

South Ayrshire Council

**Report by Director – Place
to South Ayrshire Council (Special)
of 24 March 2020**

**Subject: Proposed Replacement South Ayrshire Local
Development Plan (PLDP2)**

1. Purpose

- 1.1 This report informs the Council of the outcome of public consultation undertaken in respect of the proposed replacement South Ayrshire Local Development Plan (PLDP2) and recommends how to progress the Plan towards adoption, taking account of representations received.

2. Recommendation

2.1 It is recommended that the Council:

- 2.1.1 notes the representations received to PLDP2 and agrees the proposed responses thereto;
- 2.1.2 agrees to make the notifiable modifications to PLDP2 set out in [Appendix 1](#) to this report and, in accordance with statutory requirements, publishes the modified Proposed Plan (modified PLDP2) and associated Addendum to the Environmental Report (ER Addendum) for public consultation;
- 2.1.3 grants delegated powers to the Director - Place to make any non-substantive changes to the modified PLDP2 and ER Addendum, to rectify drafting, graphical or technical errors;
- 2.1.4 agrees that, on publication, the provisions of the modified PLDP2 will become a material consideration in determining planning applications, with the weight accorded to it increasing as it progresses through the statutory process;
- 2.1.5 agrees to update the statutory Development Plan Scheme (DPS) accordingly; and
- 2.1.6 requests officers to bring a further report to the Council in August 2020, advising of any representations received to the modified PLDP2, and seeking approval to submit the modified PLDP2, together with those representations, to the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA) for formal Examination.

3. Background

- 3.1 At its meeting on 27 June 2019, the Council approved, for publication and public consultation, PLDP2 and the Environmental Report of the associated Strategic Environmental Assessment (ER), granted delegated powers to the Director - Place to make any non-substantive changes to PLDP2 and the ER and agreed that, on publication, the provisions of PLDP2 would become a material consideration in determining planning applications. The PLDP2 report estimated that a further report would be presented to Council on representations received and the recommended responses to them, in March 2020.
- 3.2 The statutory context for the preparation of PLDP2 is set out in a background paper, below. Under the current legislative provisions, local authorities must prepare local development plans (LDPs) for their respective geographical areas, at five yearly intervals. However, the Planning (Scotland) Act 2019 (the new Act) moves LDPs onto a 10-year cycle from the current 5-year period.
- 3.3 The Scottish Government's provisions for transitioning between the existing development planning arrangements and those of the new Act are that, where a Planning Authority has reached the Proposed Plan consultation stage of an emerging local development plan under the existing legislation by Quarter 4 of 2021, they will be able to proceed to adoption/approval as per the existing provisions of the 1997 Act, as amended. Emerging LDP's which have not reached the Proposed Plan consultation stage by Quarter 4 of 2021 will be subject to the process introduced by the new Act and should be prepared on that basis.
- 3.4 LDPs provide the policy framework against which all planning applications are assessed. In determining any planning application, the planning authority must make the determination in accordance with the provisions of the LDP, unless material considerations indicate otherwise.
- 3.5 The current development plan comprises the South Ayrshire Local Development Plan (LDP1) and the topic specific Town Centre and Retail Local Development Plan (TC&RLDP). LDP1 was adopted by the Council on 23 September 2014, whilst the TC&RLDP was adopted on 12 April 2017.
- 3.6 LDP preparation normally comprises 5 key stages: evidence gathering; publication of, and public engagement on, the Main Issues Report (MIR); publication of, and formal public consultation on, the Proposed Plan; Examination of the Proposed Plan by the Scottish Ministers; and adoption of the Plan. Currently, LPD2 is between the Proposed Plan and Examination stages.
- 3.7 Following the end of the consultation period on the Proposed Plan stage of the process, legislation empowers local authorities to modify the Proposed Plan, but **only** to take account of representations made, consultation responses or minor drafting errors.
- 3.8 The legislation distinguishes between 'non-notifiable modifications', which are not significant, such as the correction of minor, wording, typographical or graphical errors, and 'notifiable modifications', which are described as those that add, remove or significantly alter any policy or proposal. Where a planning authority decides to make 'notifiable modifications', regulations require it to publish the proposed local development plan as modified – not just a list of modifications – for public consultation. Following receipt of any representations on the modified proposed plan, the authority may further modify the proposed plan or submit it to

the DPEA for Examination. If a planning authority wishes to modify the proposed plan in a way that alters its underlying aims or strategy, it must prepare and publish a completely new plan.

3.9 **Public Consultation**

3.9.1 In fulfilment of the Council's decision to approve PLDP2 for public consultation, a fully formatted version of the document was prepared, with relevant graphics, maps and photographs, in both .pdf and StoryMap formats. On 15 September 2019, it was published for public consultation on the Council's web site ([here](#)), together with the associated ER, with the public being encouraged to submit comments on-line. Paper copies of it were deposited for viewing in all South Ayrshire's public libraries, all Customer Contact Centres and in Burns House, as the (then) office of the Planning Service. Owners, lessees or occupiers and neighbours of sites forming the subject of specific proposals in PLDP2 (housing sites) were notified by letter of its publication and the fact it included proposals for those sites, as required by statute. In addition, notifications, with a link to PLDP2 on the web site, were sent to all neighbouring planning authorities, community councils, persons who had submitted representations on the MIR and contacts on the Planning Contacts database. All key agencies and the Scottish Ministers were consulted specifically on PLDP2. Notice of publication of PLDP2 was given in the local press, with details of day-long public exhibitions of its main content. Exhibitions, staffed for specified periods of time, were held at venues in Troon, Prestwick, Ayr, Maybole and Girvan, during September and October 2019.

