

Telephone: 01324 696455 Fax: 01324 696444
E-mail: brian.archibald@gov.scot

Mr A McGuinness
East Ayrshire Council
Sent By E-mail

Our ref: LDP-190-2

30 November 2016

Dear Antony McGuinness

**PROPOSED EAST AYRSHIRE LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008
SUBMISSION OF THE REPORT OF THE EXAMINATION**

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the council's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 30 November 2015. We have completed the examination, and now submit our report.

In our examination, we considered all 155 issues arising from unresolved representations which were identified by the council. In each case, we have taken account of the original representations, as well as the council's summaries of the representations and the council's responses, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues we requested additional information from the council and other parties.

We did require to hold one hearing session relating to issue 05 : Spatial Strategy – Transportation on 23 August 2016.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the plan as set out in our recommendations.

The council should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the council will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

A letter will be issued to all those who submitted representations to inform them that the examination has been completed and that the report has been submitted to the council. It will advise them that the report is now available to view at the DPEA website at:

- <http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117032>
- and at the council's office at The Johnnie Walker Bond, 15 Strand Street, Kilmarnock KA1 1HU and that it will also be posted on the council's website at:

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/LocalAndStatutoryDevelopmentPlans/EALDP-Proposed-Plan.aspx>

The documents relating to the examination should be retained on the council's website for a period of six weeks following the adoption of the plan by the authority.

It would also be helpful to know when the plan has been adopted and would appreciate being sent confirmation of this in due course.

Malcolm Mahony

REPORTER

Lance R Guilford

REPORTER

Sinead Lynch

REPORTER

Martin Seddon

REPORTER

REPORT TO EAST AYRSHIRE COUNCIL

**PROPOSED EAST AYRSHIRE LOCAL DEVELOPMENT PLAN
EXAMINATION**

Reporters: Malcolm Mahony BA(Hons) MRTPI
Lance R Guilford DipTP MRTPI
Sinéad Lynch BSc (Hons) MRTPI
Martin Seddon BSc MPhil DipTP MRTPI

Date of Report: 30 November 2016

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Examination of conformity with the participation statement

Legislative context

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires an examination by the appointed persons of whether the planning authority has consulted on the proposed local development plan and involved the public in the way it said it would in its participation statement.
2. Section 20B of the Act requires each planning authority to prepare a development plan scheme at least annually. The scheme should set out the authority’s programme for preparing and reviewing its development plan, and must include a participation statement. This publication should state when, how and with whom consultation on the plan will take place, and the authority’s proposals for public involvement in the plan preparation process.

The participation statement

3. The participation statement for the proposed Local Development Plan (LDP) is set out in the East Ayrshire Local Development Plan Scheme, approved by the council in October 2014. The council outlined the consultation and public engagement exercises it had undertaken on the options set out in its Main Issues Report (MIR) in 2012-13. It then set out its consultation and participation intentions for the proposed LDP.

The report of conformity

4. East Ayrshire Council has submitted a ‘Statement of Conformity with the Participation Statement’, published in September 2015, which indicates the actions taken by the council in relation to the consultation measures. These are summarised in the table below.

Summary of intentions in participation statement of October 2014	Summary of council's actions
Pre-publication consultation	Consultation with all key agencies, Scottish Government and internal council departments
Notice in press.	Notices in Edinburgh Gazette, Kilmarnock Standard and Cumnock Chronicle informing where the plan and documents could be inspected and advertising two drop-in information sessions.
Publication on council’s website	The plan and associated documents appeared on the planning pages, and an alert and link were posted on the homepage.
Email/ letter notifying of publication of proposed plan and associated documents	Emails or letters were sent to all those who commented on the MIR, key agencies, community councils and a wide range of local and national organisations with an interest in the plan.
Information events in Kilmarnock and Cumnock	Events which were advertised in the local press and on the council’s website were

	attended by officers who were available to clarify the plan for members of the public. Feedback was collected.
Attendance at East Ayrshire Access Panel (South)	The Principal Planning Officer attended a panel meeting to present aspects of the plan.
Neighbour notification	Around 2,000 letters were sent out to neighbours of affected sites, and site notices were placed in public view

Representations on the participation process

5. None of the representations received in relation to the proposed LDP raised issues about the participation process.

Conclusions

6. From the council’s submissions, as summarised above, I am content that the council carried out its intentions as expressed in its most recent participation statement.

Malcolm Mahony

Issue 1	The format of LDP policy text	
Development plan reference:	The format of all LDP policies	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
RWE Innogy UK Ltd: PLDP/120/1 Vattenfall Wind Power: PLDP/285/15		
Provision of the development plan to which the issue relates:	Graphical presentation of all policies of the LDP.	
Planning authority's summary of the representation(s):		
It is considered that the format of the proposed Local Development Plan policies is confusing and ambiguity may arise from the use of different fonts within the specific policy text. When reviewing the policies, it is unclear as to the difference between the bold text and the text which is not in bold but which seems to also form part of the policy. For the avoidance of doubt, it is considered that the current approach should be reviewed and thereafter re-formatted to be clear and explicit.		
Modifications sought by those submitting representations:		
The current approach to the policy formatting be reviewed and amended.		
Summary of responses (including reasons) by planning authority:		
The formatting of the plan was undertaken by the Council's Graphics section. The titles of the policy are in a larger font and the first paragraph is in bold with the remaining parts of each policy being regular text. The reason for the Graphics Section taking this approach is to add visual interest to the text and to avoid pages of uniform text. If the Reporter is of the view that this is a confusing format then the Council would have no objections to the format of the final adopted version of the plan being amended accordingly so that all text within all LDP policies is of the same size and font.		
Reporter's conclusions:		
1. Having reviewed the format of the policies within the plan, I can understand where the potential for confusion and ambiguity may arise. The use of a different font and bold typeface works well in policies such as RES 8: Rural Housing Development, for example, where the text is in bold and a different font, and the criteria in another font. An example, I found, of where such an approach could give rise to ambiguity regarding emphasis is Policy RES 13; Enabling Development, where it could be read that the first paragraph has more significance than the following two paragraphs, due to the differing fonts and use of bold. I understand this perceived emphasis on the first paragraphs of policies is not the case nor the intention of the council		

2. I conclude that the current format of having the first paragraph in bold text should be amended, and that all text within all LDP policies should be the same size and font, except in the case of criteria lists included within policies, which could be italicised.

Reporter's recommendations:

Modify the plan by removing the bold formatting from the first paragraph of each policy. Criteria lists included within policies may be italicised.

Issue 2	The Preparation of a Minerals Local Development Plan	
Development plan reference:	Volume 1, Chapter 1, Paragraphs 1.1-1.4	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
The Coal Authority: PLDP/64/1		
Provision of the development plan to which the issue relates:	Paragraphs 1.1-1.4 of Volume 1 of the plan makes reference to East Ayrshire Council's intention to prepare a Minerals Local Development Plan	
Planning authority's summary of the representation(s):		
<p>The Coal Authority notes that the Proposed Local Development Plan will not cover matters of opencast coal and mineral extraction as these will be the subject of a separate Mineral LDP in the future. Paragraph 1.4 of Volume 1 of the PLDP states that the parts of the existing East Ayrshire Local Plan 2010 and the Ayrshire Joint Structure Plan 2007 which refer to coal and mineral extraction will remain in force until the Minerals LDP is adopted.</p> <p>The Coal Authority welcomes the signposting provided in the introduction in respect of guidance on where to look for policies relating to coal and mineral extraction. The Coal Authority would expect the LPA to consider afresh areas of search within this new Minerals Plan and to ensure that they are clearly identified as required by paragraph 239 of the Scottish Planning Policy.</p> <p>The reasoning behind this is to ensure that users of the Local Development Plan are made aware of the linkage to the Minerals Local Plan.</p>		
Modifications sought by those submitting representations:		
The Minerals Development Plan should consider areas of search in line with paragraph 239 of SPP.		
Summary of responses (including reasons) by planning authority:		
Coal and Minerals are not being covered in this LDP. As is stated in Paragraphs 1.1 -1.4 of Volume 1 of the LDP, all aspect of coal and minerals, including any potential areas of search will form part of the forthcoming Minerals LDP. It is not appropriate for the purposes of this LDP Examination to discuss the content of a future separate plan.		
Reporter's conclusions:		
1. I find that paragraphs 1.2, 1.3 and 1.4 of the LDP are sufficiently clear in providing links to the proposed production of a separate Minerals Local Development Plan, and that the details relating to the production timeframe of that plan are in the East Ayrshire Development Plan Scheme.		

2. I find that it would not be appropriate to pre-empt the potential content of that plan and that the links provided in paragraphs 1.2, 1.3 and 1.4, and the Development Plan Scheme are sufficient to provide certainty at this point in time, that a Minerals LDP will be prepared.

Reporter's recommendations:

No modification.

Issue 3	The wording of the LDP Vision	
Development plan reference:	Volume 1, Paragraphs 2.2 – 2.13, The LDP Vision	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
RWE Innogy UK Ltd: PLDP/120/2 Vattenfall Wind Power: PLDP/285/1 & PLDP/285/2		
Provision of the development plan to which the issue relates:	The wording of the LDP Vision within Volume 1, paragraphs 2.2-2.14.	
Planning authority's summary of the representation(s):		
<p>Both RWE Innogy Ltd and Vattenfall Wind Power state that paragraph 2.2 within the LDP vision section does not reflect the region's renewable energy resource potential. It does not set out a positive context for the encouragement of renewable energy proposals and lacks reference to the national need to combat climate change, in particular through renewable energy generation. This is a shortcoming that should be addressed.</p> <p>In order to meet Scottish Government targets for reducing greenhouse gas emissions and to ensure consistency with national policy, more needs to be done at this local level to encourage and provide support for renewable energy developments. The LDP should express a more positive policy emphasis on planning for renewable energy developments. An alternative or amended vision should be set out which expressly recognises the role renewable energy technologies play in achieving a sustainable economy.</p> <p>With regard to paragraph 2.13, both RWE Innogy Ltd and Vattenfall Wind Power state that the vision as set out for the rural area is overly negative in terms of assumptions in relation to wind energy developments. This text is unsupportive and expresses negative assumptions of such development within the area and it is requested that this paragraph is amended to ensure it is consistent with SPP obligations on Planning Authorities and that it is positively worded.</p> <p>Overall, it is considered that the vision as set out in the LDP lacks commitment to supporting renewable energy development in East Ayrshire. The further evidential basis for this is the negative and highly restrictive approach taken to the proposed Spatial Framework for wind energy which is addressed separately. The approach to the vision requires modification in order to be consistent with the Government's ambitions for Scotland to be a "low carbon place" as set out in both the National Planning Framework 3 (NPF3) and SPP.</p>		
Modifications sought by those submitting representations:		
<p>RWE Innogy Ltd suggests the following modifications: 2.2 (Vision) – It should be noted within the vision that the region is particularly significant</p>		

in terms of its renewable energy resource potential. Reference should also be made to the national need to combat climate change, in particular through renewable energy generation.

In general, the LDP should express a more positive policy emphasis on planning for renewable energy developments. An alternative or amended vision should be set out which expressly recognises the role renewable energy technologies play in achieving a sustainable economy.

2.13 (Vision, The Rural Area) - The vision as set out for the rural area is overly negative in terms of assumptions in relation to wind energy developments. It is requested that EAC amend this paragraph to ensure it is consistent with SPP obligations on Planning Authorities and that it is positively worded.

The approach to the vision requires modification in order to be consistent with the Government's ambitions for Scotland to be a "low carbon place" as set out in both the National Planning Framework 3 (NPF3) and SPP.

Vattenfall Wind Power Ltd suggests the following changes:

Paragraph 2.2: An alternative or amended vision should be set out which expressly recognises the role renewable energy technologies play in achieving a sustainable economy.

Paragraph 2.13: Amend this paragraph to ensure that it is consistent with SPP obligations on Planning Authorities and that it is positively worded.

It is further stated that, overall, the vision should provide a commitment to supporting renewable energy development in East Ayrshire in order to be consistent with the Government's ambitions for Scotland to be a "low carbon place" as set out in both the NPF3 and SPP.

Summary of responses (including reasons) by planning authority:

The Council is of the view that the overall vision contained within paragraph 2.2 is general in nature and does not require to refer specifically to all types of development including renewable energy.

With regard to paragraph 2.13, the Council is of the view that no changes are required. Significant wind energy development has taken place in East Ayrshire in recent years, particularly in the northern area at Whitelee wind farm and in the southern part of the area. Significant pressure for wind energy development is currently being experienced with many developments being proposed in locations which have the potential to cause adverse effects on the landscape, settlements and individual properties.

Through paragraph 2.13, the Council is acknowledging the fact that wind energy development will play its part in contributing to a low carbon economy but also that this type of development should be carefully assessed to ensure that it takes place in the right locations. This approach is considered to be entirely consistent with both NPF and SPP. No changes to the plan are considered necessary.

Reporter's conclusions:

1. The issue of reducing carbon emissions and adapting to climate change features strongly within Scottish Planning Policy. Under the heading: "a low carbon place – delivering heat and electricity", paragraph 152 states that National Planning Framework 3 is clear that planning must facilitate the transition to a low carbon economy, and paragraph 154 states that the planning system should support the transformational change to a low carbon economy, consistent with national objectives and targets, and the development of a diverse range of electricity generation from renewable energy technologies. Paragraph 155 states that development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

2. With respect to onshore wind in particular, paragraph 161 states that planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. The proposed plan includes a spatial framework, which is examined under Issue 34, and I refer to the conclusions there.

3. In the context of the above provisions of Scottish Planning Policy, I consider that the significance of renewable energy development should be reflected in the vision and the spatial strategy for the plan.

Vision

4. The vision is about what East Ayrshire will look like in 20 years. Following a general statement, there is a vision for the Kilmarnock, Cumnock, Northern, Doon Valley, Irvine Valley and Rural areas. With respect to the general statement, and taking into account the provisions of Scottish Planning Policy referred to above, I find that this should include a sentence referring the need to provide a low carbon economy through the use of renewable energy technologies.

5. Most renewable energy development, and particularly wind energy development, is likely to be located in the rural area. I am concerned that the existing text in so far as this relates to wind energy development does not provide the appropriate balance in the context of Scottish Planning Policy, nor in the context of the spatial framework for wind energy development (including recommended modifications) which is set out in Volume 1, Section 6 of the local development plan.

6. Whilst environmental impact is a very important consideration, it will inevitably be the case that wind energy development, by its very nature, is likely to have some adverse landscape and visual impact. It is a matter of assessing the degree of impact and balancing this against the benefits of wind energy development to the government's climate change targets and local economy.

7. I therefore conclude that paragraph 2.13 should be amended to balance the benefits of wind energy development against the environmental and community impact of such development in the terms set out within Scottish Planning Policy.

Reporter's recommendations:

Modify the plan as follows:

1. Amend the first paragraph of section 2.2 as follows:

It will have a buoyant, sustainable economy with varied and plentiful employment opportunities and pleasant, well designed and affordable places to live. It will contribute to providing a low carbon economy through the use of renewable energy technologies. Its town centres will provide an attractive, welcoming focus for living, shopping, working and leisure.

2. Amend paragraph 2.13 as follows:

The rural area of East Ayrshire will be one of its most valuable assets. Limited housing and business development will have taken place to sustain the rural economy and sympathetic tourism opportunities will have been developed attracting more people into the area. Wind energy development will have taken place to ensure that the potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, whilst giving due regard to relevant environmental, community and cumulative impact considerations.

Issue 4	The Spatial Strategy General	
Development plan reference:	The Spatial Strategy	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy Ltd: PLDP/120/2 Scottish Renewables: PLDP/149/1 Natural Power: PLDP/279/2 Fred Olsen Renewables Ltd: PLDP/281/2 Vattenfall Wind Power: PLDP/285/2 Hargreaves Surface Mining Ltd: PLDP/297/2 (letter of support) Scottish Power Renewables: PLDP/330/1 Scottish Water: PLDP/182/1 (letter of support) Springfield Properties: PLDP/286/1&2 (letter of support)</p>		
Provision of the development plan to which the issue relates:	Volume 1, Section 1, Paragraphs 2.14 – 2.28	
Planning authority’s summary of the representation(s):		
<p>RWE Innogy and Vattenfall Wind Power both support the balancing approach set out in paragraph 2.15 within the Spatial Strategy but want specific reference to be made to combating climate change within the emerging SG Spatial Strategy, in particular through supporting renewable energy development where environmental effects are acceptable.</p> <p>Scottish Renewables welcome the key aim of the spatial strategy set out in paragraph 2.15:</p> <p>“to promote high quality, sustainable development, that is, enabling and supporting development that balances the costs and benefits of a proposal over the longer term”</p> <p>However, the LDP is limited by failing to acknowledge renewable energy development as a potential source for sustainable development in section 2.</p> <p>Natural Power and Fred Olsen Renewables welcome the key aim of the spatial strategy at paragraph 2.15 which is to promote high quality, sustainable development. However, their view is that the LDP fails to acknowledge renewable energy development as a potential source for sustainable development in section 2.</p> <p>Scottish Power Renewables The PLDP states that the principal aim of the spatial strategy is to promote high quality, sustainable development defined as “development that balances the costs and benefits of a proposal over the longer term”. However, the bullet point explanation does not consider economic benefits, benefits of climate change mitigation or the benefits of environmental restoration.</p> <p>Hargreaves Surface Mining Ltd strongly supports the fourth bullet point of the spatial</p>		

strategy at paragraph 2.15 of Volume 1 which states “Giving priority to the reuse of brownfield land and buildings”.

Hargreaves would endorse the definition of brownfield land to include former surface coal mine sites. Significant potential exists to bring these sites back into beneficial use through employment generating activities including the development of industrial or commercial business, tourism and recreation initiatives, forestry and renewable energy projects such as those defined in Policy IND 3.

Scottish Water The Spatial Strategy at Section 2.15 states that development will be directed to existing settlements and also areas where there is existing infrastructure capacity to accommodate new development. Scottish Water is supportive of this and is committed to enabling development within Scotland and will continue to work with East Ayrshire Council to highlight where there is available capacity within Scottish Water’s network. This allows development to occur in areas where the need to upgrade existing infrastructure is minimal, therefore reducing developer costs.

Springfield Properties support the direction of the Spatial Strategy which ‘directs development to accessible locations to reduce the need to travel’; directs development to East Ayrshire settlements’; identifies development opportunities in locations with the infrastructure and landscape capacity to accommodate them; gives priority to the reuse of brownfield land and buildings.

Modifications sought by those submitting representations:

RWE Innogy

2.15 (Spatial Strategy) - It is recommended that specific reference should also be made to combating climate change within the emerging SG Spatial Strategy, in particular through supporting renewable energy development where environmental effects are acceptable.

Scottish Renewables recommends that the spatial strategy is reworded so that it recognises the contribution that renewable energy can make to sustainable development and the mitigation of climate change.

Vattenfall Wind Power

No specific modifications to the spatial strategy sought.

Natural Power and Fred Olsen Renewables

Request that the recognition of the contribution that renewable energy can make to sustainable development and the mitigation of climate change in section 2 and suggest that “promotion of the economic opportunities arising from low carbon technology and renewable energy developments” is added to the spatial strategy list in paragraph 2.15.

Scottish Power Renewables

In order to highlight the benefits of sustainable development, paragraph 1 in section 2.15 should be re-worded as follows:

“The principle aim of the spatial strategy is to promote sustainable development. There shall be a presumption in favour of development that contributes to sustainable development that is, enabling and supporting development that balances the costs and benefits of a proposal over the longer term, according to the following principles”.

Three additional bullet points should also be included to section 2.15 as follows:

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water; supporting climate change mitigation and adaptation including taking account of flood risk”

Summary of responses (including reasons) by planning authority:

With regard to the response by **RWE Innogy Ltd**, the Council assumes that reference to an ‘emerging SG Spatial Strategy’ relates to the LDP spatial strategy contained within part 2 of the plan. The Council is of the view that the current Proposed Plan text covers climate change issues adequately through paragraphs 2.31-2.34. Whilst no specific reference is given to renewable energy within these paragraphs on climate change, climate change issues are embedded in all aspects of the plan as is stated in paragraph 2.31. The Council does not consider that specific reference to renewable energy is required here given that there is a whole chapter dedicated to this topic at Chapter 6 of Volume 1. The role of the spatial strategy is not to go into detail about every land use and type of development; its function is to set out the principles of the Council’s general locational strategy for development for the next 10-20 years.

Natural Power and Fred Olsen Renewables raise similar issues to RWE Innology. The Council is of the view that the suggested modifications are not required as renewable energy is dealt with in detail in section 6. In addition, paragraph 2.13 of the spatial strategy acknowledges the role that renewable energy can play in a low carbon Scotland.

With regard to **Scottish Power Renewables** representation, the Council is of the view that there is no need to directly replicate the text of SPP and that the bullet points set out adequately reflect the intentions of SPP but also are directly relevant to East Ayrshire’s circumstances.

No rewording as suggested by **Scottish Renewables** is considered necessary as the contribution that renewable energy can make is contained elsewhere in the document.

Hargreaves’ support for the fourth bullet point of paragraph 2.15 is noted and welcomed.

Scottish Water’s and **Springfield Properties’** support for paragraph 2.15 is noted and welcomed.

