation period, objections were received in respect of all four sites. The report summarised the issues raised and set out proposed responses thereto.

The Committee agreed to approve the recommended responses to the representations relating to the replacement Garnock Education Campus, as set out in the report.

7. Local Development Plan (LDP): Non Significant Changes

Submitted report by the Solicitor to the Council detailing proposed 'non significant' modifications to the Local Development Plan made by Officers under delegated authority previously granted by the Committee.

A Schedule of 'non significant' modifications to the Plan was provided within Appendix 1 of the report.

One Member stated opposition in respect of the proposed asterisk denoting an expression of interest in a destination type hotel west of Portencross Road, West Kilbride, on the LDP map.

The Committee agreed (a) to approve the list of proposed non-significant modifications to the Proposed LDP; and (b) that subsequent to these changes being made, to approve inclusion in the Modified Plan and publication of same.

8. Addendum to Supplementary Rural Design Guidance

Submitted report by the Solicitor to the Council advising of the proposed addendum to Supplementary Rural Design Guidance.

The LDP Committee approved the non statutory 'Supplementary Design Guidance: Rural Design Guidance' in 2009. The guidance focused on the design of housing additions to existing groups of housing in the countryside. The principles of the guidance can be applied to the development of a new stand-alone single house, not forming part of a group, but it does not cover such proposals in detail. Since being introduced, the policy has been interpreted in different ways and further guidance is required to bring clarity.

On 27 March 2012, the Planning Committee will receive a presentation from Consultants Anderson Bell Christie on the proposed addendum. The Planning Committee will be asked to endorse the addendum and approve it as non statutory Supplementary Guidance until, through the LDP process, the addendum is combined with the Supplementary Design Guidance: Rural Design Guidance, and becomes statutory.

The Committee agreed (a) to refer approval of the proposed addendum to the Supplementary Design Guidance: Rural Design Guidance to the Planning Committee at its meeting on 27 March 2012; and (b) that a copy of the Guidance be issued to all Members for their information.

The meeting finished at 4.00 p.m.