3.9.2 Following the end of the consultation period, the Planning Service commenced the process of collating, categorising and analysing representations duly received. 534 total comments were received from 156 individual representees. Of the representations received, 68 related to the Spatial Strategy section, 65 to the Economic Development section, 121 to the Communities section, 95 to the Environment and Climate Change section, 34 to the Transport section, and 36 on the Proposals maps. 115 representations were received in respect of the proposed housing release sites: 4 on Dunlop Terrace, Ayr (Ayr AH1), 2 on Westwood Avenue Ayr (Ayr AH2), 3 on Afton Avenue/Afton Park, Prestwick (Pres AH1), 5 on St. Cuthbert's Golf Club (PRES2), 15 on Aldersyde Avenue, Troon (TRO AH1), 7 on Buchan Road, Troon (TRO AH2) and 79 on Darley Golf Course, Troon (TRO AH3). A digest of representations received, along with the recommended responses thereto, form [Appendix 2](#).

4. **Proposals**

4.1 The main representations received came from key agencies, including Transport Scotland (TA), Historic Environment Scotland (HES), Scottish Natural Heritage (SNH), and Scottish Environment Protection Agency (SEPA), and the development industry. Generally, key agencies wished changes to the wording of policies to clarify that the policies are aligned with their respective aims and objectives. In addition, SEPA has requested the insertion of a specific policy relating to cemeteries. Whilst the changes requested represent 'notifiable modifications', they do not alter the direction of the relevant policies, and it is recommended the policies be amended/inserted accordingly.

- 4.2 In essence, the development industry, notably the housebuilding sector, asserts that PLDP2 is not sufficiently ambitious in its strategy or housing land allocations and advocates that more land should be released for housing to support the Ayrshire Growth Deal (AGD). However, the AGD has an estimated 20 years' time horizon, whereas PLDP2 is required to make provision for a 10 years period, but, under the current system, will be subject to review after 5 years. Notwithstanding that and the fact the original PLDP2 already contains core principles that support the AGD and the regeneration of Ayr and other town centres, as well as a strategic policy that gives latitude to support developments that can be justified in terms of over-riding community interest, it is proposed to modify Strategic Policy 1: Sustainable Development to allow officers to give due weight to the consideration of net economic benefit.
- 4.3 It is further proposed to modify Strategic Policy 2: Development Management to give further flexibility to support development proposals that can be justified to the Council's satisfaction as contributing significantly to the implementation of the Ayrshire Growth Deal or the regeneration of Ayr; **and** will have no significant, adverse environmental effects. These changes will not alter PLDP2's strategy.
- 4.4 In view of the number of objections which have been raised in relation to the proposed affordable housing site at Darley Golf Course, members may wish to consider whether the site remains in the Proposed Plan.
- 4.5 Other headline modifications proposed to PLDP2 are set out in [Appendix 3](#). The proposed modifications have been subjected to SEA and Habitats Regulations Appraisal (HRA), with an ER Addendum forming [Appendix 4](#).
- 4.6 If the Council approves the modifications proposed to PLDP2 set out in Appendix 1, the modified PLDP2 will be published in polished format and subject to a similar form and level of public consultation as the original PLDP2, for a minimum period of 6 weeks, in accordance with both statutory requirements and the Participation Statement forming part of the updated DPS.
- 4.7 Members are asked to approve for publication and further public consultation the modified PLDP2 and associated ER Addendum and agree the further recommendations set out at 2.1.3 and 2.1.4 above. After the end of the consultation period, a report will be presented to Council to gain approval for submission of the modified PLDP2, and the representations received to it, to the DPEA for Examination.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report, the modified PLDP2 itself and the associated ER report and EQIA are consistent with the various legal requirements detailed in the report.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Reasonable costs associated with setting out, printing and publicising the modified Proposed Plan will be met from the Planning Service's existing budgets.

7. Human Resources Implications

- 7.1 There are no human resource implications arising directly from the recommendations of this report. Work associated with the publication of, and public consultation on, the modified PLDP2 will be undertaken by existing Planning Service staff.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There are no known risks associated with adopting the recommendations of this report.

8.2 *Risk Implications of Rejecting the Recommendations*

- 8.2.1 In contrast, rejecting the recommendations of this report would delay the adoption of a replacement for LDP1, which was 5 years old on 23 September 2019, thereby rendering the development plan coverage significantly out of date and South Ayrshire more vulnerable to planning appeal. In addition, such delay, or the substantial additional delay in the process that would arise from the insertion of greenfield sites into PLDP2, could result in the Council failing to meet the Government's transitional deadline for LDPs and having to prepare a plan under the provisions of the new Act.