Reporter’s conclusions:

1. The issue of reducing carbon emissions and adapting to climate change features strongly within Scottish Planning Policy. Under the heading: “a low carbon place – delivering heat and electricity”, paragraph 152 states that National Planning Framework 3 is clear that planning must facilitate the transition to a low carbon economy, and paragraph 154 states that the planning system should support the transformational change to a low carbon economy, consistent with national objectives and targets, and the development of a diverse range of electricity generation from renewable energy technologies. Paragraph 155 states that development plans should seek to ensure an area’s full potential for electricity and heat from renewable sources is achieved, in line

with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

2. With respect to onshore wind in particular, paragraph 161 states that planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. The proposed plan includes a spatial framework, which is examined under Issue 34, and I refer to the conclusions there.

3. In the context of the above provisions of Scottish Planning Policy, I consider that the significance of renewable energy development should be reflected in the vision and the spatial strategy for the plan. Representations relating to the vision are examined within Issue 3.

4. The spatial strategy is essentially about delivering the vision, and this is set out in paragraph 2.15 of the plan, which states that the key aim of the spatial strategy is to promote high quality sustainable development, that is, enabling and supporting development that balances the costs and benefits of a proposal over the longer term. What this means in general terms is set out in 6 bullet points relating to accessible locations for sustainable forms of transport, development in settlements, infrastructure and landscape capacity, brownfield land and buildings, sensitive development in the rural area and placemaking. This is followed by paragraphs on the location of growth and how the strategy will be delivered.

5. I agree with the response of the council to the extent that, in general terms, it is not necessary to directly replicate the text of Scottish Planning Policy. Nevertheless, Scottish Planning Policy includes a key policy principle that introduces a presumption in favour of development that contributes to sustainable development, and I therefore find that this should in the circumstances be reflected within paragraph 2.15, which relates to the key aims of the spatial strategy.

6. I do not consider that it is necessary to specify the provisions in paragraph 29 of Scottish Planning Policy. These are in my view matters which should be reflected throughout the proposed plan, and particularly with respect to the policies and proposals, but I do not consider that they are particularly related to the spatial strategy. However I find that there should be an additional bullet point relating to climate change, and in this context supporting renewable energy development in locations where environmental effects are acceptable.

7. This is one of the four key subject policies within Scottish Planning Policy. The other key policies are recognised within the bullet points, and I consider that it is appropriate to reflect the importance of the remaining policy as well. I recognise that paragraphs 2.31 to 2.34 address climate change in the context of the delivery of the spatial strategy, but I consider that it remains appropriate to reflect the importance of this matter in paragraph 2.15.

8. In addition, paragraph 2.28 refers specifically to the rural area, which is likely to be where most renewable energy development, and particularly wind energy development, is likely to be located. Whilst I consider it reasonable to state that a separate strategic framework has been prepared for wind energy development, I also find that wind energy should be a key element of the overall spatial strategy within the rural area.

9. Particularly following my finding that climate change and renewable energy should be referred to in paragraph 2.15, I therefore find that the rural area should be referred to as the main area where wind energy development is likely to be located, and that the appropriateness of such development will be based upon the spatial framework for wind energy set out in Section 6 of Volume 1 of the local development plan.

Reporter's recommendations:

Modify the plan as follows:

1. Amend the introductory text in paragraph 2.15 (first sentence) as follows:

The key aim of the spatial strategy is to promote high quality, sustainable development. There will therefore be a presumption in favour of development which contributes to sustainable development, defined for this purpose as enabling and supporting development that balances the costs and benefits of a proposal over the longer term.

2. Add a new bullet point to paragraph 2.15 as follows:

- Identifying opportunities for renewable energy development, particularly wind energy development, giving due regard to relevant environmental, community and cumulative impact considerations.

3. Amend paragraph 2.28 as follows:

With regard to the rural area, this will be the main area where wind energy development is likely to be located, and the appropriateness of such development will be based upon the spatial framework for wind energy development set out in Volume 1, Section 6 of the local development plan. Otherwise, the northern part of East Ayrshire is under more pressure for (mainly residential) development than the remaining part from Mauchline southwards. For this reason ...

Issue 5	The LDP Spatial Strategy - Transportation issues	
Development plan reference:	The whole Plan as it relates to the transport network	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Transport Scotland: PLDP/331/5		
Provision of the development plan to which the issue relates:	The wider spatial strategy of the Plan. This relates to the LDP as a whole and relates to the potential impact that the PLDP strategies and site allocations may have on the trunk road network. Specific comments on the Bellfield Roundabout and sites at 263H Auchinleck Road Cumnock and 366M Loudoun Castle Estate, Galston are made.	
Planning authority's summary of the representation(s):		
<p>Transport Scotland has submitted a representation which relates to the wider Spatial Strategy of the PLDP. In this regard, it is stated that under Section 3E (2) and (3) the Planning etc. (Scotland) Act 2006, development plans must contribute to the objective of sustainable development and that Scottish Ministers may issue guidance on this which authorities must have regard to. Scottish Planning Policy (SPP) sets out the national planning policies which reflect the Scottish Minister's priorities for the development and use of land. It directly relates to the preparation of development plans. Scottish Planning Policy details on page 10 that Development Plans should be consistent with the policies in SPP and set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.</p> <p>SPP states in paragraph 274 that "in preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance.....Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the strategic transport network, the appraisal should be discussed with Transport Scotland at the earliest opportunity."</p> <p>Furthermore SPP states in paragraph 275 "development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure...Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made. These should be prepared in consultation with all of the parties responsible for approving and delivering the infrastructure."</p> <p>Transport Scotland acknowledges that East Ayrshire Council is currently undertaking an appraisal of the Local Development Plan land allocations which predominantly comprises a traffic modelling exercise utilising a VISUM multi modal model. The appraisal will determine the cumulative impacts of the plan proposals and Transport Scotland has welcomed the opportunity to engage in this appraisal process.</p>		

To date, the appraisal and associated modelling has yet to be completed and as such, Transport Scotland does not have sufficient information to take a fully informed view on the potential impacts of all Proposed Plan allocations on the trunk road network, particularly, but not exclusively, with regard to the cumulative impact of allocations on the A77(T) Bellfield Interchange. In relation to this, concerns are raised on the proposed allocation of site 263H at Auchinleck for 753 houses detailed on page 123 of the Proposed Plan, with further clarification required on the inclusion of this site in the LDP modelling exercise. Furthermore Transport Scotland seeks clarification on the current planning application for site 366M Loudoun Castle referred to on page 23 of the Action Programme. The proposed land uses, included as part of the application, may have the potential to impact upon the A77(T) at Bellfield, however are not detailed within the LDP modelling exercise. Therefore further information is sought on this application and how it relates to the modelling exercise currently being undertaken.

The appraisal currently being undertaken by the Council should provide a robust analysis of the potential effects of the Plan's spatial strategy and what, if any, transport interventions are needed to deliver the plan in addition to those outlined within the Proposed Plan. Therefore, given the outcomes of this work are not yet available for review, Transport Scotland is not able to support the Local Development Plan spatial strategy at this time.

Modifications sought by those submitting representations:

It is recommended by Transport Scotland that the Reporter seeks further information on this representation upon commencement of the LDP Examination.

Summary of responses (including reasons) by planning authority:

In relation to the representation by Transport Scotland, the Council would advise the Reporter that a revised transport appraisal was submitted to Transport Scotland on 20th August 2015. Transport Scotland subsequently advised that they would not be in a position to comment on the revised transport appraisal until after 8th September 2015. Therefore, the Council would suggest that the Reporter contact Transport Scotland to establish if they are now a position to support the Local Development Plan in relation to the revised transport appraisal.

Nevertheless, the Council would point out that the Local Development Plan transport appraisal, which was undertaken in line with Transport Scotland's DPMTAG guidance, shows that in some locations travel times on the public road network will be affected by the developments proposed within the Plan. However, the appraisal does show positive impacts on the public transport network and in relation to walking and cycling as a result of the Local Development Plan.

Whilst further detailed appraisal work will be required in some locations at planning application stage, there are on site modifications which can be made that will accommodate the anticipated additional traffic that would be generated, as a result of the developments proposed in the Local Development Plan, whilst avoiding unacceptable impacts on the strategic transport network.

The planning application for Loudoun Castle was withdrawn by the applicant on 4th September 2015. A new planning permission in principle application is expected to be lodged in due course and is subject to a Processing Agreement between the applicant

and the Council. The Council would point out that the transport appraisal of the Local Development Plan has considered the development of allocated uses at Loudoun Castle, as set out in the Plan, on the strategic and local road network within East Ayrshire.

In terms of Site 263H, the Council would point out that the site has a valid planning consent and approximately 20 residential units have already been constructed on the site. Transport Scotland was consulted on the application at the time of its consideration in 2009 and did not mention or raise any issues in relation to Bellfield Interchange and the site's impact on it as part of their response at that time. Nevertheless, the Local Development Plan transport appraisal has considered the impact of the development of 753 residential units on the strategic and local road network within East Ayrshire.

The transport appraisal identifies the Bellfield Interchange and Mauchline Cross as likely to be problematic in the future without further mitigation, it should be noted that these locations in particular have pre-existing capacity problems and issues. The level of trip contribution to the Bellfield Interchange and Mauchline Cross, as a result of the Local Development Plan, is fairly minor in comparison to the existing transport volumes at these locations. The proposed developments at Site 263H: Auchinleck Road, Cumnock and Site 366M: Loudoun Castle, Galston are therefore unlikely to have adverse impacts on the operation of the Bellfield Interchange which would result in mitigation being required.

Reporter's conclusions:

Background

1. Transport Scotland (TS) had submitted a representation to the Proposed Plan during the initial consultation process, at which point in time it was not in a position to support the plan as the Transport Appraisal (TA) had not been finalised and therefore TS did not have sufficient information to make a fully informed submission to the plan.
2. During the period between the Proposed Plan consultation process and the submission of the plan for examination, a revised and finalised TA was submitted to TS in August. At the time of the submission of the plan for examination, a response to the TA from TS had not been submitted to the council (East Ayrshire Council – EAC).
3. The council in its Summary of Response did not consider that the potential increase in traffic would be so problematic as to warrant a change to the plan at that stage. Detailed TAs would be required at the planning application stage for individual sites, at which point any mitigation measures could be accommodated.
4. In addition, the council suggested that I contact TS to establish its position on the plan. Rather than contact TS directly, DPEA correctly asked EAC to keep me apprised of the outcome of the continuing dialogue between EAC and TS.
5. In March 2016, TS advised that it was still unable to support the LDP, as it considered that the mitigation measures identified in the TA (final version) were not able to be funded by TS, and so there was no prospect of delivery. TS still was of the opinion that the key junctions of concern to it were the Bellfield Interchange (A77), the Mauchline cross (A76), Meiklewood Junction (A77) and the M77 Junction 7.
6. I was advised that the council and TS were meeting on 6 April 2016 to discuss the matters. The meeting took place, and the minutes submitted to me noted that the council

would provide amended policy wording and a suggested approach to delivery.

7. On 5th May 2016, the council advised that in order to respond to TS, it intended to provide additional information to its original response contained within the submitted Schedule 4, and to do so would require the Council to approve it. A report was taken to East Ayrshire Council Cabinet on 8 June 2016. That report was approved by Cabinet and submitted to DPEA as additional information, and then sent by DPEA to TS as a Further Information Request (FIR) on 10 June 2016.

8. In summary, the council did not accept that the potential traffic generated by Plan allocations and North Ayrshire allocations could lead to major junction capacity issues before 2025, it considered that up to 1,500 completions from the LDP could be accommodated in the plan period to 2020, and that LDP 2 (next Plan) could have mitigation and / or policy measures to address the issue. In addition, the council did not support the imposition of developer contributions on proposals that might generate traffic contributing to capacity problems, as no programme of works was in place by any party, and the issue of such contributions had not been subject to any public consultation through the Local Development Plan or any other process.

9. TS maintained its position of not supporting the spatial strategy of the plan in a response dated 24 June 2016, and outlined the remaining concerns relating to the TA, developer contributions and specifically but not exclusively the Bellfield Interchange on the A77.

10. Following receipt of the East Ayrshire Cabinet Report of 8 June 2016 and TS's FIR response of 24 June 2016, a hearing into Issue 5 was scheduled for 23 August 2016. The parties invited were EAC and TS, with TS invited to make a submission in writing before the hearing setting out which specific modifications it wished to see made to the plan.

11. The hearing was held on 23 August 2016, all parties invited attended, and all items set out on the agenda were discussed to my satisfaction. Closing submissions in writing were invited, and both TS and EAC made written submissions.

12. In reaching my conclusions and recommendation, I am as a matter of course taking into account all of the submissions to date, both written and oral. However, the discussions at the hearing and the subsequent closing submissions provide me with the most up to date position of the parties, and so I will focus my conclusions and recommendations on those submissions.

EALDP Transport Appraisal

13. The finalised TA was a matter for discussion at the hearing, and had been the subject of a number of written submissions from both parties during the plan examination process.

14. During the hearing, it was agreed by the parties that the TA was carried out appropriately and that the methodology, modelling and scope of the TA is not in question.

15. TS maintains that it is the application of the TA outcomes to potential impacts on the road network that is in question, in that the plan does not sufficiently set out the potential impact on the Bellfield Interchange of the spatial strategy, or include any policy or other

mechanism which might resolve or mitigate that potential impact.

16. The council maintains that the TA assessed the full, original plan housing land allocation of 7,040 homes to 2025. That allocation is now 5,961 homes and so the TA has assessed an allocation in excess of that to be delivered by 2025. The TA concluded that all 7,040 homes could be built and accommodated by the road network by 2025.

17. I find that the TA appears to utilise the correct methodology, scoping and modelling, and I consider that it emerged from the hearing that it is not the TA itself that is in question, rather the application of its conclusions to the plan. I find that the TA does contain identified impacts on the network, and the mitigation options available to address those impacts. Where the two parties fundamentally differ is, I find, in the application of the TA conclusions to the plan.

18. It is the council's position that the TA illustrates that the development proposed by the plan's spatial strategy will not add significantly to existing capacity issues at the Bellfield Interchange. Post-2025, the TA sets out that mitigation will be required to address potential safety and capacity issues at the Bellfield Interchange.

19. The council has concluded that the TA illustrates that although there are acknowledged capacity issues at the Bellfield Interchange, there are no safety issues at present and the housing land allocation of this plan can be fully accommodated by the interchange. Therefore, this plan does not need to identify any transport infrastructure, does not require to detail the impact on the Bellfield Interchange as it is not considered to experience an impact which requires mitigation in this plan period to 2025, and no policy or other mechanism is required as there is no impact to mitigate against.

20. TS considers that the TA confirms that the Bellfield Interchange is already congested, and that in order to prevent cumulative decreases in capacity as the housing land allocation is delivered to 2025, this plan should make provision for mitigation of that impact on capacity and that a mechanism for delivery of the required improvements should be included in this plan.

21. In looking at what Scottish Planning Policy (SPP) sets out at paragraph 274, planning authorities are required to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the strategic transport network, the appraisal should be discussed with Transport Scotland at the earliest opportunity.

22. In written submissions and at the hearing, TS expressed concern that the cumulative impact from the proposed new housing land allocation in the plan had not been fully assessed within the TA, and that the effect from housing development outside East Ayrshire had not been taken into consideration.

23. I find that cumulative impact has been assessed at part 4 of the TA, and that it appears to assess movement from, through and to East Ayrshire, using the base model

and comparing it to the Transport Model for Scotland. This has taken some account of the cumulative effect of development, but TS questions the sufficiency of this, indicating that it does not fully comply with the guidance issued to planning authorities with respect to transport appraisals. I have not been made aware of the areas of non-compliance, nor has there been an alternative appraisal put before me.

24. TS has also raised the issue of appropriate factoring percentages, rightly stating that even a 1% impact can be significant given the context. The council advises that using a 10% impact would require 6,000 homes to be built, 5% 3,000 and 2.5% 1,500 homes. This was a matter for discussion at the hearing, where one of the questions was what could be a potentially more valid approach and if such an approach were to be used, would there be a significant difference in outcome, in the context of the plan. I consider that while I did not receive a truly definitive answer to the question, TS was unable to suggest what might be the appropriate factoring percentage to use in East Ayrshire, and on that basis I am content that the council's factoring assessment is not unreasonable.

25. The extent of queuing on the A77 southbound off slip is of concern to TS, but the TA only identifies an issue with capacity, and consequently safety and queuing, at 2025. In order to mitigate against such safety and capacity issues, the TA concluded that a third circulatory lane would be required at the Bellfield Interchange. TS did not challenge that conclusion. However, TS considers that the potential queuing on the southbound slip is a matter that should be addressed in this plan, and that any potential mitigation should be the subject of the proposed study in this plan process, as it considers that the emerging LDP timeframe may not allow sufficient time to put any required mitigation measures in place to address the road safety issue that could arise.

26. However, my conclusions in this regard are as follows. The TA sets out at paragraph 5.2.4 the predicted increase arising from the plan allocations at the Bellfield Interchange. The maximum anticipated queue, following Picady and Arcady analysis, on the southbound off-slip, would be 85 vehicles. The southbound slip is currently some 350 metres in length and 85 vehicles are estimated to occupy approximately 250 metres of the slip. At paragraph 8.2.2.1, the impact arising from the plan allocations on the Bellfield Interchange is estimated to be in the region of 24% by 2025, which would equate to some 20 of the estimated 85 queuing vehicles on the slip road. I find, therefore, that the estimated increase attributable to the proposed allocations by 2025 would not add significantly to the queue length, and would not result in queues that were unacceptably long, either from a safety or a traffic-flow point of view. Table 9.2 identifies the interchange as requiring further study to confirm the scope of any upgrade or modification.

27. I find that the concerns of TS are understandable, but in examining this plan it is necessary to ensure that its provisions are proportionate and deliverable. Given that the TA concludes that the Bellfield Interchange, although acknowledged to be experiencing capacity issues at present, is predicted to be capable of accommodating the impact arising from the housing and employment land allocation of the plan to 2025, I therefore conclude that seeking to have this plan identify mitigation measures and a mechanism for delivering those mitigation measures would be premature. If such measures were included in the plan, then I consider that they would not be supported by a robust evidence base, as required by paragraph 60 of Circular 6/2013 Development Planning.

28. I note that TS published its Strategic Transport Project Review (STPR) in 2008 and STPR is the stated position of Transport Scotland in relation to transport infrastructure

projects that can be delivered. There is no commitment for improvement works to the Bellfield Interchange in the STPR, nor is TS able to confirm when a review of STPR might take place which might include the required upgrade of the Bellfield Interchange. I conclude that a commitment to funding for the required third circulatory lane is not capable of being made by any party at this point in time, nor is it possible to ascertain if the Bellfield Interchange would even form part of a revised STPR following the next review.

Developer contributions

29. In the normal course of events, if a development creates a new or additional requirement for services, facilities and / or infrastructure, the proportionate cost of the requirement would be sought by the planning authority from the developer, through the policy mechanism established in the local plan.

30. This plan incorporates Policy INF 5: Developer Contributions, which sets out the circumstances in which developer contributions will be sought in East Ayrshire.

31. Circular 3/2012 Planning Obligations and Good Neighbour Agreements is clear at paragraph 20, which states that planning authorities should not seek to resolve existing deficiencies through contributions.

32. All parties are agreed that in relation to the A77 and in particular the Bellfield Interchange, the impact arising from the planned housing land allocation of up to 6,000 homes would be capable of being accommodated until 2025. After 2025, then the council consider that mitigation would be required to deliver the Future Growth Areas as set out in the spatial strategy of this plan, which will encompass not just housing land but land for economic development. The council is proposing to complete the studies it has committed to, to look at options for expanding the southbound off slip to provide additional queue management mitigation. The council would work with TS to agree the terms of a study on queue management, which would investigate the possibility of minor queue capacity improvement options within the current interchange footprint, in addition to the extension of the southbound off slip with the provision of a parallel diverge extension. Once that study has been completed, then the council would seek to include any required mitigation in the MIR for Local Development Plan 2 (LDP2), and a mechanism for seeking any appropriate developer contributions.

33. TS is of the view that this plan needs to incorporate a mechanism to seek developer contributions, as it considers that the wording of Circular 3/2012 permits the plan to state that measures are required at Bellfield and that any development with a potential impact at the junction could be required to contribute. This position is informed by the Reporter's conclusions in relation to the City of Edinburgh Local Development Plan Examination (see paragraphs 44 and 45 below).

34. TS considers that Circular 6/2013, Development Planning provides information at paragraph 139 on how plans can handle policy and information relating to developer obligations. The potential impact at Bellfield and required mitigation measures could be apportioned to LDP developments using the model developed for the transport appraisal and could be calculated in such a way that these are related to the scale and kind of the development in order to meet the tests of the Circular. There are examples of developer contribution mechanisms which offer different techniques and approaches. In addition, TS considers that should any planning applications be submitted prior to the

identification of appropriate mitigation and/or a proportionate contributions mechanism, this is likely to compromise the delivery of a comprehensive solution at Bellfield given that developments will be assessed on a case by case basis rather than cumulatively. This approach is not recommended by Transport Scotland and is not supported by SPP or DPMTAG.

35. The positions of the parties did not change during the discussion which took place at the hearing, nor in the subsequent closing submissions.

36. I find that in relation to seeking developer contributions from sites allocated for development in this plan, Circular 3/2012 is clear at paragraph 20 that planning authorities should not seek to resolve existing deficiencies through contributions. The current capacity issues at the Bellfield Interchange are acknowledged, but the TA is clear and the parties have agreed that the TA was carried out appropriately and that the methodology, modelling and scope of the TA is not in question. The TA concluded that the land allocation in the plan would not require mitigation measures of any kind prior to 2025.

