

South Ayrshire Council

**Report by Director – Place
to South Ayrshire Council
of 27 June 2019**

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

1. Purpose

- 1.1 The purpose of this report is to seek Council approval for the next steps in preparing the South Ayrshire Proposed Local Development Plan (PLDP2), and associated Supplementary Guidance (SG).

2. Recommendation

2.1 It is recommended that the Council:

- 2.1.1 approves for publication and public consultation (1) the Proposed Replacement South Ayrshire Local Development Plan ([Appendix 2](#)) and the Environmental Report of the associated SEA ([Appendix 5](#)); and (2) the draft Supplementary Guidance Housing Sites Design Briefs and Maintaining an Effective Housing Land Supply ([Appendices 3](#) and [4](#) respectively);**
- 2.1.2 grants delegated powers to the Director - Place to make any non-substantive changes to the Proposed Plan, Environmental Report and Supplementary Guidance;**
- 2.1.3 agrees that, on publication, the provisions of the Proposed Plan will become a material consideration in determining planning applications, with the weight accorded to the Proposed Plan increasing as it progresses through the statutory process; and**
- 2.1.4 advises officers if any additional sites require to be added to Plan and if required requests officers to bring a further report to Leadership Panel in August 2019 advising of any further actions required.**

3. Background

- 3.1 The statutory context for the preparation of PLDP2 is contained in a background paper to this report. Local authorities must prepare local development plans (LDPs) for their respective geographical areas, at five yearly intervals.
- 3.2 Regulations and associated guidance prescribe, to a certain extent, the main form and content of LDPs, which are expected to be concise, evidence-based, spatial,

land use plans, which seek to guide the future development and use of land, by addressing the spatial implications of economic, social and environmental change. Matters of detail are expected to be dealt with in additional documents which supplement the LDP and enjoy the same status in decision making, known as Supplementary Guidance (SG). 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

- 3.3 LDPs are required by statute to contain a vision statement, spatial strategy, detailed policies and proposals, related proposals mapping and an action programme.
- 3.4 LDP preparation 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 (PLDP); examination of the PLDP by the Scottish Ministers; and adoption of the Plan.
- 3.5 A MIR is an ideas document that sets out, for discussion, the planning authority's preferred options for future development and policy, to address key physical, economic, social and environmental changes since the previous development plan, as well as reasonable alternative options. In contrast, the PLDP is intended to represent the planning authority's settled position on the direction of future development and planning policy for 10 years after the Plan's adoption. The PLDP should not contain new or controversial elements of plan content, as these should have been aired at the MIR stage of the process.
- 3.6 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.
- 3.7 At its meeting on 17 March 2015, the Leadership Panel approved the commencement of the preparation of a replacement local development plan for South Ayrshire (LDP2) and the continuation of the Elected Member/ Officer Local Development Plan Project Board (LDP Board), to oversee the management of the LDP2 preparation process and provide guidance and comment on the content of the document, including policy development and approaches to community engagement.
- 3.8 Government guidance indicates that replacement LDPs should not focus on the full content of the previous adopted LDP, but concentrate on the key physical, economic, social and environmental changes that have emerged since the previous LDP's adoption.
- 3.9 In late 2016/ early 2017, a series of informal, pre-MIR 'early engagement' events were held, to seek the views of local communities on issues of importance to them that they felt should be addressed in LDP2, and offer them an opportunity to shape the way in which their community would change in the future. The events were held in the main settlements of South Ayrshire and involved use of the Place Standard tool, to give them a more place-based focus. Over 100 people attended these events. Three topic-based workshops were also held to discuss housing, business and rural issues.