9. Equalities

- 9.1 An Equalities Impact Assessment (EQIA) was carried out in respect of the original PLDP2, which identified potential positive and negative equality impacts and any required mitigating actions.
- 9.2 The modifications proposed to PLDP2 in this report have been assessed through the Equality Impact Assessment Scoping process. However, they produce no significant change to the potential positive or negative equality impacts identified from the original PLDP2 and, therefore, a full Equalities Impact Assessment is not required. The Equalities Scoping Assessment is referenced as a background paper.

10. Sustainable Development Implications

- 10.1 ***Considering Strategic Environmental Assessment (SEA)*** - The original PLDP2 was the subject of, and influenced by, the parallel SEA and HRA processes, which looked at the impact of the Plan's policies and proposals on the environment generally and Natura 2000 sites in particular, and how they could be altered to reduce that impact, if necessary. As a result, policies within the original PLDP2 were refined to improve their impact on the environment. The outcome of the SEA was published in the separate ER. The proposed modifications of PLDP2 have been assessed in an Addendum to the ER forming Appendix 4 to this report and have also been the subject of HRA.
- 10.2 The Vision of the modified PLDP2 has been corrected to coincide with the Council's current vision of making South Ayrshire "the best it can be and for all people and places to have the opportunity to reach their full potential", and the draft document contains an umbrella policy on Sustainable Development

(Strategic Policy 1: Sustainable Development), against which all development proposals will be assessed, and which has been modified slightly as detailed in section 4.2 and Appendix 1 to this report.

11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report, because the preparation of a local development plan is a statutory requirement (see Section 3.1 above). Nonetheless, alternative policy options were considered in the MIR and SEA of PLDP2.

12. Link to Council Plan

- 12.1 The modified PLDP2 will be consistent with, and will play a key role in delivering, the Council's strategic objective of 'Enhanced environment through social, cultural and economic activities' and within that to the outcomes 'Work with partners to improve roads and other infrastructure, to encourage house building and business investment that sustains local communities' and 'Develop branding that reflects the area's history, culture, landscape and attractions and creates a sense of pride for our people and places'. It will also contribute to the Council's strategic objectives of (1) 'Reducing Poverty and Disadvantage' and within that to the outcome 'Increase the number of affordable and warm homes for those on limited income'; (2) 'Increase the Profile and Reputation of South Ayrshire and the Council' and within that to the outcome 'Work with partners and communities to improve 'place-making' across South Ayrshire, especially in relation to the built environment'; and (3) 'Make the most of the local economy' and within that to the outcomes 'Maximise the opportunities offered by key regeneration projects including the Ayrshire Growth Deal and the Ayr Renaissance master plan' and 'Encourage and attract inward investment'.

13. Results of Consultation

- 13.1 The Report on PLDP2 considered by Council at its meeting on 27 June 2019 (see background papers below) detailed the significant programme of public engagement undertaken at the Main Issues Report (MIR) and non-statutory, pre-MIR stages of PLDP2, and explained that a 'Call for Sites' from landowners and prospective developers had also been conducted to inform the preparation of the Plan.
- 13.2 Section 3.9.1 of this Report explains the process of public consultation undertaken in respect of the original PLDP2. A digest of representations received in response to the consultation, together with the recommended Council responses thereto, forms Appendix 2 to this report. This report seeks authority to publish the modified PLDP2 for a minimum 6 weeks' period of formal public consultation, as required by statute. Proportionate arrangements will be made for public consultation on the modified PLDP2.
- 13.3 Consultation has taken place with Councillor Brian McGinley, Portfolio Holder for Economy and Culture, and the LDP Project Board, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

- 14.1 If the above recommendations are approved by Members, the Director - Place will ensure all necessary steps are taken to ensure full implementation of the decision

within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Publish modified PLDP2 and ER Addendum for consultation	By 30 June 2020	Service Lead – Planning and Building Standards
Report to Council on consultation outcome and submission of modified PLDP2 for Examination.	By 31 August 2020	Service Lead – Planning and Building Standards
Submit modified PLDP2 to DPEA for Examination	By 30 September 2020	Service Lead – Planning and Building Standards

Background Papers [Proposed Replacement South Ayrshire Local Development Plan, as published](#)

[Report to South Ayrshire Council of 27 June 2019 - Proposed Replacement South Ayrshire Local Development Plan \(PLDP2\)](#)

[Development Plan Scheme – Local Development Plan 2 – July 2019](#)

[Proposed Replacement South Ayrshire Local Development Plan \(PLDP2\) and Associated Statutory Guidance - Statutory Context](#)

[South Ayrshire Local Development Plan \(LDP1\) – adopted 23 September 2014](#)

[Town Centre and Retail Local Development Plan – adopted 12 April 2017](#)

[Report to South Ayrshire Council of 5 October 2017 - South Ayrshire Local Development Plan 2: Main Issues Report, Monitoring Statement and Environmental Report](#)

[LDP2 Main Issues Report – November 2017](#)

[Policy Changes from the Adopted LDP1 to LDP2 \(the 'Proposed Plan'\)](#)

[Equalities Scoping Assessment](#)

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