37. Post-2025, the TA concluded that queuing management would be required, in addition to the extension of the southbound off slip with the provision of a parallel diverge extension. I consider that, in the absence of any evidence base demonstrating that the 2015-2020 and 2020-2025 housing and employment plan allocations would have an unacceptable impact on the Bellfield Interchange, and thus generating a need for mitigation measures, seeking developer contributions in this plan would be contrary to the provisions of Circular 3/2012.

38. At paragraph 14 of the Circular, five tests are set out, and planning obligations should only be sought when they meet all of the tests. The tests are as follows:

- necessary to make the proposed development acceptable in planning terms (paragraph 15)
- serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19)
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23)
- be reasonable in all other respects (paragraphs 24-25)

39. I find that the first test would be failed if developer contributions were sought, as the TA clearly demonstrates that no mitigation is required in transport terms to make the proposed development acceptable. The second test would also be failed, as I have concluded above that seeking to have this plan identify mitigation measures and requiring a mechanism for delivering those mitigation measures is premature. In relation to the third test, I acknowledge there may be cumulative impacts arising from the land allocations in the plan, but it has been demonstrated to my satisfaction that those cumulative impacts would not give rise to the need for mitigation measures in this plan period. The scale and kind test states that contributions should be proportionate to the scale of the proposed development, and I consider that test would be failed, as the scale of development proposed would not generate a need for any contributions, as no

mitigation measures are required to address the impact of the proposed developments on the capacity and safety of the Bellfield Interchange, prior to 2025. I also find that the reasonableness test would be failed, as contributions appear not to be necessary for the development to go ahead. As paragraph 25 of the Circular makes clear, if any of the tests are failed, then a planning obligation will generally not be appropriate.

40. I consider that seeking contributions for an upgrade to a junction which has not been the subject of any detailed study, costing exercise, feasibility study, and which has no commitment to funding or an estimated start date, would not be reasonable. I appreciate that there is a known date at which the junction will be over capacity and unable to operate safely, 2035, and that there is an identified solution which is the third circulatory lane at the Bellfield Interchange. However, as set out above, I conclude that a commitment to funding for the required third circulatory lane is not capable of being made by any party at this point in time, nor is it possible to ascertain if the Bellfield Interchange would even form part of a revised SPTR following the next review of SPTR. On that basis, I conclude that seeking developer contributions in this plan for such an upgrade would be contrary to the Circular.

41. The council has raised the issue of public consultation through the development plan process, in that it has not taken place in relation to matters relating to the Bellfield Interchange and potential developer contributions. Given my conclusions and recommendations on this issue, that is not a requirement arising from this examination, however, if it had been, then it would have been possible to circulate an FIR on the matter to all parties who made representation to the Proposed Plan, seeking their views on any proposed modification to the plan.

42. There will undoubtedly be a cumulative impact on the Bellfield Interchange as a consequence of the land allocations in this plan, but I conclude that the impact will not be such that developer contributions are required to mitigate against it, nor is mitigation required until 2025

CEC Examination Report

43. Issue 19 Transport Proposals & Resources and Services Proposals of the City of Edinburgh (CEC) Local Development Plan Examination was brought to my attention by TS during the hearing session. It was suggested that the reporter's conclusions at Issue 19 of the CEC Examination were comparable to the issues identified at Issue 5 of this examination, where he concluded that *"I find that it is therefore essential for the local development plan to provide sufficiently for the necessary improvements to the transport infrastructure, and their timely implementation within the plan period."*

44. I have read the entire CEC Schedule 4 relating to Issue 19, and I consider that while there are some similarities, the key difference is that the reporter in the CEC examination sought the local plan to provide for the necessary improvements to the transport infrastructure, and I have already concluded there are no necessary improvements required in this plan. The reporter in the CEC examination also sought the timely implementation in the plan period of such improvements, which I have established above will not be required in East Ayrshire in this plan period. I find that East Ayrshire Council has in fact carried out the cumulative assessments required by SPP and Circular 6/ 2013, in contrast to the situation identified in Edinburgh. I conclude that the particular circumstances of each TA and plan are sufficiently different to justify different conclusions on similar issues being arrived at.

Moving Forward

45. Prior to the hearing session, TS submitted its suggested modifications to the plan. A recognition and identification in the plan of the following was sought:

- That the A77/A76 Bellfield Interchange will be significantly impacted by additional traffic generated by the LDP allocations
- That the outline nature and scale of improvements required at Bellfield to mitigate the impact of the LDP allocations is set out
- That a mechanism to facilitate delivery of the improvements, including the need for developer contributions is required.

46. Having regard to my conclusions above, I consider that there is no requirement, at this point in time, to include the suggested modifications.

47. However, there is an existing capacity issue at the Bellfield Interchange, and the TA identifies that there will be an unacceptable cumulative impact beginning in 2025, and progressively deteriorating in terms of capacity and safety to 2035, which will culminate in the junction becoming operationally unsafe. I find that this on-going cumulative impact needs to be acknowledged in this plan, and a strategy established to address the issue in forthcoming plans.

48. At the hearing session, the council committed to look at options for expanding the southbound off slip at the Bellfield Interchange to provide additional queue management mitigation, a system which the council has committed to fund internally. The council would consult with TS to agree the terms of a study on queue management, which is likely to investigate the possibility of minor queue capacity improvement options within the current interchange footprint in addition to the extension of the southbound off slip with the provision of a parallel diverge extension. The council has confirmed at the hearing and in its closing submission that funds are available internally to implement and provide the queue management study and system.

49. The TA sets out that to manage the increased traffic on the road and trunk road network there is a need fundamentally to address the capacity issue; but to do so would require a third circulatory lane to be added (see TA Table 5.36).

50. Should funding for the installation of a third lane at the Bellfield Interchange not be available from national sources, the council considers that the safety issue arising from the increased queues at the Bellfield Interchange could still be addressed. An active queue loop detection and signage system could be put in place, particularly on the A77 southbound off slip, which would alert drivers that there was queuing traffic on the off slip. Further, in the medium to longer term, the southbound off-slip ramp could, if assessment supported such a measure, be extended northwards to further manage additional queuing traffic. As with the capacity issue, mitigation options for queue management should be properly assessed and considered to ensure the most appropriate option is identified and delivered. All relevant parties should be involved in considering all options to mitigate the safety issue arising from queuing traffic.

51. TS support the preparation of such a study, but would seek to see it inform this plan, rather than the next plan. Based on my conclusions above, I find that it would be appropriate to commit to the preparation of the study in this plan, and deliver it to inform the preparation of LDP2. The timing of the plan preparation process is such that this plan could

be delayed from adoption by, potentially, up to 24 months while the study is being undertaken. The council has confirmed that the emerging LDP preparation process is well underway and that it will commit to undertaking the study to examine queue management options, including a parallel diverge slip road extension to the A77 southbound off ramp to inform the emerging LDP. I conclude the council's proposed timetable of study preparation would be a pragmatic approach to resolving the matter.

52. The council has suggested undertaking two distinct studies, one following the other. I appreciate that the second proposed study will require to be funded as part of the Ayrshire Growth Deal, but I recommend that the first stage of that study, which aims to examine the potential for economic, commercial and other development including residential development if capacity at the Bellfield Interchange was enhanced, be carried out to inform the emerging LDP and contemporaneously with the study on queue management. This approach could then inform the spatial strategy of the LDP five and ten year periods to 2030, and enable the council to frame any developer contribution requirements in accordance with Circular 3/2012.

53. The council in its closing submission has made suggested modifications to Section 4, Page 91, Volume 1 and to paragraph 6.3.17, page 98, Volume 1 of the Proposed Local Development Plan. I recommend that paragraph 4 of the suggested modification to Section 4, page 91 of the plan could be deleted, as it refers to a scheme which may be the subject of further studies and is not definitive in any way. Paragraph 5 of the same section should also be partially deleted, as set out in my recommendations, for the same reason.

54 Meiklewood Junction (A77) and the M77 Junction 7 are both junctions that had been mentioned as part of the submissions from TS. It has emerged from the exchange of correspondence between the parties and at the hearing that these junctions and the approach as set out in the Proposed Plan are not in dispute, and I am content that no further modification to the plan is necessary in relation to these junctions.

55. I conclude that these suggested modifications (as amended) would address the concerns raised by TS that I have found require to be addressed in this plan, and I recommend that the plan be modified accordingly.

Reporter's recommendations:

1. Modify the plan by deleting Section 4, page 91 of Volume 1 and replacing with the following:

"4 The upgrade and improvement of the Bellfield Interchange

Bellfield Interchange is the most important traffic junction in East Ayrshire being the main entry point to Kilmarnock and its town centre. It also provides access from the strategic road network to other very important business and employment locations (e.g. Moorfield and the newly created Moorfield Park) and infrastructure (e.g. Crosshouse University Hospital). The Council accepts that there are peak hour queues and delays at the Bellfield Interchange which could significantly impact on new development in plan periods after 2025. The Council has concerns that the economic development and regeneration of Kilmarnock as well as economic development within Ayrshire generally could potentially be constrained by a lack of available capacity at this junction. In particular there is significant conflict between strategic and local traffic that has

implications for road safety (especially during the evening peak), journey times and reliability.

Despite these conflicts, there is some available capacity within the interchange to enable the identified housing, commercial and retail development allocations within the Local Development Plan to be developed within the lifetime of the Plan i.e. to 2020/21 and beyond to 2025/26 without causing any unacceptable road safety or capacity issues.

Ideally, post-2025/26, improved capacity would be desirable to ensure that economic, commercial and residential development will not be compromised whilst also addressing the future economic needs for the wider Ayrshire conurbation.

There may be a requirement for 'queue management' mitigation options to be introduced post-2025/26 to ensure that queuing at the interchange, especially on the southbound off ramp, is safe for users of the trunk road network.

The Council will introduce in the short to medium term (2016 / 2021) an active queue loop detection and signage which will warn of any queues on the southbound off slip which could potentially compromise road safety for southbound traffic on the trunk road.

Within the current LDP, the Council will commission a study to look at what mitigation options are available in the period after 2025/26 to address queue capacity and queue management and associated safety concerns within the current footprint of the interchange without the requirement for STPR commitment and funding from Transport Scotland. The study will examine queue management options, including a parallel diverge slip road extension to the A77 southbound off ramp. The study will seek to ensure that proposed LDP future growth areas to 2035 and beyond can be safely developed without compromising road safety. The Council would look to implement the findings of the study in the period 2021/2026. This will allow all relevant consultations to be carried out and for proportionate developer contributions to be sought in the next local development plan.

The Council will also monitor queuing at the Bellfield Interchange to determine whether consideration will need to be given to advancing implementation of any of the proposals in the study.

The commitment to provide active queue loop detection and signage and undertake the queue management study is included in the Action Programme for this local development plan.

In addition, the Council would wish to commission a second study which will be undertaken in two stages. The first stage will examine the potential for economic, commercial and other development including residential development if capacity at the Bellfield Interchange was enhanced. The first stage will be undertaken in conjunction with the study to address mitigation options for queue capacity and management. The second stage will identify, test and cost options to improve traffic capacity issues at the Bellfield Interchange. This second study will be taken forward by the three Ayrshire Councils subject to the Ayrshire Growth Deal, as submitted, being approved by the Scottish Government

While, the commitment to carry out this second study will be included in the Action

Programme, it will be subject to approval of the Ayrshire Growth Deal bid. It will be prepared in conjunction with Transport Scotland, Strathclyde Partnership for Transport, and relevant stakeholders, landowners and developers. Any conclusions arising from the study will be incorporated into the next LDP for East Ayrshire (LDP2), subject to the availability of committed financial resources.

Within the context of the findings of both studies, LDP 2 will examine whether proportionate developer contributions are appropriate for identified housing, commercial and retail development allocations and, if they are, what level of contributions will be required. It should be noted that the Council is committed, as detailed in the most recent Development Plan Scheme, to producing and consulting upon the Main Issues Report for LDP 2 by the end of 2017, with a Proposed Plan being produced and consulted upon by the end of 2018.”

2. Insert new paragraphs 6.3.18, 6.3.19, 6.3.20 and 6.3.21 after paragraph 6.3.17 on page 98 of Volume 1 of the plan as follows:

“Bellfield Interchange

6.3.17 As detailed in Section 4, the Council will commission a study to look at what mitigation options are available to address capacity and queue management and associated safety concerns within the current footprint of the Interchange without the requirement for STPR commitment and funding from Transport Scotland. This study will examine queue management options to ensure that proposed LDP future growth areas to 2035 and beyond can be safely developed without compromising road safety. The Council would look to implement the findings of this study in the period 2021/2026. This will allow all relevant consultations to be carried out and for proportionate Developer Contributions to be sought in the next Local Development Plan.

6.3.18 In addition, a second study to identify, test and cost options to improve traffic capacity issues at the Bellfield Interchange will be taken forward by the three Ayrshire Councils subject to the Ayrshire Growth Deal, as submitted, being approved by the Scottish Government. This second study, will be in two stages: the first stage will examine the potential for economic, commercial and other development including residential development if capacity at the Bellfield Interchange was enhanced; and the second stage will consider what improved capacity options are available, and test and cost these options. The first stage will be undertaken in conjunction with the study to address mitigation options for queue capacity and management. The second stage will identify, test and cost options to improve traffic capacity issues. The commitment to carry out this second study will also be included in the Action Programme but will be subject to approval of the Ayrshire Growth Deal bid. It will be prepared in conjunction with Transport Scotland, Strathclyde Partnership for Transport, and relevant stakeholders, landowners and developers. Any conclusions arising from the report are intended to be incorporated into the next LDP for East Ayrshire (LDP2), subject to the availability of committed financial resources.

6.3.19 It is intended that LDP 2 will examine whether proportionate developer contributions are appropriate for identified housing, commercial and retail development allocations and, if they are, what level of contributions will be required. In doing so, the required level of developer contributions would require to be subject to full consultation throughout the preparation of LDP 2 and the detail on how the contributions would be collected and held is intended be detailed within Developer

Contributions Supplementary Guidance for that Plan

6.3.21 It should be noted that the Council is committed, as detailed in the most recent Development Plan Scheme, to producing and consulting upon the Main Issues Report for LDP 2 by the end of 2017, with a Proposed Plan being produced and consulted upon by the end of 2018.”

Issue 6	Overarching Policy OP1	
Development plan reference:	Volume 1, Paragraph 2.29, Overarching Policy OP1	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy UK Ltd: PLDP/120/3 Scottish Renewables: PLDP/149/2 Vattenfall Wind Power Ltd: PLDP/285/3 Banks Renewables: PLDP/289/2 Scottish Power Renewables PLDP/330/2 RSPB: PLDP/272/1(letter of support) SEPA: PLDP/309/1 (letter of support)</p>		
Provision of the development plan to which the issue relates:	Overarching Policy OP1 sets out the policy matters that all development proposals will require to comply with.	
Planning authority's summary of the representation(s):		
<p>RWE Innogy objects to the wording of criteria (ii) and (x) of Policy OP1 with regard to the wording of criteria within the policy. In terms of (ii), not all development will have a positive impact. With regard to (x) detrimental is not the correct wording to use. It should be “no unacceptable” impacts.</p> <p>Scottish Renewables and Banks Renewables are concerned that there is no acceptability test in policy OP1 in line with paragraph 203 of SPP. Criteria (x) of policy OP1 states that there should be “no detrimental impacts on landscape character or tourism offer of the area”. If this policy is applied no wind farm would ever satisfy this policy. It should be redrafted so as to comply with SPP.</p> <p>Vattenfall Wind Power objects to the wording of criteria (ii) and (x) of policy OP1. With regard to (ii), this policy should recognise that not all aspects of every development will have a positive impact and the appropriate test should be a judgement on acceptability. Similarly, criterion (x) states that there should be no detrimental impacts on the landscape character or tourism offer of the area. This should be reworded to state that there should be no unacceptable impacts.</p> <p>Scottish Power Renewables states that policy OP1 does not include a presumption in favour of sustainable development and does not therefore align with SPP.</p> <p>RSPB support the proposal to protect and enhance the built and natural environment.</p> <p>SEPA supports the inclusion of an overarching policy which clearly sets out the requirements for all development proposals.</p>		

Modifications sought by those submitting representations:
<p>RWE Innogy criterion (ii) of policy OP1 to be reworded as follows: “Be fully compatible with surrounding established uses and have an acceptable impact on the environmental quality of the area”.</p> <p>Reword criterion (x) as follows: “ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area”.</p> <p>Scottish Renewables want criteria (x) of policy OP1 to be reworded as per paragraph 203 of SPP, that is, <i>“Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment”</i></p> <p>Vattenfall Wind Power want criterion (ii) of policy OP1 to be reworded to state “be fully compatible with surrounding established uses and have an acceptable impact on the environmental quality of the area. Criterion (x) should be reworded to state, “ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area”.</p> <p>Banks Renewables would like to see the word unacceptable inserted into Policy OP1 (x) so that it states, <i>“ensure that there are no unacceptable detrimental impacts on the landscape character or tourism officer of the area”</i></p> <p>Scottish Power Renewables want an introductory sentence at section 2.29 which states, <i>“there shall be a presumption in favour of development that contributes to sustainable development”</i> and an additional sentence after the bullet points at section 2.29 to state, <i>“proposals which do not meet with the above criterial should require to demonstrate a positive contribution to sustainable development”</i>.</p>
Summary of responses (including reasons) by planning authority:
<p>RWE Innogy, Scottish Renewables, Banks Renewables and Vattenfall Wind Power: The Council is of the view that the wording used in criteria (ii) and (x) are appropriate as they reflect the Council’s aspirations for the overall environmental quality of the area and the fact that it wants to protect the landscape character and tourism offer of the area. However, it is accepted that this does not directly reflect paragraph 203 of SPP. The Council would have no objection if the Reporter sees merit and is agreeable to amending the wording of these two criteria to include the ‘acceptability test’ as set out in paragraph 203 of SPP. The Council is of the view that this would not significantly change the policy direction of policy OP1 as it currently stands in the Proposed Plan. For the reporter’s information, OP (ii) and (x) would be changed to read:</p> <p><i>(ii) Be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area</i></p> <p><i>(x) Ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area</i></p> <p>With regard to Scottish Power Renewables representation on policy OP1 not containing a reference to sustainable development, the Council does not agree that any changes to the policy are required in this regard as the Spatial Strategy at paragraph 2.15 of volume 1 refers to sustainable development. It is not considered necessary to repeat this in Policy</p>

OP1. The Council does not agree that a sentence to state that proposals not meeting the criteria of policy OP1 will require to demonstrate a positive contribution to sustainable development. If proposals do not comply with policy OP1, the Council should not be supporting them at all. The Council is of the view that the last sentence of policy OP1 should remain unchanged.

RSPB's support for criteria (ix) of policy OP1 is noted as is **SEPA's** support for this overarching policy.

Reporter's conclusions:

1. Policy OP1 is an overarching policy for the delivery of the spatial strategy. It is therefore a general policy applicable to all forms of development and provides a framework for development management decisions. The representations which express concern about Policy OP1 are all from wind energy providers.

Criteria (ii) and (x) of Policy OP1

3. There are two criteria that are the subject of these representations. These are that all development proposals will require to:

(ii) Be fully compatible with surrounding established uses and have a positive impact on the environmental quality of the area; and

(x) Ensure that there are no detrimental impacts on the landscape character or tourism offer of the area.

4. I note that the council has accepted that these two criteria do not directly reflect paragraph 203 of Scottish Planning Policy, and has suggested that both criteria could be altered to refer to development having "no unacceptable impacts" on the environmental quality of the area and on landscape character or tourism.

5. In view of the fact that wind energy development is likely to be a significant form of development particularly within the rural area, any general overarching policy needs to reflect how the policy would apply to such development. At the same time, it is necessary to ensure that any revised wording of the criteria within the policy remains appropriate for all other forms of development.

6. I find that using the term "no unacceptable adverse impact" would sufficiently apply to other forms of development in the context of an overarching policy. More detailed matters can be addressed within the subject policies for all forms of development. I therefore find that both criteria should be reworded in the terms suggested on behalf of the council.

Sustainable development

7. There is concern expressed in the representations that Policy OP1 does not include a presumption in favour of sustainable development, and in this context flexibility is sought within the final sentence of the policy.

8. I acknowledge the point made on behalf of the council that there is no requirement to refer to sustainable development, since this is covered within paragraph 2.15 of Volume 1

of the proposed plan. However, whilst all of the relevant criteria within Policy OP1 need to be taken into account, some of them are quite detailed, and it may be the case that the individual circumstances of particular forms of development may give rise to situations where relevant criteria cannot be met but a proposal in overall terms remains acceptable.

9. I therefore conclude that some flexibility requires to be introduced within such a wide ranging overarching policy, and that reference to a proposal's contribution to sustainable development (in the context of Scottish Planning Policy) is an appropriate means of balancing the weight which requires to be given to criteria set out in the policy. This would best be achieved by amending the introductory text to clarify the remit of the policy, and removing the last sentence of the policy which is inflexible in stating what the council will support.

10. I provide appropriate text for this in my recommendations below, which in my view maintains the overall purpose of the overarching policy, whilst allowing for the diversity of development covered by the policy, and providing flexibility with respect to the details of particular types of development.

Reporter's recommendations:

Modify the Policy OP1 as follows:

1. Replace "All development proposals will require to:" by the following:

All development proposals will require to meet the following criteria in so far as they are relevant, or otherwise demonstrate how their contribution to sustainable development in the context of the subsequent relevant policies in the local development plan and Scottish Planning Policy would outweigh any lack of consistency with the relevant criteria.