- 3.10 Simultaneously, the Planning service held a 'Call for Sites', offering an opportunity for landowners, agents and developers to suggest land for consideration of release through LDP2, to meet future demand for housing, employment and other land uses. 80 sites were submitted and, subsequently, assessed against a range of planning and environmental criteria, with the assessment process and initial recommendation on each submitted site being published on the Council's web site, [here](#).
- 3.11 On 5 October 2017, the Council approved the publication of the MIR for an extensive programme of public consultation, as the first formal stage of the process of preparing LDP2. The content of the MIR was informed by monitoring of LDP1 (see Monitoring Statement [here](#), which concluded LDP1 was achieving its broad aims, and remained in line with Scottish Government Planning Policy), the pre-MIR consultation process, consultation with key agencies and various pieces of commissioned research. A series of drop-in discussion events on the MIR took place between November 2017 and January 2018. Consultation was also undertaken on-line and copies of the MIR were made available in public libraries and Council offices. Responses were received from 406 individuals, who made 799 total comments.
- 3.12 The responses were analysed and an assessment conducted of additional sites submitted through the MIR consultation process. An Initial Response document outlining the conclusion of that exercise was published on the Council's web site, in May 2018, [here](#) and presented to the LDP Board on 24 April 2018. The assessment of officers in relation to specific sites submitted in response to the Call for Sites is contained within the finalised response document which forms [Appendix 1](#) to this report.
- 3.13 The Planning service has been preparing a revised spatial strategy and formulating new and modified topic and area-specific policies for PLDP2, where required, taking cognisance of comments received on the MIR, advice from the LDP Board and changes in circumstances, such as in the Housing Land Supply. The service has also been preparing associated SG's and other documents. Several LDP Project Board meetings have been held since April 2018, at which LDP2 progress updates have been provided, and fortnightly progress meetings have taken place with the Portfolio Holder, Councillor McGinley. PLDP2 forms Appendix 2 to this report, with the associated SGs forming Appendices 3 and 4.
- 3.14 Shaped by the Council's approved vision, together with comments received through the MIR engagement process and the SEA, the aim of PLDP2 is similar to the vision of LDP1, which is to make the most of sustainable economic growth that is supported by sound social and environmental objectives. The Strategy Section of PLDP2 differs from that in LDP1, in that it has been designed to give prospective developers or members of the public a clear, immediate indication as to whether particular development proposals are likely to be supported by the Council, without the need to read the entire PLDP2 document. Under 3 main themes of 'Our Location', 'Our Communities' and 'Our Environmental Responsibilities', the Strategy contains a series of Core Principles that sets the LDP2's general priorities and helps guide investment decisions, as well as 2 overarching, strategic policies on Sustainable Development and Development Management, which the Council will expect all development proposals to conform to or be justified against. The Development Management policy offers greater flexibility by including a criterion giving precedence to over-riding community interest.

3.15 The headline content of PLDP2 is as follows:

- In the absence of any housing need justification and reflecting public comments received on the MIR, **no** greenfield land releases for residential development;
- Prioritise the development of affordable housing, including development on parts of some Council-owned open spaces, subject to investment in improvements to the remaining open space;
- A policy permitting small scale housing and rural enterprises outwith, but adjoining, the defined boundaries of settlements in the Carrick area and the former coalfield communities of the Kyle area, to help sustain communities, by meeting local demand and providing opportunities for local builders and entrepreneurs;
- Prioritisation of the regeneration of town centres, including a reduction in the extent of Ayr's core retail area;
- Support for developments related to the Ayrshire Growth Deal;
- Support for rural housing and business, including clarification of the existing rural housing policy relating to 'clusters';
- Support for the Craigie Estate centre for sporting excellence;
- Support for cross-boundary projects and connections with neighbouring authorities;
- Facilitate improvements to transport infrastructure;
- Support for community-focussed development;
- Carry forward of most policies from LDP1, with some minor amendments to reflect changes in Government planning policy and local circumstances (see Policy Table which forms a background paper to this report; and
- Introduction of Local Landscape Area (LLAs) designations, to replace Scenic Areas, in accordance with Scottish Natural Heritage Guidance on the national standardisation of the criteria for designation and the naming of areas of local landscape quality and distinctiveness.

3.16 A Schedule of Land owned by the Council that is affected by policies and proposals in the Proposed Plan forms an Appendix to the main document. In addition, the Proposed Plan contains an Action Programme, which sets out how the Plan will be delivered. It will contain a list of actions required to fulfil the Proposed Plan's policies and proposals, specifying the bodies or persons who will implement them and the timescales for their completion. The Council itself will not be able to deliver all of the actions in the Programme: it will have to rely on partnership working with key agencies, the Scottish Government, other organisations, investors and the South Ayrshire community to achieve them. The Action Programme will be submitted to the Scottish Ministers along with the Proposed Plan.

3.17 If the Council approves PLDP2 and the associated SEA ER, they will be edited then published for formal public consultation for a minimum period of 6 weeks, in accordance with both statutory requirements and the Participation Statement forming part of the approved Development Plan Scheme (DPS) [here](#). The form of consultation is set out in a background paper to this report.