2. Amend criterion (ii) to read:

Be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area

3. Amend criterion (x) to read:

Ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area

4. Delete the final sentence of the policy.

Issue 7	Climate Change, Mitigation and Adaptation	
Development plan reference:	Climate Change, Mitigation and Adaptation Volume 1, Page 15, Paragraphs 2.31 - 2.34	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Renewables PLDP/149/1 Scottish Power Renewables PLDP/330/3 and PLDP/330/4 Natural Power: PLDP/279/2 and PLDP/279/8 Fred Olsen Renewables Ltd: PLDP/281/2 and PLDP/281/8 RSPB: PLDP/272/2&3&4 (letter of support)</p>		
Provision of the development plan to which the issue relates:	Climate change mitigation and adaptation section contained in paragraphs 2.31-2.34 of Volume 1 of the plan.	
Planning authority's summary of the representation(s):		
<p>Scottish Renewables Paragraph 2.31-2.34 discusses climate change, however, it does not mention the part that renewable energy can play in mitigating the effects of climate change, it is one of the best tools we have in mitigating climate change and we feel that this link should be made.</p> <p>Scottish Power Renewables The PLDP does not contain a chapter specifically on climate change and there is no reference to mitigation through the production of energy from carbon free sources.</p> <p>Fred Olsen and Natural Power state that paragraphs 2.31 – 2.34 discuss climate change, but do not mention the part that renewable energy can play in mitigating the effects of climate change. This is at odds with paragraphs 17, 152 and 154 of SPP.</p> <p>RSPB support this the content of paragraphs 2.32, 2.33 and 2.34, particularly the comment to protect peatland and carbon rich soils which form important carbon sinks from inappropriate development .</p>		
Modifications sought by those submitting representations:		
<p>Scottish Renewables recommends that the sections outlined above are reworded so that they recognise the contribution that renewable energy can make to sustainable development and the mitigation of climate change.</p> <p>Scottish Power Renewables 330/3& 4 Consider the inclusion of a specific climate change chapter to align with the Climate Change (Scotland) Act 2009 and its requirement on public bodies to act in the way best calculated to:</p> <p>i. contribute to the delivery of emissions targets in the Act, ii.to help deliver the Sottish Government's climate change adaptation programme, in a</p>		

way that it considers is most sustainable.

In addition, paragraph 2.32 should be re-worded to include an additional bullet point as follows:

“we will support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks”.

Natural Power and Fred Olsen Renewables

Add “seek to ensure an area’s full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets” to the mitigation list in paragraph 2.32.

Summary of responses (including reasons) by planning authority:

With regard to **Scottish Renewables, Natural Power and Fred Olsen Renewables** suggested changes, the Council does not consider that the Climate Change section needs to be reworded to take account of the role that renewable energy can play in mitigating against climate change. This is made clear both in the vision at paragraph 2.13 and within Chapter 6, Energy and Infrastructure.

Similarly, in terms of the suggestion by **Scottish Power Renewables** that a whole chapter of the plan should be dedicated to Climate Change, this is not considered necessary because as is stated at paragraph 2.31 of Volume 1, climate change matters are embedded throughout the plan and the Council is of the view that it fully meets with its obligations under the Climate Change (Scotland) Act 2009. No additional bullet point is considered necessary at paragraph 2.32 as the role that renewable energy can play in a low carbon Scotland is specifically mentioned within the LDP at paragraph 2.13.

It is noted by the Council that SPP in its overarching Policy Principles at paragraph 28-29 does not specifically mention the role of renewable energy. This further justifies the Council taking a similar approach.

RSPB’s support for paragraphs 2.32-2.34 is noted and welcomed.

Reporter’s conclusions:

1. The local development plan’s role is not to consider climate change as a subject in its own right, but rather to take into account the effect of the plan’s policies and proposals on climate change. I therefore find that there is no requirement for a separate chapter being devoted to climate change. In my view, the council has approached this matter appropriately by identifying the role of climate change, and the appropriate mitigation and adaptation that is required, in the development process. The council does this in paragraphs 2.32 to 2.34 of the proposed plan. The council has then sought to ensure that the effect on climate change is reflected within the plan’s policies and proposals.

2. However, I find that maximising the potential for renewable energy development is an important consideration, in the context of one of the key subject policies in Scottish Planning Policy. Whilst climate change is not mentioned in paragraph 154, it is clear that supporting the transformational change to a low carbon economy is a key factor in reducing the effects of climate change, and that supporting the development of a diverse range of electricity generation from renewable energy technologies is a significant part of

that. Indeed there is a complete section of the local development plan (6.1) covering the delivery of renewable energy. The fact that renewable energy is not mentioned in paragraphs 28 and 29 of Scottish Planning Policy does not outweigh its significance in the context of paragraph 154.

3. Furthermore, I find that supporting renewable energy development is particularly important in the context of paragraph 155, which states that development plans should seek to ensure an area’s full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations. It is therefore no less important than the other mitigation measures listed in paragraph 2.32 of the plan. On balance, taking into account the various text changes suggested within the representations, I conclude that the most appropriate action would be to simply incorporate text from paragraph 155 of Scottish Planning Policy, and this is reflected in my recommendations below.

Reporter’s recommendations:

Modify the plan as follows:

1. Add a further bullet point to paragraph 2.32:

- the full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

Issue 8	Placemaking: Kilmarnock	
Development plan reference:	Volume 2, Pages 18 to 23, Paragraphs 3.8 to 3.21 and Maps 2 and 3.	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr Graham Boyd (PLDP/31) Network Rail (PLDP/313/1) Sportscotland (PLDP/319/1) Killy Property (PLDP 292/1)</p>		
Provision of the development plan to which the issue relates:	The Kilmarnock placemaking section within the Local Development Plan at pages 18-23 of Volume 1 shows how Kilmarnock can become a more successful place.	
Planning authority's summary of the representation(s):		
<p>Mr Graham Boyd (PLDP/31) states that Paragraph 3.7 should not feature floodlighting or uplighting of buildings if they are not going to be maintained. Mr Boyd makes reference to some of the existing lighting features not working for more than two years and asks for these to be fixed.</p> <p>Mr Boyd is of the view that the paragraph 3.11 should require that King Street is opened up to the river as proposed within the Kilmarnock Integrated Urban Development Plan. Mr Boyd is of the opinion that the River at Sandbed Street should become a feature and the small dam near Timmer Brig should be reinstated and that the river is tidied. The buildings on Sandbed Street should also be improved.</p> <p>Mr Boyd also requests that Paragraph 3.13 proposes that the underpass at the Palace Theatre is demolished and the road level is brought back to the level at the Palace Theatre. Mr Boyd also requests that the one way system is looked at in terms of the proposals contained within Kilmarnock Integrated Urban Development Plan.</p> <p>Killy Property (PLDP/292) are of the view that given their ambitious development intentions for Glencairn Retail Park, the temporary greening identified for Site 327M: West Shaw Street in the placemaking strategy section of the Local Development Plan, will be unnecessary and should be removed from the Plan.</p> <p>Network Rail (PLDP/313/1), in relation to Paragraph 3.16, state that <i>visual and decorative improvements are something that ScotRail as the Station Franchise Operator is responsible for at Kilmarnock Station. East Ayrshire Council may wish to discuss opportunities to paint the underpass in more detail with ScotRail. As the underpass provides the quickest route between the new college and the town centre it is being used by an increasing number of the general public for non-rail access. The Council should discuss this access with the developers of the adjacent site in terms of relevant contributions.</i></p> <p><i>Network Rail is not currently funded to deliver enhancements to the underpass at Kilmarnock Station however the Department for Transport (DfT) has announced funding</i></p>		

to deliver an access-for-all (AfA) scheme at Kilmarnock Station. Due to the complexities with providing AfA at the station, a feasibility study will need to assess the most suitable option to provide compliance; longer term this may or may not have implications for the underpass. It must be noted that the AFA funding is not for making general improvements to the train station underpass.

Sportscotland (PLDP/319/1) in relation to Paragraph 3.12, state that it is important that functional provision (e.g. that part of any proposed cycle/footpath route used for active travel) is not developed in isolation from recreational walking and cycling. We therefore suggest that the Council should aim to develop an integrated network that joins up recreational and functional routes to optimise use. SportScotland recommended that the Local Development Plan includes consideration of this aim.

Modifications sought by those submitting representations:

Mr Graham Boyd (PLDP/31) requests that Paragraph 3.7 should not feature floodlighting or uplighting of buildings if they are not going to be maintained. Paragraph 3.11 should require that King Street is opened up to the river as proposed within the Kilmarnock Integrated Urban Development Plan; that the dam near Timmer Brig is reinstated; the river is tided and the buildings on Sandbed Street improved. Paragraph 3.13 should require demolition of the underpass at the Palace Theatre and that the road level is brought back to the level at the Palace theatre. The proposals for the one-way system, contained within Kilmarnock Integrated Urban Development Plan, should also be looked at within this paragraph.

Killy Property (PLDP/292) request that the temporary greening which is assigned to Site 327M: West Shaw Street, within Map 2 of the Kilmarnock placemaking section, be removed from the Local Development Plan.

Network Rail (PLDP/313/1) does not suggest any modifications to the Local Development Plan.

Sportscotland (PLDP/319/1) request that the Local Development Plan should include reference to the functional role of cycle and footpaths in terms of their contribution to active travel routes. Where relevant this could be embedded in policy objectives to ensure that any functional provision is not developed in isolation from recreational routes.

Summary of responses (including reasons) by planning authority:

The purpose of the placemaking maps is to ensure that all East Ayrshire settlements are as successful as they can be and have been prepared in line with the provisions of the Scottish Government's Creating Places document and the 6 qualities that are generally recognised as constituting a successful place. The placemaking maps also include evidence from various sources and where possible include the aspirations and projects included within the Local Community Action Plans where one has been completed. The placemaking maps all share set types of placemaking projects and these are detailed in Paragraph 3.7 of the Local Development Plan. The placemaking map for Kilmarnock takes forward these types of projects and applies them to the issues facing Kilmarnock in order to improve the town and ensure that it successful as it can be. At the time of the preparation of the Kilmarnock placemaking map, there was no Community Action Plan available although one for Kilmarnock town centre has since been published.

With regard to the comments from **Mr Graham Boyd (PLDP/31)** in relation to Paragraph 3.7, the Council would point out that there is no reference to floodlighting or uplighting of buildings within this paragraph nor is there any reference to this type of lightning within the Kilmarnock placemaking section. The Council would, however, point out that existing lighting of structures or buildings within Kilmarnock are maintained and Mr Boyd should contact the Ayrshire Roads Alliance regarding any faults to this lighting. The Council is therefore of the view that no changes are required to the Local Development Plan as a result of this representation.

In relation to Mr Boyd's representation regarding paragraph 3.11, the Council is of the opinion that opening up King Street as suggested in the Kilmarnock Integrated Urban Development Plan would be costly and difficult to implement, as would improvements to the buildings on Sandbed Street which are in private ownership. Mr Boyd has also not given any reasons why the dam should be reinstated on the River and the Council would point out that the river has been tidied up. The Council is therefore of the view that no changes are required to the Local Development Plan as a result of this representation.

The Council would agree with Mr Boyd's comments in relation to works required to provide an above ground crossing at the Palace Theatre. The Council, as stated in paragraph 3.13, will look at all options to address the problems caused by the one way system. As a result, the Council are of the view that no changes are required to the Local Development Plan in this instance.

With regard to the representation from **Killy Property (PLDP/292)**, the Council would point out that Site 327M: West Shaw Street is a vacant and derelict brownfield site which has lain in this condition since the previous Safeway superstore was demolished in 2008. The temporary greening of the site is therefore necessary and will help to mitigate against the adverse visual impact that this vacant and derelict site is having on the amenity of the area. Until such times as a development proposal comes forward for Site 327M, the Council is firmly of the view that the temporary greening proposal should remain and that no changes to the Local Development Plan should be made in this regard.

The Council duly note the comments made by **Network Rail (PLDP/313/1)**. The Council would however point out that Kilmarnock Railway Station is a key gateway into Kilmarnock and that the fabric of the underpass is in poor condition and is not welcoming. There are also mobility issues affecting access to Platform 4. The Council understand that Access for All funding has been granted to improve accessibility at Kilmarnock station and that Network Rail hope to commence feasibility and design solution for these accessibility improvements to Kilmarnock station in the near future. Accessibility improvements to the station are welcomed by the Council.

However, as the new Kilmarnock College campus opens in September 2016, it is essential that the entire railway station is 'fit for purpose', especially to ensure that the underpass is welcoming and attracts visitors to the station. Transport Scotland has recognised that a wider scheme to improve the overall environment at the underpass and the station is needed.

The Council therefore will be hosting a multi-agency meeting in the near future to which all the key stakeholders will be invited. This will establish the overall vision for the station and discuss the financial mechanisms as to how the vision can be delivered. It is therefore recognised that the Access for All funding will not deliver all of the improvements sought for the station and that a partnership approach will be required to

establish complementary funding contributions and opportunities. This is envisaged to include the Council, ScotRail, Network Rail, Transport Scotland (Scottish Stations Fund), SPT and Ayrshire College.

With regard to the representation by **Sportscotland (PLDP/319/1)**, the Council is of the opinion that paragraph 6.2.2, Policy T4 and the explanation of the term active travel within the glossary, adequately describes, promotes and safeguards all active travel routes within East Ayrshire. The Council consider that the Core Path Plan ensures that there is an integrated network that joins up recreational and functional routes to optimise use within East Ayrshire. The Council is therefore of the view that no changes to the Local Development Plan are required.

Reporter's conclusions:

Underpass at Palace Theatre

1. Volume 1, paragraph 3.13 of the proposed plan confirms the council's intention to improve the link between the Palace Theatre and the Burns shopping mall. The council has also advised that it will look at the problems caused by the one-way system. No modification to the proposed plan is required in respect of the representation.

Street lighting

2. I note the representation requesting that existing lighting features be fixed. However, maintenance of street lighting would be a matter to be dealt with by the Ayrshire Roads Alliance, rather than an issue for me to determine as part of the proposed plan.

Opening up of the riverside

3. The representation advises that Sandbed Street is Kilmarnock's oldest thoroughfare and that King Street should be opened up to the river. King Street is the town's main pedestrianised shopping street. Sandbed Street is a narrow road that runs next to Kilmarnock Water and along the rear of shops that line King Street. Flower baskets have been attached to the riverside railings and there are painted murals. Sandbed Street is also used as a service road and an area for storing refuse bins. In view of the presence of the commercial and retail premises along King Street it would be difficult to open up connections to the river to add to the existing cut through points such as Bridge Lane. Despite this I see no reason why the council should not seek to improve the environment of Sandbed Street through its objectives for the green/blue network.

4. Volume 1, paragraph 3.1 of the proposed plan acknowledges that the town centre turns its back on the river and that this should be addressed by enhancing riverside walks and providing active street frontages on to the river where feasible. I am satisfied that this intention is sufficient to allow further improvements to the riverside environment and buildings along Sandbed Street as and when opportunities are available. Restoration of any pool structures in the river of historic interest may also be further investigated by the council as part of this initiative.

Blue/Green network

5. Reference is made to the proposed extensive 'figure of 8' cycleway and footpath around the town of Kilmarnock. Sportscotland submits that the proposed plan should aim

to develop an integrated network that joins up recreational and functional routes to optimise use. I agree that it would be appropriate to emphasise this objective in the proposed plan.

Temporary greening of the phase 2 site, Glencairn retail park

6. It is submitted in the representation that, given the ambitious development intentions for the retail park the temporary greening of the phase 2 site at West Shaw Street will be unnecessary. This course of action may not be required if development proceeds in a relatively short timescale. However, I consider that the wording ‘temporary greening of these sites is encouraged’ should be retained in Volume 1 paragraph 3.20 of the proposed plan in case there is any substantive delay.

Kilmarnock station subway

7. The station subway is an access way with a low ceiling height in places and painted white with signs of water staining. I note that Network Rail has not objected to the proposed improvement of the subway, but has provided information on the funding situation. Improvement of the subway is a matter that may be resolved by the council working in partnership with key agencies and helping to secure the necessary finance. Improvements to the station as a key gateway to the town and accessibility for the public should remain an objective of the proposed plan, as part of making Kilmarnock a more successful place.

Reporter’s recommendations:

Modify the plan as follows:

1. In Volume 1, page 18, paragraph 3.12, add at the end of the paragraph: “The ‘figure of 8’ should be developed to integrate functional and recreational routes.”

Issue 9	Placemaking Cumnock	
Development plan reference:	Volume 1, Pages 6-10, Paragraphs 2.4 to 2.6: Vision Volume1, Pages 24-28, Paragraph's 3.22 to 3.35 and Maps 4 and 5: Placemaking Cumnock	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr David Elliot (PLDP/255); Ms Ruth Patterson (PLDP/306/2); Network Rail (PLDP/313/2)		
Provision of the development plan to which the issue relates:	The Cumnock placemaking section within the Local Development Plan at pages 24-27 of Volume 1 shows how Cumnock can become a more successful place.	
Planning authority's summary of the representation(s):		
<p>Mr David Elliot (PLDP/255) does not specifically object to any part of the plan, with the exception of PROP 5, Broomfield, Cumnock (which is dealt within Issue 85) but makes various statements in relation to the Local Development Plan, the Action programme and specifically in relation to the vision for the Cumnock area in terms of transportation, Cumnock Town Centre, affordable and private housing, Caponacre; economic regeneration.</p> <p>Ms Ruth Patterson (PLDP/306/2) comments on the Issue 25: Cumnock Town Centre and is of the view that the preferred option should be adopted and a suitable and realistic plan be developed and acted upon.</p> <p>Network Rail (PLDP/313/2) refers to the Council's aspirations to upgrade the old railway line from Cumnock to Lugar to a footpath. Network Rail confirms that they have no plans to reinstate the railway to Lugar at this time. The affected bridge is structurally sound but the local authority may determine that there are some aesthetic issues that could be remediated as part of this scheme if the local authority were willing to partly fund this work.</p>		
Modifications sought by those submitting representations:		
<p>Mr David Elliot (PLDP/55) representation does not specify any particular modifications to the LDP.</p> <p>Ms Ruth Patterson (PLDP/306/2) requires a coherent action plan for Cumnock Town Centre and then requires it to be followed through.</p> <p>Network Rail (PLDP/313/2) proposes no modifications to the LDP.</p>		

Summary of responses (including reasons) by planning authority:

With regard to the representation from **Mr David Elliot (PLDP/55)** the Council duly note the statements made. The Council consider that these comments cannot be addressed within the provisions of the Local Development Plan as they do not specifically relate to, object or suggest amendments to the plan (with the exception of PROP 5 which is considered within Issue 85) and cannot be considered through the examination process. The Council suggest that Mr Elliot forwards his general comments to the Councils Vibrant Communities Department, so that they can be considered as part of the preparation of the Cumnock and the Netherthird, Craigens and Skerrington Community Action Plans.

The comments made by **Ms Ruth Patterson (PLDP/306/2)** are in relation to the Main Issues Report. The Council can confirm that the preferred option was adopted and taken forward in to the Local Development Plan. The Council is of the opinion that the vision for Cumnock and the placemaking proposals will, in tandem, with the Cumnock Town Centre Regeneration Strategy provide a coherent plan for Cumnock Town Centre. The Council would also point out that there has been progress in terms of the Regeneration Strategy through the development of the offices at Rothsey House within the Town Centre, and the on-going plans for the regeneration of the Glaisnock Centre. The Council is therefore of the view that no changes to the Local Development Plan are required in this instance.

Although the Council duly notes the comments made by **Network Rail (PLDP/313/2)** they are considered to be purely for information and do not raise any specific issues that would require the Reporter to amend the Local Development Plan.

Reporter's conclusions:

1. Concerns are expressed about communication links to the south (particularly the A70), town centre regeneration (and particularly the development opportunity within the town centre at Townhead Street), the lack of major development opportunities, access arrangements for the Caponacre miscellaneous development opportunity, and the provision of new housing including open space requirements and affordable housing within housing developments.

2. The spatial strategy with respect to transport is examined within Issue 5, and I refer to the findings there. Major additional strategic road improvements (not included in the plan) would need to be considered within a future review of the plan. There is an overall policy framework for revitalising the economy, through Policies IND 1 to IND 6, together with the identification of development opportunities for business and industrial development, mixed use development and miscellaneous development, which are all part of the vision for economic regeneration of the Cumnock area.

3. There are opportunities for new housing development set out in Cumnock 1, which are intended to contribute to the housing land supply in order to meet the housing needs identified over the plan period. Furthermore, there are policies relating to new housing development, Policies RES 1 to RES 13, which include provisions relating to amenity open space and affordable housing. There is also a section of the local development plan on placemaking for Cumnock, including appropriate interventions with respect to town centre improvements, Woodroad Park, and the Caponacre Business District.

4. With respect to the specific concerns about town centre regeneration, I refer to development opportunity 024M in which the council expresses support for redevelopment

of the site to provide footfall generating uses, car parking and environmental improvements. This is required to be compatible with the placemaking plans for Cumnock and the Cumnock Town Centre. I have noted the concerns expressed about these matters, but these are essentially matters to be addressed within particular proposals through the development management process.

5. I also refer to the miscellaneous development opportunity for Caponacre, which is examined in Issue 82. Other aspects relating to accessibility are examined there, and I find that such matters, including the matters raised within this representation, should be addressed in the site brief which is recommended through Issue 82, and/or subsequently through the development management process.

6. Otherwise, I find that the matters raised are essentially matters of implementation for the action programme, masterplans or site briefs, or for subsequent consideration through the development management process. Strategic matters raised that are not addressed in the current plan are matters which should be taken into account (as appropriate) in the next review of the local development plan.

7. There is a further representation which relates to the need for a coherent action plan for the Cumnock Town Centre, which essentially covers ground already examined above. The framework for the regeneration of the town centre is set out in the placemaking principles for Cumnock, and the development opportunities set out in Volume 2 of the plan. These will be supplemented by masterplans or site briefs where appropriate, and progressed through the development management process. The action programme which is related to (but not part of) the local development plan will be regularly updated in order to provide the framework for the implementation of the proposals in the plan. I note the council's position that the preferred option from the main issues report was carried forward into the proposed local development plan.

8. Network Rail raises the council's intention to upgrade the old railway line from Cumnock to Lugar in order to provide a footpath. However, there appears to be no concern expressed about this intention, and the representation simply contains information for the council to take into account in the implementation of the scheme.

Reporter's recommendations:

No modifications.

Issue 10	Placemaking: Galston	
Development plan reference:	Volume 1, Pages 29-32, Paragraphs 3.36 to 3.44 and Map 6	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Loudoun Woods Homes Ltd (PLDP/302/2 and PLDP/302/3) Sportscotland (PLDP/319/2)		
Provision of the development plan to which the issue relates:	The Galston placemaking section within the Local Development Plan at page 29-32 of Volume 1 shows how Galston can become a more successful place.	
Planning authority's summary of the representation(s):		
<p>Loudoun Woods Homes Ltd (PLDP/302/2) state that paragraph 3.3.7 should be expanded to refer also to the significant new employment opportunities that will be created through the development of the Loudoun Castle site as a major tourism attraction.</p> <p>Loudoun Woods Homes Ltd (PLDP/302/3) object to Map 6 which shows future growth areas at Galston in the west and east only, and no future growth area identified to the north of the town on the Loudoun Castle Estate. They consider additional 'red arrows' should be added identifying an extension in this direction. This would reflect the ability of housing on the Loudoun Estate to enable the improvement works to the Castle, as well as potential additional housing on land to the south of the Estate, sitting either side of the A71. These areas would help to integrate the Loudoun Academy into the town, where it is currently very poorly related and would create a more compact urban form for the town. Engineering works would be undertaken to take this land outside of the flood plain, as part of the wider works to Loudoun Castle, so no development would be proposed within a flood plain.</p> <p>Sportscotland (PLDP/319/2) is supportive of opportunities to improve the established walking and cycling network in Galston that would increase opportunities for sport and recreation and which links the town to the Irvine Valley and beyond. It is important that any additional functional provision (e.g. that part of any proposed cycle/footpath route used for active travel) is not developed in isolation from recreational walking and cycling. We therefore suggest that the Council should aim to develop an integrated network that joins up recreational and functional routes to optimise use. SportScotland recommended that the Local Development Plan includes consideration of this aim.</p>		
Modifications sought by those submitting representations:		
<p>Loudoun Woods Homes Ltd (PLDP/302/2) state that paragraph 3.3.7 should be expanded to refer also to the significant new employment opportunities that will be created through the development of the Loudoun Castle site as a major tourism attraction.</p>		

Loudoun Woods Homes Ltd (PLDP/302/3) request that 'red arrows' are added identifying an extension to the north of Galston on the Loudoun Castle Estate. This would reflect the housing on the Loudoun Estate to enable the improvement works to the Castle, as well as potential additional housing on land to the south of the Estate, sitting either side of the A71.

Sportscotland (PLDP/319/2) request that the LDP includes a reference to the functional role of cycle and footpaths in terms of their contribution to active travel routes. Where relevant this could be embedded in policy objectives to ensure that any functional provision is not developed in isolation from recreational routes.

Summary of responses (including reasons) by planning authority:

The purpose of the placemaking maps is to ensure that all East Ayrshire settlements are as successful as they can be and have been prepared in line with the provisions of the Scottish Government's Creating Places document and the 6 qualities that are generally recognised as constituting a successful place. The placemaking maps also include evidence from various sources and where possible include the aspirations and projects included within the Local Community Action Plans where one has been completed.

The placemaking maps all share set types of placemaking projects and these are detailed in Paragraph 3.7 of the Local Development Plan. The placemaking map for Galston takes forward these types of projects and applies them to the issues facing Galston in order to improve the town and ensure that it is as successful as it can be. At the time of the preparation of the Galston placemaking map, there was no Community Action Plan available.

In relation to the representation from **Loudoun Woods Homes Ltd (PLDP/302/2)**, the Council is of the opinion that the paragraph highlights that the redevelopment of Loudoun Castle Estate represents an exciting opportunity to attract new businesses; therefore, it is implicit in the phrasing within the sentence that significant new employment opportunities will be created. The Council are therefore of the view that no changes are required to the Local Development Plan as a result of this representation.

With regard to the representation from **Loudoun Woods Homes Ltd (PLDP/302/2)**, the Council is aware that the planning application for Loudoun Castle was withdrawn by the applicant on 4th September 2015. A new planning permission in principle application is expected to be lodged in due course and is subject to a Processing Agreement between the applicant and the Council.

The Council is however of the view that it would not be appropriate to include 'red arrows' over Loudoun Castle Estate because any housing within the Estate will be rural enabling development only, not a future growth area extension of Galston. The Council is also of the view that Map 6 should not be amended to solely reflect housing on Loudoun Castle, as the Council is firmly of the opinion that the redevelopment of Loudoun Castle Estate should be in line with the provisions of Policy Rural 4 and should remain outwith the settlement boundary of Galston. Furthermore, the Council considers that the land to the South of Loudoun Castle Estate is not acceptable for residential development (this is covered in Issue 105). As a result, the Council is of the view that no changes to Map 6 of the Local Development Plan are required in this instance.

In terms of the representation from **Sportscotland (PLDP/319/2)**, the Council is of the

opinion that paragraph 6.2.2, Policy T4 and the explanation of the term active travel within the glossary, adequately describes, promotes and safeguards all active travel routes within East Ayrshire. The Council consider that the Core Path Plan ensures that there is an integrated network that joins up recreational and functional routes to optimise use within East Ayrshire. The Council is therefore of the view that no changes to the Local Development Plan are required with regard to this issue.

Reporter’s conclusions:

1. I find that paragraph 3.37 of Volume 1 of the plan identifies the opportunity that Loudoun Castle offers to Galston and East Ayrshire, and agree with the council that within the existing text, it is implicit that the re-development will bring new business and visitors, and therefore new employment opportunities, amongst other benefits.
2. Loudoun Castle is included in the Plan as a tourism development opportunity, where appropriate development will be supported and encouraged. Any residential development that might take place on the estate would be enabling development which, by its nature, does not require an allocation in a Local Development Plan (see Issue 105 for additional information).
3. Adding red arrows to indicate future growth the area between the estate and Galston, to the north of the A71, would imply that the area is a Future Growth Area, which it is not, and that the area is allocated for development in this plan or the next plan, which it is not.
4. I also find that paragraph 3.38 specifically acknowledges the issue of walking routes in Galston, and taken together with paragraph 6.2.2 on active travel and Policy T4: Development and Protection of Core Paths and Natural Routes, the role of cycle and footpaths has been adequately addressed. To include a further reference to active travel within the placemaking section for Galston would be repetitive and would not add clarity to the plan.

Reporter’s recommendations:

I recommend no modifications to the plan.

Issue 11	Placemaking: Stewarton	
Development plan reference:	Paragraphs 3.45 to 3.53 and Map 7	Reporter: Sinéad Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gladman Developments (PLDP/291/1) Sportscotland (PLDP/319/3) Mr Allan Cooper (PLDP/325)</p>		
Provision of the development plan to which the issue relates:	<p>The Stewarton placemaking section within the Local Development Plan at pages 33-35 of Volume 1 shows how Stewarton can become a more successful place.</p>	
Planning authority's summary of the representation(s):		
<p>Gladman Developments (PLDP/291/1) wish to see inclusion of land at Peacockbank Farm (as outlined in the attached location plan) as a housing allocation for Stewarton. The case for this is set out in the attached 'Planning and Delivery Statement'.</p> <p>Land at Peacockbank Farm should therefore be removed from the 'Protect the landscape setting of the town' designation on Map 7.</p> <p>Sportscotland (PLDP/319/3) are supportive of opportunities to improve the established walking and cycling network in Stewarton that would increase opportunities for sport and recreation and improve connectivity between Dunlop and Stewarton.</p> <p>However, it is important that any additional functional provision (e.g. that part of any proposed cycle/footpath route used for active travel) is not developed in isolation from recreational walking and cycling. We therefore suggest that the Council should aim to develop an integrated network that joins up recreational and functional routes to optimise use. SportScotland recommended that the Local Development Plan includes consideration of this aim.</p> <p>Mr Allan Cooper (PLDP/325) states that Stewarton is well used on the cycling circuit with many cyclists using the town on a daily basis for cycling activities. However, every road in and out of Stewarton has no pathways and there is no connection to the National Cycle Network. With the population of Stewarton growing and potentially more developments planned, as per paragraph 2.25, page 13 of Volume 1: Strategy & Policy, the town is in dire need of safe pathways and cycle-path's especially for young children.</p> <p>Pathways are required to be developed to neighbouring Dunlop but more importantly Kilmaurs. Pathways leading from Kilmaurs into Kilmarnock are sufficient for cyclists to join up with the National Cycle Network on Western Road, Kilmarnock. Mr Cooper appreciates that the main road linking Stewarton to Kilmaurs is extremely hilly and busy with heavy traffic, therefore any cycle-path could lead from Stewarton along Kilwinning Road out of the town, leading towards the junction that takes you to Chapelton. The route would need to cross the B769, however, this is a long stretch of straight road which may need traffic calming measures to assist cyclists to cross this junction. From here it's</p>		

<p>a quiet country road out to Kilmaurs.</p>
<p>Modifications sought by those submitting representations:</p>
<p>Gladman Developments (PLDP/291/1) request that Land at Peacockbank Farm should therefore be removed from the ‘Protect the landscape setting of the town’ designation on Map 7.</p> <p>Sportscotland (PLDP/319/3) state that the LDP should include reference to the functional role of cycle and footpaths in terms of their contribution to active travel routes. Where relevant this could be embedded in policy objectives to ensure that any functional provision is not developed in isolation from recreational routes.</p> <p>Mr Allan Cooper (PLDP/325) seeks an extension to the New Cycle/Footpath proposed on Map 7 to Kilmaurs utilising Kilwinning Road and Chapelton.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>The purpose of the placemaking maps is to ensure that all East Ayrshire settlements are as successful as they can be and have been prepared in line with the provisions of the Scottish Government’s Creating Places document and the 6 qualities that are generally recognised as constituting a successful place. The placemaking maps also include evidence from various sources and where possible include the aspirations and projects included within the Local Community Action Plans where one has been completed.</p> <p>The placemaking maps all share set types of placemaking projects and these are detailed in Paragraph 3.7 of the Local Development Plan. The placemaking map for Stewarton takes forward these types of projects and applies them to the issues facing Stewarton in order to improve the town and ensure that it successful as it can be. At the time of the preparation of the Stewarton placemaking map, there was no Community Action Plan available.</p> <p>In light of the representation from Gladman Developments (PLDP/291/1), the Council is of the opinion that Map 7 does not require to be altered as the land that the objector wishes to see included is not considered to be an appropriate residential development site by the Council (please also see Issue 150) and there is already a sufficient range and choice of housing land available in Stewarton to satisfy demand, as detailed within the HNDAs and the Local Development Plan. The Council is therefore of the view that no changes to Map 7 are required as a result of this representation.</p> <p>With regard to the representation by Sportscotland (PLDP/319/3), the Council is of the opinion that paragraph 6.2.2, Policy T4 and the explanation of the term active travel within the glossary, adequately describes, promotes and safeguards all active travel routes within East Ayrshire. The Council consider that the Core Path Plan ensures that there is an integrated network that joins up recreational and functional routes to optimise use within East Ayrshire. The Council is therefore of the view that no changes to the Local Development Plan are required with regard to this issue.</p> <p>In relation to the representation from Mr Allan Cooper (PLDP/325), the Council is committed to the facilitation of active travel routes; however, this is dependent on the feasibility of the route, road traffic safety issues and ultimately resources. At this present time, the Council has no plans to undertake a feasibility study on the route proposed by</p>

Mr Cooper and, as a result, it would not be appropriate to introduce a proposal within the Local Development Plan where likelihood of it being carried out within the lifespan of the plan is unknown. The Council is therefore of the view that no changes should be made to the Local Development Plan as a result of this representation.

Reporter’s conclusions:

1. Map 7 is the Placemaking Map for Stewarton, which annotates the site at Peacockbank Farm as being outside the settlement boundary, and as part of the “protect the landscape setting of the town” notation. The proposed inclusion of the site as a residential allocation within the plan has been discussed at Issue 150 of this report. As I have found that in considering Issue 150, Peacockburn Farm has limited landscape capacity for development, and it has been established that sufficient effective housing land will be available for development in Stewarton over the plan period to meet the housing land requirement.

2. I also find that paragraph 3.48 specifically acknowledges the issue of connecting routes in Stewarton, and taken together with paragraph 6.2.2.on active travel and Policy T4 : Development and Protection of Core Paths and Natural Routes, the role of cycle and footpaths has been adequately addressed. To include a further reference to active travel within the placemaking section for Stewarton would be repetitive and would not add clarity to the plan.

3. The representation considers that the LDP strategy for Stewarton is inappropriate, and fails to deliver a range of effective housing land allocations. As set out at Issues 11, 13, 140, 141, 142, 143, 144, 145, 146, 147, 148 and 149 of this examination report, I have concluded that there is sufficient effective residential land to meet the Housing Land Requirement in Stewarton and East Ayrshire. Reference is made in submissions to a shortfall in the housing land supply figure for the Kilmarnock and Loudon sub-housing market area, in which Stewarton is included. As mentioned in issue 13, I am satisfied that any shortfall may be met through the contributions of other sites that have come to light since publication of the draft plan. Moreover, it has been established that sufficient effective housing land will be available for development in Stewarton over the plan period to meet the housing land requirement.

4. An extension to the cyclepath on the Kilwinning Road, towards Chapelton and onto to Kilmaurs is sought. I find that no feasibility study has been, or is proposed to be, carried out into the delivery of this route, and so its inclusion in this plan would not be appropriate. As set out above, Policy T4 will facilitate the delivery of new routes between settlements and if a feasibility study has been prepared and the route found to be deliverable, subject to the relevant policies in the plan, then the proposed route could be included in a subsequent plan.

Reporter’s recommendations:

I recommend no modification to the plan.

Issue 12	Placemaking: Dalmellington	
Development plan reference:	Site 276H and Paragraphs 3.54 to 3.59 and Map 8	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Robert Taylor (PLDP/75)		
Provision of the development plan to which the issue relates:	The Dalmellington placemaking section within the Local Development Plan at page 36-38 of Volume 1 shows how Dalmellington can become a more successful place.	
Planning authority's summary of the representation(s):		
<p>Mr Robert Taylor (PLDP/75) is of the opinion that that a highlighted area on a map does not tell him at all about what will be built and how that may affect the local area but agrees that the village could use improvements throughout. The Local Development Plan also does not mention the future of schools or community assets such as the library, community centre, etc. and Mr Taylor is of the view that improvements to walking routes seem like cheap, quick and easy improvements that will cost the Council a minimum to carry out. It may attract visitors occasionally but the most important factor for the plan is to increase the desire to live in a deprived rural area. In Mr Taylor's opinion no number of new walking routes will change that.</p> <p>Mr Taylor questions the demand for housing within Dalmellington and is of the opinion that recent developments in the village have been partially completed and abandoned for many months due to no demand. Mr Taylor also asks questions on how affordable housing is determined; what will be the tenure of the houses and prices of the houses. Mr Taylor also refers to the stagnation of the market in Dalmellington. Mr Taylor concludes by stating that the village needs to be improved first in order to increase demand and attract potential buyers from out with the village.</p> <p>In relation to Site 276H: Sillyhole, Mr Taylor states that any period of heavy rain results in the field being a swamp and it is adjacent to a burn. Mr Taylor wishes to know if the site will be properly banked and the ground raised.</p> <p>Mr Taylor states that the Local Development Plan does not mention education issues with regard to Doon Academy. Mr Taylor also raises transport issues in relation to the A713 and requests that the road is upgraded and the speed bumps are removed. Mr Taylor also raises issues with road to Burnton in terms of congestion and road lining and raises similar issues with the roads that connect Patna and Dalmellington to Cumnock and New Cumnock, as well, as the maintenance of the roads.</p> <p>In terms of bus routes, Mr Taylor comments that the Dalmellington to Ayr service does not fully serve the village. Although Mr Taylor understands that public transport is not within the remit of the Council, improvement to the service would be more likely to be implemented with Council support.</p>		

Modifications sought by those submitting representations:

Mr Robert Taylor (PLDP/75) requests that the Local Development Plan incorporates the following improvements within the placemaking section on Dalmellington:

- Encourage more social activities such as having local colleges hold night classes within the village, encourage sports and social groups by investment and support, build picnic areas with fire pits or barbecues. Landscape an area into a park. Install soft running tracks, benches, flowers, etc. Increase pride in the village and encourage improvement by investing and using the support from volunteers;
- Provide superfast broadband within the village;
- Increase mobile phone network coverage; and
- Mention the Community Centre, Cathcartston Museum or Library in the development plan. These areas are currently undergoing Community Asset Transfer and the use of these buildings in the future is not certain. However, establishing the Council's plans for these areas as well as how it will affect the full plan would show confidence and a clear vision.

Summary of responses (including reasons) by planning authority:

The purpose of the placemaking maps is to ensure that all East Ayrshire settlements are as successful as they can be and have been prepared in line with the provisions of the Scottish Government's Creating Places document and the 6 qualities that are generally recognised as constituting a successful place. The placemaking maps also include evidence from various sources and where possible include the aspirations and projects included within the Local Community Action Plans.

The placemaking maps all share set types of placemaking projects and these are detailed in Paragraph 3.7 of the Local Development Plan. The placemaking map for Dalmellington takes forward these types of projects and applies them to the issues facing Dalmellington in order to improve the town and ensure that it successful as it can be. The Dalmellington Community Action Plan has partly formed the basis for the projects proposed for the town.

With regard to points made by Mr Taylor on the lack of detail within the Dalmellington placemaking map, the Council considers that both the placemaking map and Volume 2 of the Local Development Plan details what types of developments are acceptable within the village and adequately conveys what will be built within the area. The Local Development Plan also details the information that developers are required to provide alongside an application for planning permission to ensure that there are no detrimental impacts on the village.

In relation to the comments by Mr Taylor on walking routes, the Council is of the view that by providing new walking routes within Dalmelington, as proposed in the placemaking map, the village will become more attractive to visitors and improve the range of recreational facilities on offer for residents, future residents and visitors respectively. The Local Development Plan, however, cannot encourage more social activities as sought by the modifications proposed by Mr Taylor. These modifications should be addressed through discussions with East Ayrshire Leisure Trust or as part of any review of the Dalmellington Community Action Plan. The Council suggest that Mr Taylor writes to the Leisure Trust and/or the Councils Vibrant Communities Department in this regard.

With regard to the comments made by Mr Taylor that the Local Development Plan does not mention the future of schools or community assets such as the library, community centre; the Council would point out that it is not possible to list every detail of what goes on in a community within the Local Development Plan as this can change on a regular basis. The Council is also of the view that the Local Development Plan is not the proper place to discuss education issues as raised by Mr Taylor. The Local Development Plan is simply required to ensure that schools can accommodate the level of growth proposed.

The Council would point out that the Local Development Plan reflects the proposals contained within the Dalmellington Community Action Plan, but does consider that an amendment to the placemaking section should be made to make reference to Community Centre and the Library. The Council would therefore have no objection if the Reporter is agreeable to an amendment and considers that a change to Dalmellington placemaking section is required in this regard. The Council suggest that the last sentence in paragraph 3.55 on Page 36 of Volume 1 of the Local Development Plan is amended as follows (amendments are in bold):

*“The town itself is home to the Doon Valley Museum which focuses on mining and how it has affected communities, **as well as, providing important community facilities such as the Dalmellington Community Centre and the Dalmellinton Community Library.**”*

With regard to the comments by Mr Taylor on the lack of demand for housing within Dalmellington, the Council would accept that the housing market has slowed down within the Doon Valley housing market area due mainly to the economic downturn and that recovery has been slow. The Council, however, would point out that SPP requires the Council to maintain a 5 year effective housing land target within East Ayrshire and that the housing sites proposed within Dalmellington are considered to fulfil this requirement. The Council disagrees with Mr Taylor’s views that these housing sites would require to be filled with Council tenants.

In relation to comments on affordable housing, the Council would point out that the Housing Supply Target within the Local Housing Strategy sets the affordable housing targets for East Ayrshire and shows that there is a shortfall within the Doon Valley area. The Local Housing Strategy and the Strategic Housing Investment Plan (SHIP) identify how the shortfall will be addressed and the Local Development Plan shows where affordable housing sites should be delivered and located. The Council consider that Mr Taylor’s questions on the tenure and prices of affordable housing units is not relevant to the Local Development Plan or the consideration of Mr Taylor’s representation and therefore should not be considered as part of the examination.

The Council disagree with the Mr Taylor’s view that residents of Dalmellington have no desire to purchase private homes when they can access Council or other socially rented homes. The Council is of the view that there is a market for private purchases within Dalmellington and that no subsidies from the Council are required to encourage the sites allocated for residential development in Dalmellington to be constructed.