- 3.18 In addition, the Council will require to notify formally the owners, lessees and occupiers of any sites proposed for development in the Proposed Plan, or neighbouring land, in instances where the development, if implemented, would have a significant effect on the use or amenity of those sites or neighbouring land. Consultation on the SGs will be carried out in accordance with the adopted protocol (see 3.2 above).
- 3.19 At the end of the consultation period, the Council may make modifications to the Proposed Plan, but only to take cognisance of representations made, consultation responses or minor drafting errors. Any representations duly lodged in respect of the Proposed Plan will be reported to a future Council meeting, together with the course of action recommended in response thereto. Following the making of any modifications, or if no modifications are proposed, the Proposed Plan, and accompanying Action Programme, will be submitted to Scottish Ministers for consideration of adoption. However, in the likely event there are unresolved objections to the Proposed Plan, the Scottish Ministers will appoint a Reporter to conduct an Examination into it, prior to its adoption.

4. Proposals

- 4.1 Members are asked to approve for publication and public consultation (1) the Proposed Replacement South Ayrshire Local Development Plan and the Environmental Report of the associated SEA; and (2) the draft Supplementary Guidance Housing Sites Design Briefs and Maintaining an Effective Housing Land Supply, and to agree the further recommendations at paras 2.1.2 and 2.1.3 above.
- 4.2 Whilst officers consider there is no housing need justification and there has been little public support for the release of any further greenfield land for housing, Members have indicated support for the release of greenfield sites that support the growth of Ayr. If Members wish additional sites to be added to Plan to support this, work will be required to justify the inclusion and proposed strategies and approach modified. A further report could be brought to Leadership Panel in August.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report, the PLDP2 itself and the associated SEA ER, HRA 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 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 Proposed Plan will be undertaken by existing staff within the Planning service.

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 will be 5 years old on 23 September 2019, thereby rendering the development plan coverage significantly out of date and South Ayrshire more vulnerable to planning by appeal.

9. Equalities

9.1 An Equalities Impact Assessment (EQIA) has been carried out on PLDP2, which identifies potential positive and negative equality impacts and any required mitigating actions. The EQIA is referenced as a background paper to this report.

9.2 The SG's have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an 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 Proposed Plan has been subjected to, 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. Policies within the Proposed Plan have been refined to improve their impact on the environment. The outcome of the SEA will be published as a separate Environmental Report (see [Appendix 5](#)).

10.2 The Vision of LDP2 is to make the most of sustainable economic growth that is supported by sound social and environmental objectives, and the draft document contains an umbrella policy on Sustainable Development against which all development proposals will be assessed.

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 PLDP2 is 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 Although there has been no public consultation on the contents of this report itself, a significant programme of public engagement was undertaken at the pre-MIR and MIR stages of PLDP2, and a ‘Call for Sites’ from landowners and prospective developers was also conducted. Comments received on the MIR shaped the preparation of the PLDP2. This report seeks authority to publish PLDP2 for a minimum 6 weeks’ period of formal public consultation, as required by statute.
- 13.2 The LDP Board discussed PLDP2 at various stages of the Plan process and fortnightly meetings were held with Councillor Brian McGinley, Portfolio Holder for Economy and Culture. In addition, two Elected Member briefings were held to discuss the proposed content of PLDP2. The document reflects 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>
Report to Leadership Panel on further actions as a result of additional sites	20 August 2019	Service Lead – Planning and Building Standards
Publish PLDP2, ER and SGs	31 August 2019	Service Lead – Planning and Building Standards
Public consultation	1 September to 18 October 2019	Service Lead – Planning and Building Standards
Consideration of representations	19 October 2019 to February 2020	Service Lead – Planning and Building Standards

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Report to Council on representations and proposed responses	5 March 2020	Service Lead – Planning and Building Standards

Background Papers [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 Leadership Panel of 17 March 2015 - [South Ayrshire Local Development Plan Review](#)

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

[South Ayrshire Local Development Plan 2 - Equality Impact Assessment](#) – April 2019

[Supplementary Guidance – Maintaining an Effective Housing Land Supply – Equality Impact Scoping Assessments](#) – 6 June 2019

[Proposed Replacement South Ayrshire Local Development Plan \(PLDP2\) and Associated Statutory Guidance - Form of Public Consultation](#)

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

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