With regard to Mr Taylor’s specific comments on Site 276H: Sillyhole, the Council would point out that the Local Development Plan requires a flood risk assessment to be provided alongside the submission of the planning application to address the potential flooding issues on the site.

With regard to Mr Taylor’s comments on transport issues, the Council would point out that the Ayrshire Roads Alliance is responsible for the maintenance and function of the local

roads within East Ayrshire and that this is not an issue for the Local Development Plan to address, likewise, is the lining of roads and the removal of speed bumps. The Ayrshire Roads Alliance has also not raised any issues regarding access to Burnton.

In terms of the bus routes within the village of Dalmellington, the Council cannot insist that the public transport operators ensure that every part of the village is served by a public transport route, but the Council will ensure that any new development sites are within an acceptable walking distance of a public transport route. The Council has required, through the Strategic Environmental Assessment, that the developers of sites 224H: The Glebe and 276H: Sillyhole investigate the possibility of extending bus services to these residential development sites, as they are not within reasonable walking distance of a public transport route.

With regard to the provision of superfast broadband and increased mobile phone coverage, the Council would point out that they have no control over the investment in mobile phone coverage within the area. In terms of the provision of superfast broadband, the Council would point out that the Scottish Government's step change 2015 project will see Dalmellington benefit from investment in this technology.

The Council is of the view that no further changes are required to the Local Development Plan as a result of Mr Taylor's representations.

Reporter's conclusions:

1. The proposed plan's placemaking exercises, including for Dalmellington, follow Scottish Government advice on creating successful places. The Dalmellington placemaking section in the plan has, in part, drawn on the Dalmellington Community Action Plan in doing so.
2. A slow recovery from the economic downturn has affected the housing market in Dalmellington, but that does not necessarily mean that there is no potential for future demand in the market housing sector. It would be for private sector developers to assess market conditions at the appropriate time before investing in new construction. The council considers that there will be such a market and I have insufficient evidence to deny that. The Local Housing Strategy indicates a shortfall of affordable housing in this area so it is appropriate for the plan to seek to meet that as far as possible.
3. Proposals for improved walking routes around the village represent a legitimate way to upgrade recreational facilities for both residents and visitors and to help make the village a more attractive place to visitors as well as potential new residents.
4. A number of points raised in Mr Taylor's representation fall outwith the scope of a local development plan and of the placemaking exercise and maps within the plan. These include his points relating to: social activities; education issues; roads; public transport; broadband; and mobile phone coverage. In its response, the council has indicated ways in which Mr Taylor might take some of these matters forward.

Reporter's recommendations:

No modifications.

Issue 13	Housing Land Supply	
Development plan reference:	Volume 1, Section 4.1	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Loudoun Woods Homes Ltd: PLDP/302/4; Strathearn Estates: PLDP/12/2; Gladman Developments: PLDP/291/2 Springfield Properties: PLDP/286/5 Springfield Properties: PLDP/286/6 Allanvale Land Investments: PLDP/326/1 William Smith et al: PLDP/11/1 Mactaggart & Mickel: PLDP/271 Mansell Homes PLDP/276/1 Taylor Wimpey and AWG PLDP/106/1 Mr Robert Lindsay: PLDP/46/1, PLDP/46/2, PLDP/46/3 Scottish Government: PLDP/331/2;</p>		
Provision of the development plan to which the issue relates:	Volume 1, Section 4.1, Enabling New Housing, paragraphs 4.1.1 - 4.1.17 (Including Tables 1 & 2) sets out how market and affordable housing land requirements are calculated.	
Planning authority's summary of the representation(s):		
<p>In relation to the Council's strategy of going for a modest growth scenario, Loudoun Woods Homes Ltd states that the chosen strategy for growth may not assist EAC in its economic strategy and will not be able to reflect any upturn in the economy which would result in an undersupply of housing. For this reason, additional housing allocations should be provided, including that to the north of Galston on the Loudoun Castle estate. It is stated that paragraphs 4.11-4.19 need to recognise the housing proposed to enable the works to Loudoun Castle as promoted by the Proposed Plan.</p> <p>Strathearn Estates agrees with the "modest" growth approach set out in paragraphs 4.1.4 – 4.1.6 of Volume 1 and the consequential modest ambition for additional greenfield releases. It is, however, noted that there is a shortfall of 188 units in the Kilmarnock and Loudon sub-HMA and that the Council proposes to leave meeting this shortfall to windfall sites and that it has chosen not to allocate sites to secure an effective land supply in the Local Plan area, which meets calculated need.</p> <p>It is not acceptable that the shortfall should not be met by additional allocations to the level of 188 units at least. It is not in the spirit of National Planning Policy that windfall be relied upon, especially in the context of a recognised governmental drive to provide significantly more housing in Scotland as a whole. Strathearn Estates puts forward the site at Northcraig Reservoir as a way of partly meeting this shortfall of land in the Kilmarnock and Loudoun sub housing market area.</p> <p>Gladman Developments The MIR preferred option was the Modest Growth Scenario, with a 20% generosity allowance added for the Kilmarnock and Loudon sub housing</p>		

market area (Including Stewarton). Gladman supports the inclusion of a 20% generosity allowance in line with the requirements of Scottish Planning Policy (SPP). Gladman objected strongly to the modest growth option at the MIR stage, and maintain that position here, particularly in light of the rolling forward of existing housing allocations.

Whilst it is understood that the Council need to be realistic in their approach to this issue, if the Council has genuine confidence in their ambitions to transform East Ayrshire then this should be reflected in a more optimistic growth projection.

The housing requirement should be calculated independently based on a pro-growth scenario that reflects the Council's long term vision and then a generosity allowance applied to create extra flexibility. The Council has instead used the generosity allowance as an excuse to be restrictive in their housing land requirement and discredit the need to plan for higher growth.

With regard to Paragraph 4.1.10 Market Housing and Table 1, **Springfield Properties** (PLDP/286/5) is concerned that the Kilmarnock and Loudoun sub HMA is showing a 188 unit shortfall for the period to 2025. This is relatively small when considered across a 12 year period (15.6 homes per year) however it is still an unnecessary shortfall. The site that Springfield Properties is promoting for development, site 148H, has a higher capacity than is recognised within its current LDP allocation. The identification of greater capacity for the site at Maxholm Road would reduce the shortfall to only 68 homes across the period (5.6 homes per year) which is more acceptable. This is presuming that the site is developed for private homes (which is in keeping with its current designation in the Draft Plan).

Allanvale Land Investment notes that the Proposed Plan identifies a shortfall within the Kilmarnock & Loudon housing market area of 188 houses up to 2025, and no allocations have been made to accommodate this additional housing land requirement. We understand that East Ayrshire Council seek to rely on windfall housing to generate additional housing supply; however, in the spirit of Scottish Planning Policy and the Chief Planner's letter regarding the provision of effective housing land supply, a generous supply of land for housing should be identified in the development plan to ensure that housing land requirements can be met within the timescales of the LDP. In this regard Allanvale is of the view that Future Growth Area 3 should be a formal housing opportunity under policy RES 1.

Mr William Smith et al Looking at the sub-market housing area of Kilmarnock and Loudoun, the Council, on page 41 of Volume 1 of the Proposed Plan concedes there is a shortfall of 188 units. It is not appropriate, based on a number of factors, to assume windfall as it is not in the spirit of National Planning Policy and, certainly not current Government thinking. A site at Lainshaw Estate will partly meet this shortfall site and it is entirely appropriate to allocate a significant part of this shortfall in Stewarton, where the market exists for housing.

Mactaggart & Mickel state that the Main Issues Report that preceded the Proposed LDP presented three potential scenarios for housing land – Modest Growth, Stable Population and Higher Growth. The MIR recommended that the Plan should adopt the Modest Growth Option as it 'fits well with the MIR vision of attracting more people and jobs to East Ayrshire without being too ambitious' and discounted the Higher Growth Option as whilst it 'fits with the Council's vision for population growth, it is considered that on balance the 8% growth rate is less likely to be achievable given the recent rates of private

housing completions’.

Mactaggart & Mickel consider that the LDP should be ambitious and that the Higher Growth scenario can be adopted and/or that housing allocations at Kilmaurs should be disaggregated under the Modest Growth scenario, and for the Standalane, Kilmaurs site to be added.

Mansell Homes is promoting a site at land to the south of Fulton’s Crescent, Fenwick as a housing opportunity suitable for 26 houses and 2 commercial units. They note there is a shortfall of 188 units in the Kilmarnock Housing Market Area (table 1, para 4.1.10) and state that this site could assist in meeting this shortfall.

Mansell Homes further notes that there is an error in this table whereby the existing capacity of units is shown as 3641 units in the table, this should have been 3441 units.

Taylor Wimpey and AWG: Whilst the LDP has adopted the ‘modest growth scenario’, the generosity allowance has been diluted over the whole Council area. A 20% allowance has been added to the Kilmarnock and Loudoun sub HMA but has not been applied to the Cumnock and Doon Valley market areas. This has the effect of diluting the generosity allowance to 10% over the whole Council area. Consideration should be given to weighting this allowance to those areas where there is greatest pressure and potential as the LDP does not make sufficient provision in this regard. The market housing requirement set out in Table 1 under paragraph 4.1.10 assumes that all land capable of development with no allowance for slippage. In this regard it is assumed that 3641 units in the Kilmarnock and Loudoun sub HMA will come forward during the LDP period. Taylor Wimpey and AWG consider this to be an unrealistic option to adopt. An allowance should be made for sites not to come forward and to assume all these units can be provided during the Plan period has the result of deflating any shortfall provision. In addition, the LDP does not proposed to allocate any additional significant allocations in the Kilmarnock and Loudoun sub HMA, instead leaving the shortfall to be accommodated by an unidentified number of ‘windfall’ sites. This could lead to an oversupply of housing land, particularly in the Kilmarnock and Loudoun area. The housing allocations set out in the LDP are not adequate as they do not provide a robust basis for providing an effective and generous housing land supply.

Mr Robert Lindsay objects to the reliance on a Modest Growth Scenario in calculating the Housing Supply Target and is of the view that a Higher Growth Scenario should be adopted and considers that the Councils approach is contrary to SPPs requirement for a generous supply of housing.

Mr Lindsay states that Private Sector Housing Completions in East Ayrshire as a whole in the past 10 years (2004-2013) amount to some 4612 units which results in an annual completion rate of 461 units. In 2006 the number of units completed was 783. The Council’s suggestion that the annual supply target should be less than the average of what has been provided during the past ten years is deeply worrying and may not, in our opinion, provide for a generous supply of housing land.

He is also of the view that the generosity allowance of 20% should be applied across all sub HMAs, not just Kilmarnock and Loudoun.

Scottish Government

1) Housing Land Requirement (HLR) / Housing Supply Target (HST)

Table 1 (Page 41) appears to identify a housing land requirement shortfall for East

Ayrshire as a whole. Page 30 of SPP requires that LDPs out-with city regions set out the number of homes to be built (HST) and add a generosity margin (between 10 and 20%) to give the Housing Land Requirement (HLR). The Plan therefore does not meet the SPP requirement for a generous supply of land for housing.

Paragraph 115 of SPP states that Housing Supply Targets ‘should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence’. To determine the HST, factors as set out in the HNDA Manager’s Guide and the LHS guidance should be considered. For the affordable housing element of the HST this includes the amount of funding that is likely to be available. When all of these factors have been considered, the resulting figure is the HST on which the HLR is based. It is not clear from Table 1 where the figures derive from and what they represent, for example, the terminology Housing Supply Target and Housing Land Requirement is not used. It is unclear what is referred to by ‘requirement’.

Paragraph 4.1.13 refers to meeting the shortfall in the Kilmarnock and Loudoun sub HMA through miscellaneous opportunity sites as well as windfall sites. Paragraph 117 of SPP states that any assessment of the expected contribution to the HLR of windfall sites must be realistic and based on clear evidence from past completions and sound assumptions about likely future trends.

2) Affordable Housing

The Plan cites HNDA affordable housing estimates. However, it is unclear how they were translated into the affordable HST (paragraph 4.1.15).

3) Generosity – Affordable Housing

Para 116 of SPP states that within the overall Housing Supply Target, ‘plans should indicate the number of new homes to be built over the plan period. ‘This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan’.

We note that no generosity allowance has been added to the HLR for the affordable housing element of the HST. This is not consistent with SPP. It should be noted that if HSTs are realistic and deliverable, adding generosity should not pose a substantial issue.

Modifications sought by those submitting representations:

Loudoun Woods Homes Ltd wants the inclusion of reference to proposed housing at Loudoun Castle that would be built to enable the works to the Castle. Additional allocation of housing land is also requested at land to the north and south of the A71 to the north of Galston, south of the Loudoun Castle estate.

Strathearn Estates object to the proposed Local Development Plan and seek that the Adopted Plan zones the site at Northcraig (former reservoir) within Policy Kilmarnock 1 as a housing site with a capacity of up to 200 units. In the event that either East Ayrshire Council or the Reporter do not agree with the objection, they would seek the site identified under Kilmarnock 2 for future growth 2025 – 2035 in preference to the location currently proposed FGA2 and FGA3.

Gladman Developments state that the Council should look to allocate additional housing

allocations to support a higher growth scenario. Gladman is promoting land a Peacockbank Farm, Stewarton for residential development. This site is in a sustainable location and is deliverable in the short term. The site should be allocated for housing in the LDP to augment the effective housing land supply.

Springfield Properties

The site that Springfield Properties is promoting for development, site 148H at Maxholm Kilmarnock, should be identified as having a higher capacity of circa 230 units as it has a higher capacity than is recognised within its current LDP allocation. The identification of greater capacity for the site at Maxholm Road would reduce the shortfall identified in Table 1 of volume 1 of the Proposed Plan to only 68 homes across the period (5.6 homes per year) which is more acceptable. This is presuming that the site is developed for private homes (which is in keeping with its current designation in the Proposed Plan).

Allanvale Land Investments seeks the promotion of Site FGA3 as a Housing Opportunity site under Policy RES 1 suitable for 250 units in order to meet the shortfall of housing land identified in Table 1 of Volume 1 of the proposed plan.

Mr William Smith et al are of the view that the Adopted Plan should zone the 6 hectare site at Lainshaw Estate (incorporating the former egg processing factory) within Policy Stewarton 1 as a housing site with a capacity of 100 units in order to partly meet the 188 unit shortfall identified in the Kilmarnock and Loudoun sub Housing market area.

Mactaggart & Mickel consider that the LDP should be ambitious and that the Higher Growth scenario can be adopted and/or that housing allocations at Kilmaurs should be disaggregated under the Modest Growth scenario, and for the Standalane, Kilmaurs site to be added.

Mansell Homes wishes to see the site to the south of Fulton's Crescent, Fenwick promoted as new housing opportunity under policy RES 1 in the Proposed Plan for 26 units plus a community based commercial development opportunity.

Taylor Wimpey and AWG The provision of housing should not be left to un-specified 'windfall' sites and in this regard the LDP should allocate sites for the identified shortfall in Table 1.

Mr Robert Lindsay is firmly of the view that the annual supply target should be increased to reflect, at the very least, the annual average completion rates which have been achieved during the past 10 years quoted by them but it should also give some cognisance to the highest annual completion rates achieved during the course of the same period. He therefore recommends that the HST Target which is presently identified as 434 units should be increased to 500 units.

Forecasting mechanisms and identification of housing requirement should be consistent in all three Housing Market Areas.

With regard to Table 1, the Housing Supply Target should be increased for the Council Area as a whole to 500 units per annum resulting in a 12 year requirement of 6000 units across the Council Area. Applying a 20% generosity factor increases the overall requirement in the period up to 2025 to 7200 units.

60% of these 7200 should be assigned to the Kilmarnock and Loudoun Sub-Housing

Market Area with 30% and 10% assigned to the Cumnock and Doon Valley Areas respectively resulting in the following requirements to 2025:

East Ayrshire as a Whole – 7200 units
 Kilmarnock and Loudoun Sub Market – 4320 units
 Cumnock Area Sub-Market – 2160 units
 Doon Valley – Sub Market Area – 720

Deducting the programmed completions from the above figures results in significant shortfalls across all areas.

The Scottish Government

1) Housing Land Requirement (HLR) / Housing Supply Target (HST)

- The Plan should be amended to provide a Housing Land Requirement that provides a generous supply of land for housing (based on the HST). The Plan should provide an overall HST that takes into account all factors and is realistic and deliverable. The Plan or supporting documentation should clearly identify what factors were considered in arriving at the HST.
- We would recommend that Table 1 be amended to clearly identify/label the Housing Supply Target (separated into affordable and market sector) for each functional housing market area and the Housing Land Requirement. Explanation should be provided in the Plan or supporting documentation to demonstrate where the figures have derived from/the process undertaken in arriving at these figures.

2) Affordable Housing

- We would recommend that the Plan set out or make reference to the document that does set out the reasoning and process undertaken in arriving at the Affordable Housing HST from the HNDA figures.

3) Generosity – Affordable Housing

The HST (as agreed by planning /housing and stated in the LHS) is 100 units for affordable housing per annum. We would therefore expect the LDP to provide a generous supply of land (+10/20%) to ensure delivery of the HST.

Summary of responses (including reasons) by planning authority:

A large number of the representations relating to housing land supply mention the fact that there is a shortfall of 188 units in the Kilmarnock and Loudoun sub housing market area. As is stated in paragraph 4.1.13 of Volume 1, the Council remains of the view that this can be met by windfall developments and by the development of various miscellaneous development opportunity sites.

As is set out in the Council’s Monitoring Statement published alongside the Council’s Main Issues Report in 2012, between the years 2003 and 2011, an average of 33% of overall completions took place on windfall sites. Given that average completions amount to around 344 units per annum, windfall could amount to well over 100 units every year. The Council has, however, steered away from including a ‘windfall element’ in its LDP housing land calculations in order to give greater certainty to developers. However, it is clear that windfall development forms a significant part of the housing land supply in general.

It is further noted by the Council that since publication of the proposed plan, the

capacities of certain sites in Stewarton and Kilmarnock have increased as a result of planning applications received and/or decided by the Council and by appeal decisions made by the DPEA and that these increases result in the shortfall of 188 units already being met in full. Whilst these sites are not strictly windfall or miscellaneous development opportunity sites, they nevertheless represent an addition to the housing land supply within the East Ayrshire Housing Market Area and illustrate how easily the shortfall identified within this sub HMA can be met.

These sites are as follows:-

Site 355H Draffen East, Stewarton capacity 100 units – this site was granted consent by Planning Committee in June 2015 for 150 units (planning application reference 14/0903/AMCPPP) resulting in an additional 50 units being added to the land supply.

Site 356H Dunlop Road, Stewarton – a planning application has been lodged by Persimmon Homes for 228 units on this site and an adjacent unused field. Whilst consent has not yet been granted, the layout and density is considered acceptable in principle by the planning officers and it is likely that it will be recommended for approval. If granted consent, this would result in 98 additional units above the capacity indicated in Volume 2 of the Proposed Plan. If considered appropriate or necessary, the Reporter may wish to consult with the planning authority during the Examination to determine whether a consent for this site has been issued and to confirm what the updated capacity of the site might be.

Site 318H, Fardalehill, Kilmarnock – this was granted planning permission through appeal in May 2012 for 550 units. Whilst this increase of 100 units was not captured in the proposed plan in error, this site nevertheless has planning consent for this amount of homes.

In total, the above three sites provide an example of how 248 units could potentially be added on to the housing land supply and that the approach set out in paragraph 4.1.13 is a valid one. Whilst one of these sites (356H) did not have consent at the time of writing, a consent on this site is likely to be issued before December 2015. These additional 248 houses would more than meet the shortfall in the Kilmarnock and Loudoun sub HMA. Even without the additional 98 units at site 356H, these recent consents would reduce the shortfall to only 38 units.

These three sites would not, however, help to meet the shortfall identified in both the Cumnock and Doon Valley sub-HMAs. The Council stands by the justification for the shortfalls in the Cumnock and Doon Valley sub-housing market areas set out in paragraphs 4.1.11 and 4.1.12 in that completions over the past 12 years have amounted to far less than the housing requirements expressed in the HNDA and the subsequent Housing Supply Target as set out in the LHS. The Council considers that the land currently identified in the Proposed Plan is more than sufficient to meet demand in these areas and that the HNDA in particular over estimated demand in these areas. This was then reflected in the Housing Supply Target in the LHS. The **Scottish Government** also points out that a generosity margin of 10-20% should be added to the overall housing supply target to ensure that a generous supply of housing is identified in the LDP. The Council remains firmly of the view that adding generosity to the Cumnock and Doon Valley sub HMAs would be a fruitless exercise as in reality there is already flexibility and generosity in the land supply as the capacity of sites identified in the proposed plan in these areas is significantly higher than long term average past completions. This is set

out in full within paragraphs 4.1.11 and 4.1.12 of the plan. Discussions with representatives of the house building industry have indicated that future completions in these areas are unlikely to increase over the period of the LDP. It is pointed out that identifying a 20% generosity allowance in the Kilmarnock and Loudoun sub HMA equates to a 12% generosity allowance across the whole of the East Ayrshire Housing Market Area which meets with the requirements of SPP.

The **Scottish Government's** representation on affordable housing states that the HST for Affordable Housing should have a generosity allowance attached to enable it to be formally defined as a HLR in line with SPP. It is also pointed out in their representation that the Plan should set out or make reference to the document that sets out the reasoning and process undertaken in arriving at the Affordable Housing HST from the HNDA figures.

The LHS contains a section on the HST for new build affordable housing at paragraphs 7.14 to 7.30. There is, however, no specific methodology set out as to how the HST of 100 units per annum was arrived at. Rather, it was more of an estimation using average past completions (which amount to an average of 71 units per annum over the past 12 years) plus an allowance for any new units that will be delivered by the new LDP affordable housing policy. 100 units was considered by the Council to be a realistic level to aim for. It is difficult to plan with certainty the level of grant funding that will be available given the short term allocations currently issued by the Scottish Government. At this time the Council can only accurately plan anticipated output three years ahead.

It is considered that the addition of a generosity allowance of 10% would have minimal impact on the affordable housing calculation. Table 1 already shows a shortfall of affordable housing, which as paragraph 4.1.16 states, will be met through a combination of windfall sites arising over the period of the local plan and additional sites that will be identified and taken forward through the SHIP during the years 2020-2025. An additional generosity allowance would simply increase this shortfall. However, on balance, the Council remains of the view that this is unnecessary given the uncertainty over future funding streams and the fact that historic completion rates are 71 units per annum. The Council is therefore of the view that the affordable housing HST should form the HLR. This can be revisited in the next review of both the Local Housing Strategy and the EALDP. No changes to the plan are considered necessary in this regard.

Strathearn Estates, Gladman Developments, Springfield Properties, Allanvale Land, William Smith et al, Mansell Homes, Taylor Wimpey and AWG all use this shortfall of 188 units to justify inclusion of or an increase in capacity of a site that they are promoting within the Kilmarnock and Loudoun sub HMA. For the above reasons the Council does not consider it necessary to change the plan to include these sites as the shortfall has effectively already been met as per paragraph 4.1.13 of the plan. All other site specific reasons for not including these sites which are not related to identified shortfalls are contained within the Schedule 4 sheet for these individual sites or is noted below.

With regard to the comments by **Loudoun Woods Homes Ltd** and **Gladman Developments and MacTaggart and Mickel**, the Council is satisfied that the modest growth scenario is the correct growth strategy to aim for. A higher growth scenario is considered to be too optimistic, particularly in the southern part of East Ayrshire where it will be difficult to achieve even the modest growth scenario as can be seen from completion trends over the past 12 years. Private house completions in East Ayrshire as a whole have remained relatively low since the economic downturn in 2008/2009 and whilst some of the larger sites are now progressing, the Council is of the view that

completions will not increase so significantly as to justify going for a higher growth option. Such a course of action would likely lead to an oversupply of housing land over the plan period. If the housing market picks up significantly, the housing growth option can be reviewed as part of the next LDP review. In this regard it is not necessary to add any new sites to the LDP.

In terms of **Loudoun Woods Homes Ltd** request that additional land is identified to the north of Galston at Loudoun Castle, the Council is of the view that land should not be allocated there because it is located within the Rural Protection Area in an isolated location and because it constitutes rural enabling development. Such sites are generally not identified as housing sites in the LDP. (The issue Loudoun Castle Estate and the non-inclusion of land to the north and south of the A71 near the Loudoun Castle Estate is dealt with in issue 105)

With regard to **Strathearn Estates'** representation, Northcraig Reservoir is not considered appropriate for residential development at this time for either the period 2015-2025 or as a future growth area to replace FGA 2 or 3, the full reasoning for which is provided in Issue 111 – Kilmarnock North and Issues 116 and 117 relating to FGA 2 and FGA 3.

The Council does not agree with **Gladman Development's** view that the generosity allowance has been used as an excuse to be restrictive in the housing requirement or to discredit the need to plan for higher growth. Additional flexibility is added through the generosity allowance in those areas where it is considered that flexibility is required.

Gladman Developments is seeking the inclusion of Peacockbank Farm, Stewarton as a way of supporting a higher growth scenario. The Council does not agree that the inclusion of this new site is necessary particularly within Stewarton where significant housing allocations currently exist. Further allocations are likely to lead to an oversupply of land in Stewarton. (The non-inclusion of land at Peacockbank Farm Stewarton is also dealt with in Issue 150)

Springfield Properties is seeking the capacity of site 148H at Maxholm to be increased. Site specific reasoning for the Council not agreeing to increasing the capacity of Maxholm is provided at Issue 113)

In their representations, **Allanvale Land** and **William Smith et al** put forward their respective suggested sites (Future Growth Area 4 as identified in the Proposed Plan and a site a Lainshaw Estate, Stewarton) in order to meet shortfalls in the Kilmarnock and Loudoun sub HMA. It is not considered necessary to change the status of FGA4 to a formal housing opportunity site or to identify a new site at Lainshaw Farm, Stewarton for reasons set out above. (The non inclusion of FGA 4 as a formal housing opportunity is also dealt with in Issue 145 and the non-inclusion of this site at Lainshaw Estate, Stewarton is dealt with under issue 147.)

Similarly, **Mansell Homes** are putting forward a site south of Fulton's Crescent, Fenwick as a way of meeting the identified shortfall of 188 units in the Kilmarnock and Loudoun sub-HMA. The Council acknowledges that there was a typographical/arithmetical error in Table 1 of the Proposed Plan. The capacity of land in the Kilmarnock and Loudoun sub HMA should have read 3441 units and not 3641 units. The Reporter may wish to amend Table 1 to correct this error. (Note that the non-inclusion of this site at Fulton's Crescent, Fenwick is dealt with separately under issue 96)

The Council does not agree with **Taylor Wimpey and AWG's** view that the generosity allowance has been diluted over the whole Council area. A 20% generosity allowance has been added to the Kilmarnock and Loudoun sub HMA because it is considered that additional flexibility is required in this area as it is under greater pressure for development. Generosity has not been added to the Cumnock Area and Doon Valley areas because the completions over the past 12 years within these areas amount to only 52% of the housing supply target for these areas and sufficient land is identified to meet 91% of this housing supply target. There is clearly already flexibility built into the supply in these areas and additional flexibility is not required. This does not constitute a dilution of generosity, it means that generosity is added where necessary and omitted where unnecessary. Contrary to the view of Taylor Wimpey and AWG, the Council is of the view that weighting has been applied to those areas of greatest pressure, that is, 20% generosity in the Kilmarnock and Loudoun area.

With regard to **Mr Robert Lindsay's** representation, the Council does not agree that a higher growth scenario should be pursued. The statistics that Mr Lindsay uses as evidence to support his view are incorrect. EAC's records show that over the past 10 years, private housing completions have totalled 3441 units giving an average of 344 units per annum whilst Mr Lindsay's statistics point to an average of 461 units. The Council is of the view that the completions data used in this representation are incorrect and cannot therefore be relied upon to justify a higher growth rate.

Mr Lindsay has suggested the HST be raised to an arbitrary 6000 units over the period of the local plan and that a 20% generosity allowance is added to this to raise the HLR to 7200 units. This approach is not considered to be consistent with SPP as this higher proposed HST is not in line with the Local Housing Strategy. In addition, past completions average only 348 per annum over the past 12 years. Mr Lindsay's proposed HLR equates to 600 units per annum. It is considered unlikely that this level of private completions will take place consistently year on year in East Ayrshire over the period of this plan. SPP requires that LDPs identify housing sites that are realistic and deliverable. The Council is of the view that Mr Lindsay's suggested level of housing is neither realistic or deliverable. The Council does therefore not agree that Table 1 is changed as per his recommended modifications.

In terms of Mr Lindsay's objection to the lack of a uniform generosity allowance being applied across all sub-HMA's, the Council has fully justified this approach in paragraph 4.1.6 of the proposed plan and in comments above.

With regard to the representation from **The Scottish Government**, the Council acknowledges that, within table 1, there is a shortfall in the housing land requirement. The Scottish Government also states that the terminology used in the Proposed Plan does not exactly replicate that used in SPP. The Council can confirm that where Table 1 of Volume 1 of the proposed plan states 'Total Requirement to 2025' this means the Housing Land Requirement (HLR) and where Table 1 states 'Annual Requirement as identified in the LHS' this means the Annual Housing Supply Target identified in the LHS'. The Council would therefore have no objection to the Reporter replacing 'total requirement to 2025' with '*Housing Land Requirement to 2025*' and replacing 'Annual Requirement as identified in the LHS' with the '*Annual Housing Supply Target identified in the LHS*' if such amendments are considered necessary by the Reporter.

With regard to the shortfall in the housing land requirement, the Council accepts that there is a shortfall across all three sub-housing market areas and in the East Ayrshire

Housing Market Area as a whole. The justification for this is set out in full above and in paragraphs 4.1.11 – 4.1.13 of Volume 1 of the plan.

The Scottish Government’s representation on affordable housing states that the Housing Supply Target (HST) for Affordable Housing should have a generosity allowance attached to enable it to be formally defined as a HLR in line with SPP. It is also pointed out in their representation that the Plan should set out or make reference to the document that sets out the reasoning and process undertaken in arriving at the Affordable Housing HST from the HNDA figures.

The LHS contains a section on the HST for new build affordable housing at paragraphs 7.14 to 7.30. There is, however, no specific methodology set out as to how the HST of 100 units per annum was arrived at. Rather, it was more of an estimation using average past completions (which amount to an average of 71 units per annum over the past 12 years) plus an allowance for any new units that will be delivered by the new LDP affordable housing policy. 100 units was considered by the Council to be a realistic level to aim for. It is difficult to plan with certainty the level of grant funding that will be available given the short term allocations currently issued by the Scottish Government. At this time the Council can only accurately plan anticipated output three years ahead.

It is considered that the addition of a generosity allowance of 10% would have minimal impact on the affordable housing calculation. Table 1 already shows a shortfall of affordable housing, which as paragraph 4.1.16 states, will be met through a combination of windfall sites arising over the period of the local plan and additional sites that will be identified and taken forward through the SHIP during the years 2020-2025. An additional generosity allowance would simply increase this shortfall. However, on balance, the Council remains of the view that this is unnecessary given the uncertainty over future funding streams and the fact that historic completion rates are 71 units per annum. The Council is therefore of the view that the affordable housing HST should form the HLR. This can be revisited in the next review of the EALDP. No changes to the plan are considered necessary in this regard.

It should be noted that the Affordable Housing Policy is dealt with separately under Issue 15.

Reporter’s conclusions:

Modest growth scenario

1. Changes in population represent one of the main drivers of housing land supply. The existing local plan (2010) adopted the Ayrshire Joint Structure Plan (2007) policy of seeking to halt a projected population decline and to stabilise the population of East Ayrshire at 2005 levels by 2025. The council’s Monitoring Statement indicates that over the period 2003-2011 the population has, in fact, remained relatively steady, there having been a rise of just 0.6%. From this steady base, the present plan takes a more ambitious stance than its predecessor by looking to achieve “Modest Growth”, which would entail a population growth of just over 4% to the year 2035.
2. Three growth options were canvassed at Main Issues stage. The Stable Growth option reflected the General Register of Scotland projection of a 0.7% population increase over the same period and the Higher Growth option was for a population growth of just over 8%.

3. Robert Lindsay argues that since the recent economic crisis has resulted in some of the lowest market housing completions on record, this is being allowed to distort future strategy by reducing growth ambitions. However, that is not supported by analysis of the housing completion figures for 2003-2011 in Tables 15 and 18 of the council's LDP Monitoring Statement 2012, which indicates that market housing experienced a spike in completions centring on 2007 and 2008 followed by a return to levels typical of earlier in the decade.

4. The planning authority is entitled to take a reasoned view on the feasibility and desirability of possible future growth rates in relation to its policy ambitions. In doing so it has taken account of the views of those parties who have made representations on this issue. Those making representations have not pointed to any fundamental reason why the East Ayrshire is likely to effect a significant change in its ability to retain population or attract population by comparison with the past number of years, to the extent that it could realistically move directly from stabilisation to higher growth. Nor have I been shown clear evidence that changes in the wider economy are likely to result in the level of upturn in demand referred to by Loudoun Woods Homes, or that mortgage lending is likely to improve markedly during the plan period. When the plan is reviewed, the position can be reassessed.

5. As the council points out, completion levels in the southern part of East Ayrshire have been low over the past 12 years, making even the modest growth target challenging to achieve. And, as mentioned above, trends in completions on housing sites throughout East Ayrshire as a whole do not suggest the levels of growth which would be required for the Higher Growth option to be realistic during the plan period.

6. In arguing for the Higher Growth option, Mr Lindsay contends that the average private housing completion rate over the decade 2004-2013 has been 461 units. However, the council rejects his figures and confirms that its records show an average completion rate of 344 units per annum over that period. The proposed plan's housing supply target of 434 units per annum for market housing is therefore greater than the average for the past ten years, contrary to Mr Lindsay's contention. That target cannot therefore be criticised as representing a reduction from previous growth rates.

7. I agree with the council that an overly ambitious target risks creating an over-supply of housing land and the associated problems which that would bring.

8. With reference to another element of Mr Lindsay's representation, the requirement in Scottish Planning Policy (SPP) for a generous supply of housing is intended to apply in relation to a council's chosen growth strategy, rather than to dictate a Higher Growth strategy.

SPP requirement for a generous supply of land for housing

9. SPP looks for an analysis of each functional housing market area (HMA). The council's Housing Need and Demand Assessment (HNDA) describes East Ayrshire as a whole as being the housing market area, but then splits that into three sub-areas, each with distinct market characteristics. These are Kilmarnock and Loudoun, Cumnock and Doon Valley.

10. In the proposed plan, the council analysed its housing land requirements by sub-HMA. It took the Housing Supply Targets for Cumnock Area sub-HMA and Doon Valley

sub-HMA directly from the HNDA without applying any policy view to arrive at adjusted targets (as required by SPP). However, it acknowledged that these targets were unrealistically high and therefore indicated that no generosity would be applied in these two areas (contrary to the requirement in SPP). For the Kilmarnock and Loudoun sub-HMA, it accepted the HNDA figure as realistic and applied the maximum generosity allowance of 20%.

11. This method does not accord with SPP. It has not been possible to resolve this deficiency through the examination process because, in response to my request for further information, I was not offered a policy basis on which to reduce the two sub-HMA target figures which were acknowledged to be unrealistic by any specific amount. Presentation of the figures, especially at sub-HMA level, is therefore problematic.

12. The council argues that the 20% allowance for Kilmarnock and Loudoun sub-HMA equates to 12% generosity when calculated in relation to East Ayrshire HMA as a whole, thereby falling within the SPP requirement for generosity. I am satisfied that this level of allowance is appropriate given historical and recent rates of housebuilding, the council's discussions with representatives of the housebuilding industry on future prospects, and the loss of numbers of housebuilding firms in the southern part of the area during the economic downturn. This level of generosity would, among other things, take account of possible slippage in the programming of sites.

13. A pragmatic solution is required. Therefore, in the absence of the appropriate information to correct the methodology, I consider that the plan should make its analysis in terms of the overall East Ayrshire HMA, for which the council's revised figures have not attracted criticism, and which appears to me to be broadly realistic. However, to comply with SPP, the council requires to set out revised and realistic sub-HMA targets (consistent with the HMA-wide figures) in supplementary guidance, to be issued as soon as practicable.

14. In the proposed plan, a market housing land requirement shortfall of 392 units was identified for East Ayrshire as a whole. This has been revisited in the council's response to a further information request, which indicates that on top of the units accounted for in Table 1 of the proposed plan a total of 497 units can be added to the market housing supply deriving from: remaining capacity on 4 enabling development sites, increases in the capacity of 5 LDP sites and a recent windfall consent.

15. The robustness of the council's approach regarding those additional sites has been called into question. However, it has explained that the enabling development sites are contained in the draft Housing Land Audit 2013, but were not included in the proposed plan as they are regarded as exceptions to the rule and they wished to avoid further development in these sensitive locations. This does not seem to debar their inclusion in the revised figures. I am satisfied that the additional sites have been justified in line with SPP.

16. Further to those figures, Mansell Homes have pointed out that one of the sites attributed as a development opportunity for 38 units at Skernieland Road, Fenwick (reference 174H) has now been built out. The council has acknowledged a reduction in capacity of 42 units at Caprington Golf Course, Kilmarnock because of flood risk. Recent consents have resulted in increases in capacity by 15 units at Site 258H, Kilmaurs Rd, Crosshouse; by 12 units at site 297H, Kilmaurs Rd, Fenwick; and by 50 units at site 355H, Draffen East, Stewarton. Modifications arising from the recommendations of this

examination result in the net addition of 197 units. The net effect of all those changes is the addition of 194 units. When added to the council's figure of 497 additional units, the market housing land supply for the plan period increases by 691 units to a total of 6,112 units.

17. In response to a further information request, the council has now estimated the market units which might arise from windfall sites. These were not included in calculations for the proposed plan. SPP accepts an allowance for windfall as a legitimate element in housing land calculations where it is properly justified. In a table which records only windfall sites with a capacity of 30 units or more in the Kilmarnock and Loudoun sub-HMA, the council's historical data shows that over the 12 years to 2013/14, 495 units were built – an average of 41 units per annum. Based on that, they suggest that a windfall element of 40 units per annum could be included in the housing calculations. The council evidently expects future trends in windfall land to reflect past trends. Whilst no specific justification is given for that assumption, the estimate is sufficiently conservative to be credible. Furthermore, it is based only on land within the Kilmarnock and Loudoun sub-HMA, where demand and take-up are likely to continue to be stronger.

18. Whilst the council's use of averages and rounding with regard to windfall sites have been criticised by Loudoun Wood Homes, both of those procedures result in more conservative estimates, which supports their credibility. Loudoun Wood Homes also point to the wide range in unit numbers arising from windfall sites year by year as providing no certainty that 40 units per annum could be delivered through to 2015. However, a range in figures from year to year is to be expected, and I am satisfied that the use of averages over a 12 year period is a defensible basis for projecting future delivery from such sites. Table 1 should therefore include an allowance of 400 units over the plan period. This brings the total market housing land supply for the plan period to 6,512 – a surplus of 1,651. This represents a supply comfortably in excess of the generous provision required by SPP.

19. As the council has now confirmed that it does not seek to rely on housing development arising from miscellaneous development opportunity sites in order to meet shortfalls, the reference to such sites in paragraph 4.1.13 of the proposed plan should be deleted.

20. In the interest of transparency, details of the council's housing land calculations, including the material now contained in its response to my further information request, requires to be published as a background document and referred to in the text of the plan.

Affordable housing

21. The HNDA showed shortfalls of affordable housing in both the Kilmarnock and Loudoun and Doon Valley Housing sub-HMAs. Under the Modest Growth Scenario, a total shortfall of 2,970 units is indicated for East Ayrshire over the plan period: equivalent to 297 per annum. No specific link has been shown between those figures and the Housing Supply Target set out in the plan.

22. The Local Housing Strategy sets that target at 100 new-build affordable homes per annum over the plan period. As the council explains, the figure was estimated on the basis of completions over the past 12 years, which average 71 units a year, plus an allowance for new units to be delivered from allocated sites by the new affordable

housing policy (RES 3) in the proposed plan. Although well short of the HNDA figures, the council has sought to adopt a realistic approach which takes account of past performance and likely funding constraints. On that basis, the proposed plan calculated a shortfall for East Ayrshire of 252 units over the period 2013-2025: an average of 21 units per annum.

23. In the proposed plan, no generosity allowance was added to the affordable housing land requirement either overall or for individual sub-HMAs. This was done because of the relative uncertainty over future affordable housing funding streams. Also, the council considered it unnecessary to identify any further affordable housing sites as the above shortfall was likely to be met by: 1) contributions from windfall sites and 2) sites identified and taken forward by the Strategic Housing Investment Plan (SHIP) for the last 5 years of the plan period (only the first 5 years having been taken into account in the shortfall calculation).

24. Subsequently, the council has stated that if a generosity allowance were made, it should be at the lowest rate of 10% on the basis that it is not confident that any greater allowance would be met from current funding streams. That said, it would have no significant concerns if a 10% generosity allowance were added, equating to 110 units per annum. It argues from its analysis of historical statistics that 10 affordable units per annum are likely to be built as a result of the application of Policy RES 3 on windfall sites, making up the difference created by the generosity allowance.

25. In the calculations contained in the proposed plan, the council took no account of possible contributions from SHIP sites over the period of the proposed plan from 2020-2025. On the assumption, that the historical rate of around 71 units per annum from this source continued over that later period, an additional 350 units (rounded) would arise. In addition, based on an analysis of sites, the council calculates that 386 units could be generated from local development plan sites under Policy RES 3. That assumes all sites would produce the full percentage contribution, which is unlikely. Nevertheless, since the total figures show a surplus of 293 affordable units for East Ayrshire at the end of the plan period when compared with the council's requirement, there seems likely to be a surplus even should some sources of supply fall short. On this basis, I consider that there would be a generous supply of affordable housing as required under SPP.

Affordable housing at Maxholm, Kilmarnock

26. Springfield Properties state that their site at Maxholm, Kilmarnock (reference 148H), although allocated for market housing, is to be progressed entirely for affordable housing. They want its capacity to be recognised at around 230 units rather than the 100 units indicated in the plan, and for the western boundary of the site to be extended to allow for tree planting without reducing developable land. This they say would contribute to reducing the shortfall of affordable housing.

27. Aspects of the representation other than the proposal to develop the site entirely for affordable housing are considered under Issue 113. In relation to the matter of affordable housing, the council regard the developer's ambitions as unrealistic since they would absorb all of the grant subsidy to East Ayrshire for the coming 5 years. As owners of part of the site, the council have not agreed to Springfield's proposals. I accept the council's reasoning and consider that, for the purposes of the local development plan, it would not be appropriate to assume that the Maxholm site would or could be developed entirely for

affordable housing. Therefore the site's indicative capacity should be calculated on the same basis as other sites, as the council has done. That would not, of course, prevent the developers from applying for planning permission for a scheme along the lines they have argued for and for that scheme to be considered on its merits.

Presentation of housing land figures

28. As the representation from the Scottish Government has pointed out, Table 1: Market Housing Calculation in the proposed plan does not set out housing land figures as required by SPP. Some of the headings do not use the appropriate terminology; the figures should relate to the housing market area as a whole; they should relate to the 10 year plan period; the table should set out figures for market, affordable and total housing; and it should include generosity allowances for market and affordable housing. These matters and issues over the council's arithmetic in Table 1 have been addressed in the revised table now submitted. They are incorporated into the modified Table 1 recommended below.

Effectiveness of sites rolled forward from East Ayrshire LP 2010

29. The effectiveness of larger sites, especially in the Kilmarnock and Loudoun area, is disputed by Strathearn Estates, who say that they should not simply have been rolled forward from the existing local plan. They cite a general lack of development progress on larger sites in Kilmarnock.

30. A number of the housing sites in the proposed EALDP were allocated in the existing local plan but were not progressed through planning applications and have now been rolled forward. The council explain that before including sites in the LDP they re-appraised them and deleted those which they considered no longer to be effective. As evidence of this process, I note that of the 21 such sites listed in the Main Issues Report, 17 have been carried forward into the LDP, some of which have been reduced in site area and capacity. The council argue that the lack of previous progress on these sites is due mainly to the economic downturn rather than to any inherent shortcomings in the sites. I accept that it is not unusual for progress on larger sites to be slow in difficult economic times, and this is not necessarily a reason to delete them especially when economic conditions appear to be improving. Moreover, inspection of the list of housing sites in the LDP reveals a wide range of site sizes and capacities spread around each of the sub-HMAs. Looking at Kilmarnock in particular, whilst 4 of the sites have capacities greater than that being promoted by Strathearn Estates (200 units), 21 have capacities which are smaller.

31. Questions of effectiveness over a rolling 5 year period are normally resolved through the housing land audit process. However, the council rely on their draft Housing Land Audit 2013, which has not been agreed with Homes for Scotland (the only external body involved in agreeing housing land audits for Ayrshire). The council state that this is because they have not been able to arrange a meeting with Homes for Scotland. Nevertheless, Homes for Scotland have not raised any objection to site capacities or delivery programmes within the audit. Nor have they made any representation with regard to the issue of housing land supply. I therefore have no basis to conclude that the audit's assessments of effectiveness are unrealistic.

Scale and location of housing land requirement beyond the plan period

32. Lands Improvement contend that the proposed plan's approach to long term development through its Future Growth Areas is contrary to SPP paragraph 120, which states that *"Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement."*

33. I note that paragraph 4.1.5 of the proposed plan states: *"Volume 2 of the plan also sets out future growth areas for years 10-20 in Kilmarnock, Galston and Stewarton."* The maps for those settlements depict Future Growth Areas comprising hatched areas with boundaries which generally coincide with features on the ground. There are 4 such areas with a combined extent which appears to be less than 100 hectares. In each case, the accompanying text states that the land is *"not a formal site designation"* but indicates where future expansion of that settlement *"will take place"* and that development is *"programmed to start post 2025"*.

34. The plan's vision and spatial strategy provide a picture of development in general over the full 20 year period, but this is not translated into the potential for housing in the second half of that period, as SPP requires.

35. In particular, there is no indication of the possible scale of the housing land requirement in East Ayrshire as a whole for years 11 to 20. Less than 100 hectares would obviously not be enough to accommodate the requirement. Nor is there an indication of the location of such development beyond the three settlements mentioned. The proposed plan appears to give some specific examples of where future housing growth is envisaged rather than presenting a broad and comprehensive picture.

36. In response to a request for further information, the council acknowledged that the proposed plan had not met the requirements of SPP with regard to the housing land requirement in the longer term. It therefore proposed that the annual growth rates for market and affordable housing, together with the respective generosity allowances, for the plan period should be carried forward throughout the period until 2035.

37. The council's amended Table 1 covers a 10 year period so the further growth figures should cover the next 10 years, giving a total housing requirement for the period to 2035 of 5,961 units. The council then subtracts its projected surplus for the plan period of 1,750 units. On my revised figure, this would represent a requirement for 4,211 units. In giving an indication of the scale of growth that far into the future, it would be inappropriate to present a figure which suggested such a level of precision so, rounded to the nearest 500 units, the indicative requirement would be for at least 4,000 units.

38. The council states that the majority of that requirement could be met within the four Future Growth Areas contained within the proposed plan. At a notional density of 30 units per hectare the 4,000 units would take up some 133 hectares. On the basis of the maps in the proposed plan, I accept that over half of that could be found in those four areas, albeit our examination recommends that the relatively precise areas depicted should be replaced by arrows and textual descriptions. The descriptions of those areas should be amended to reflect their status, namely that they indicate the expected location of housing growth.

39. The remainder of the requirement would be directed towards settlements where there is landscape capacity and infrastructure to accommodate housing development of

this scale, which could include other locations within the above three towns. The development would have to ensure high quality design and successful places.

40. Since SPP seeks only an indication of the scale and location of such development, I see no need to specify locations any further at this stage. To do so could pre-judge appropriate future debate on the location of residential expansion at a time when more thorough analysis has been undertaken and fuller information is available, including through strategic environmental assessment.

41. The council affirms that its suggested approach would fully accord with the vision and spatial strategy of the local development plan. In that respect, I see that the vision and strategy includes the following:

“The LDP spatial strategy recognises that most pressure for development lies in the north with a particular focus on Kilmarnock and the northern settlements of Stewarton, Fenwick, Kilmaurs and Dunlop and, to a lesser extent, Galston. This is primarily because of their proximity to the strategic road network and the Glasgow conurbation. This does not mean, however, that the spatial strategy fails to address and encourage growth and regeneration in the remaining settlements in the north and the southern part of East Ayrshire.” Particular reference is then made to a large extension to Cumnock.

42. I see no reason to disagree with the council’s position other than to add that the new development should respect the principles of the vision and spatial strategy.

43. In reaching these conclusions, I have considered carefully the comments made by representees on the council’s suggested changes.

Reporter’s recommendations:

Modify the plan as follows.

1. Delete the last sentence of paragraph 4.1.5. Insert a new paragraph after paragraph 4.1.5, as follows:

“In the ten years following the plan period, it is likely that additional land will be required for at least 4,000 houses. It is expected that the majority of these houses will be built at locations in Kilmarnock, Stewarton and Galston described in Volume 2 of the plan as Future Growth Areas. The remainder would be directed to locations in settlements (not excluding other locations within the above three settlements) which have the infrastructure and landscape capacity to accommodate them and which respect the principles of the vision and spatial strategy.”

2. Delete paragraph 4.1.6 and replace it with the following:

“SPP requires that LDPs add a “generosity allowance” of 10-20% to the calculated requirement. In relation to market housing, the council assesses that a generosity allowance of 12% would be appropriate for East Ayrshire as a whole. This reflects a balance between the relative strength of the market in Kilmarnock and Loudoun as against the weaker market found in the Cumnock and Doon Valley areas.”

3. Delete paragraph 4.1.7 and replace it with the following:

“The current land supply has been assessed for its effectiveness and judgment has been made on which sites are likely to come forward within the 10 year plan period.”

4. Delete paragraph 4.1.10 and replace it with the following:

“Table 1 below shows how the market housing requirement and available supply have been calculated. It shows the requirement for East Ayrshire as a whole. Supplementary Guidance will be issued to expand on Table 1. It will extend the analysis in the table to each of the three sub-HMAs, applying a policy view to adjust the housing supply targets for each of those areas, as appropriate, consistent with the HMA-wide figures. Details of the council’s housing land requirement calculations will be published as a background document to the plan.

5. Delete Table 1: Market housing calculation, and replace it with the following:

Table 1: Market Housing 2015-2025

East Ayrshire Housing Market Area			
	Market Housing	Affordable Housing	Total Housing
Housing Supply Target ¹	4,340 (434 units p.a.)	1,000 (100 units p.a.)	5,340 (534 units p.a.)
Generosity	521 (12%)	100 (10%)	621
Housing Land Requirement	4,861	1,100	5,961
Housing Land Supply	6,112	1,293	7,405
Windfall	400 (40 units p.a.)	100 (10 units p.a.)	500 (50 units p.a.)
Total Housing Land Supply	6,512	1,393	7,905
Surplus	1,651	293	1,944

¹ Reflects the number of units per annum required by the East Ayrshire Local Housing Strategy.

6. Delete paragraphs 4.1.11 to 4.1.13 and include the relevant material in the above-mentioned Supplementary Guidance.

7. Replace paragraphs 4.1.11 to 4.1.13 with the following:

“Based on historical records for larger sites in Kilmarnock and Loudoun sub-HMA alone, a windfall contribution of 40 market sector units a year is a reasonable expectation for East Ayrshire as a whole. This adds 400 units to the total supply figure in Table 1.”

8. Delete paragraphs 4.1.15 and 4.1.16. Replace with the following:

“The Local Housing Strategy sets a target of 100 new build affordable homes per annum (1,000 over the plan period). To this is added a 10% generosity allowance – the lowest level. These figures reflect the relative uncertainty of future affordable

housing funding streams. Projection forward from historical records suggests that 10 affordable units per annum are likely to be built as a result of the application of Policy RES 3 on windfall sites. These additional units would make up the difference created by the generosity allowance. Since 2001/2002, the council and registered social landlords have delivered an average of 71 affordable units per annum with no affordable local plan policy, which provides further confidence that the overall target of 100 new build affordable units per annum can be delivered. A total supply of 1,393 affordable units is calculated, made up from the sources set out in Table 2 below. The size of the estimated surplus gives comfort that the supply will remain generous even should output from some of the sources fall short.

9. Delete Table 2: Affordable housing requirement and supply; replace it with the following:

Table 2: Affordable Housing 2015-2025

East Ayrshire Housing Market Area	
Supply	Units
Identified LDP affordable housing sites (Scottish Government and council funded SLP/SHIP sites)	330
SHIP sites (2015-2020) not identified as LDP sites	227
SHIP sites (2020-2025) not identified as LDP sites (70 units p.a.)	350
Potential units on allocated sites arising from new LDP affordable housing policy	386
Affordable units arising from windfall sites (10 units p.a.)	100
Total supply	1393
Requirement	
LHS new build requirement (100 units p.a.)	1000
10% generosity (10 units p.a.)	100
Total requirement	1100
Surplus	293

10. Add the following paragraph after Table 2:

“Details of the council’s affordable housing land requirement calculations will be published as a background document to the plan.”

Issue 14	Policy RES 1: New Housing Developments	
Development plan reference:	Policy RES1	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Diane Fraser (PLDP/246/2) First Milk (PLDP/314/1)		
Provision of the development plan to which the issue relates:	Policy RES1 sets out the requirements for new housing developments.	
Planning authority's summary of the representation(s):		
<p>Diane Fraser (PLDP/246/2) objects to the inclusion of the words “stated indicative capacities” in the first sentence of part (i) of policy RES 1. Whilst it is appreciated that for the purposes of establishing the extent of the effective/established housing land supplies, there is some benefit to be gained from affording sites a notional capacity, in many instances the capacities which are stated to this end bear little if any relationship to the optimum development capacity of the sites in question. The optimum development capacity of any given housing site is the product of a variety of different factors, such as market conditions or advance in technology, and can be subject to change over time. As a consequence of these factors, the stated capacities should be viewed as fixed variables rather they should be shown with a degree of flexibility. Currently, policy RES 1 indicates that the Council will only support the development of the identified housing opportunity sites if they are developed at the “stated indicative capacities”. The specific nature of RES 1 is at odds with the use of the word “indicative” and does not provide any guidance as to whether the stated capacities should be considered for indicative purposes only or in absolute terms. If the latter applies, it would prevent, without good cause or foundation, developers from bringing forward otherwise acceptable developments, which are either higher or indeed lower than the capacity, which is stated in the Plan. This aspect of the policy is considered to represent a potentially significant constraint to the development industry and does not offer any significant benefits to the Council.</p> <p>First Milk (PLDP/314/1) Policy RES 1 should encourage and place a greater emphasis on the redevelopment of brownfield sites outside the settlement boundary for residential purposes. Such an approach would assist in meeting the identified shortfall in housing land supply, particularly within the Cumnock area. This would be consistent with national guidance in respect of providing a significant increase in housebuilding, the provision of housing in rural areas and permitting the re-development of previously developed land. The Mauchline Creamery site would assist in meeting the identified housing shortfall within the Cumnock area. Whilst the site has not been formally identified and allocated for housing it is considered that development of the site would be sustainable.</p>		
Modifications sought by those submitting representations:		
Diane Fraser (PLDP/246/2) Delete “at the stated indicative capacities” from the first		

sentence of part (i) of policy RES 1.

First Milk (PLDP/314/1) Policy RES 1 should encourage and place greater emphasis on the redevelopment of brownfield sites outside the settlement boundary for residential purposes.

Summary of responses (including reasons) by planning authority:

With regard to Diane Fraser’s representation, it is not the Council’s intention through policy RES 1 to restrict the capacity of housing developments to the indicative capacity set out in Volume 2 of the plan. The very presence of the word ‘indicative’ in the sentence demonstrates this. The indicative capacities are given as a notional guide as to the numbers of houses that a site may be capable of accommodating but it is accepted that this will be subject to change through the planning application process. Developments on the ground are rarely developed for the exact number quoted in the LDP. If, however, the first sentence of policy RES 1 is seen as ambiguous, and the Reporter considers that the policy needs to be changed to provide clarity, the Council would have no objection to the words ‘at the stated indicative capacities’ being removed from the first sentence of policy RES 1. If the reporter is agreeable, an additional sentence could be added to the beginning of the paragraph which follows clause (ii) to state, ‘*Indicative capacities are provided for each housing site within Volume 2 of the plan*’. This will not change the underlying aims of the policy.

With regard to First Milk’s representation, the Council is of the view that there is no need to give priority to brownfield development sites within policy RES 1 as this already forms part of the spatial strategy at paragraph 2.15 of the plan. The non-inclusion of the Mauchline Creamery site is dealt with separately under issue 131.

Reporter’s conclusions:

Indicative site capacities

1. The council have confirmed that their intention is to treat site capacity figures as a notional guide. Where a development proposal comes forward which is somewhat above or below the indicative capacity of a Housing Development Opportunity Site identified in the Local Development Plan (LDP), it would not be rejected simply on that basis. It would therefore be appropriate to delete the phrase “*at the stated indicative capacities*” from the first sentence of Policy RES 1. As the phrase is intended to be informative rather than restrictive, the new sentence suggested by the council should follow, namely: “*Indicative capacities are provided for each housing site within Volume 2 of the plan.*”

Development on brownfield land

2. First Milk are concerned that Policy RES 1 does not give priority to development on brownfield land outside settlement boundaries (subject to visual impact, etc.). The policy offers support only for sites identified in the proposed plan or for gap, infill and other redevelopment sites within settlement boundaries (and only where they meet other LDP policies and requirements). There is also reference in the policy to future housing growth areas, but these are not specifically targeted at brownfield land and are located in the Kilmarnock and Loudoun area, as against the Cumnock area where First Milk’s interest lies. First Milk wish to see development, including housing, on the 2.59 hectare former

Mauchline Creamery site which lies 1.7 kilometres to the south of the settlement of Mauchline and detached from it. (The site specific aspects of this representation are examined under Issue 131.)

3. Support for development on brownfield land is offered in the spatial strategy at paragraph 2.15 of the proposed plan. This states (in part):

“The key aim of the spatial strategy is to promote high quality, sustainable development, that is, enabling and supporting development that balances the costs and benefits of a proposal over the longer term. In general terms this means:

- ...
- *Directing development to East Ayrshire’s settlements*
- ...
- *Giving priority to the reuse of brownfield land and buildings*
- ...”

4. I note that, in seeking to deliver that strategy, the proposed plan requires all development to: *“where possible, reuse vacant previously developed land in preference to greenfield land.”* (Overarching Policy OP1).

5. I am not persuaded by the argument for First Milk that to go further and encourage housing on brownfield land outwith settlements, as well as within settlements, would accord with government policy and guidance in National Framework 3 (NPF3) and Scottish Planning Policy (SPP).

6. The representation draws attention to paragraphs 2.25-2.26 of NPF3, which encourages new housing in rural areas, especially in remoter parts. It also suggests that *“remote areas are likely to benefit from a more flexible approach.”* But the Framework does not suggest that such housing should be located outwith settlements. In Issue 13, I have concluded that the proposed plan has a generous allocation of housing land overall. I consider that sufficient sites have been identified in the remoter parts of East Ayrshire.

7. Paragraph 40 of SPP looks for new development proposals to: *“be guided by policy principles, including:*

- ...
- *using land within or adjacent to settlements for a mix of uses. ...*
- *considering the reuse or redevelopment of brownfield land before new development takes place on greenfield sites*
- ...”

The emphasis on directing development towards settlements is clear. Whilst Policy RES 1 does not make reference to land adjacent to settlements, that is the subject of Policy RES 2: Residential Extensions to Settlements (which allows residential development adjacent to settlements in limited circumstances). In combination, the policies generally in accord with paragraph 40.

8. First Milk contend that their suggested modification would assist in meeting the identified shortfall in housing land supply, particularly in the Cumnock Area. However, I consider this unnecessary for the reasons given in paragraph 6 above.

9. I am therefore satisfied that there are no grounds for recommending any modification to the policy in this respect.

Reporter's recommendations:

Modify Policy RES 1 as follows:

Delete the phrase "at the stated indicative capacities" from the first sentence of the policy. Then add: "Indicative capacities are provided for each housing site within Volume 2 of the plan."

Issue 15	Policy RES 3: Affordable Housing	
Development plan reference:	Policy RES 3: Affordable Housing	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Diane Fraser: PLDP/246/3 Springfield Properties: PLDP/286/6 Persimmon Homes: PLDP/301 Loudoun Woods Homes Ltd: PLDP/302/6 Homes for Scotland: PLDP/321</p>		
Provision of the development plan to which the issue relates:	Volume 1: Policy RES 3: Affordable Housing and paragraphs 4.1.14 - 4.1.17	
Planning authority's summary of the representation(s):		
<p>Diane Fraser's representation relates to the application of affordable housing policy RES 3 and is of the view that it should not apply to sites that may already have planning consent but where a fresh application is submitted for amendments such as the substitution of house types. It is stated that such applications should not be deemed as new applications as per the terms of paragraph 4.1.15 of the Proposed Plan and should therefore not be required to comply with policy RES 3. It is, however, accepted that if any new application results in additional units being granted consent, then those additional units only could reasonably be required to meet with the provisions of policy RES 3.</p> <p>Springfield Properties is involved in the potential future development of site 148H at Maxholm, Kilmarnock. It is stated that Springfield is working in partnership with the Council to take this site forward for affordable housing but notes that it is identified for market housing and not affordable housing in the Proposed Plan. They are, however, currently happy with this but point out this is likely to come forward for affordable housing as discussions with the Council move forward. They note that the plan contains no barriers to prevent such a change from market housing to affordable housing on this site. It is, however, pointed out that there is a shortfall of affordable housing identified in the plan at table 2 and that this site could assist in meeting a significant amount of this shortfall especially if this site is increased in capacity as is being requested. Springfield states that they are currently in discussion with various departments of East Ayrshire Council on mechanisms for working together to deliver a project that comprises solely of affordable housing on this site.</p> <p>Persimmon Homes is of the view that all new sites that were not included within the 2012 Housing Land Audit (the base document) should be the only ones required to comply with the affordable housing policy RES3. It is stated that this approach has been used elsewhere in other local authority areas within the West of Scotland. Persimmon is concerned that the approach as it stands i.e. the policy applying to all sites without planning consent, will provide difficulties to developers who have existing contracts in place over sites which are currently zoned within the 2010 Adopted Local Plan.</p>		

Persimmon also suggests that an Affordable Housing Policy in East Ayrshire is not necessary as, in their view, most housing within East Ayrshire is already ‘affordable’ in nature. The affordable housing policy is seen as a deterrent to residential development in the area.

Loudoun Woods Homes Ltd supports the affordable housing policy which proposes 25% affordable housing in sites of 30 or more units in the Kilmarnock and Loudoun area (where the greatest shortfalls have been identified). However, the plan needs to make clear that this only applies to general purpose housing sites and that sites where housing is proposed as enabling development (such as enabling development to restore Loudoun Castle and Estate or help to deliver significant tourism development as sought by the Proposed Plan) would not be subject to this.

Homes for Scotland acknowledges that Paragraph 4.1.17 states that Policy RES 3 will apply to sites “identified for the first time in this plan.” As paragraph 4.1.15 notes, there are sites identified in the plan which already have planning consent, and the policy will not apply to them.

This is, however, ambiguous. Homes for Scotland asks if there are sites previously identified in an earlier plan, or which are in the base housing land supply (the 2013 audit) but without consent, does the policy apply to these sites when they come forward for planning consent? In reality, these sites will have been the subject of negotiation between land owners and prospective developers, and there may well be contracts in place which specify land values based on an understanding of the policy framework in place at the time. It would potentially delay development, or prevent it altogether, if an additional policy burden were applied requiring renegotiation of contracts.

Homes for Scotland states that paragraph 4.1.17 seems to accept that the Policy should only apply to sites introduced into the land supply through this Plan, and Homes for Scotland takes, and supports, that interpretation from the paragraph.

In that case, it would be helpful if the Policy made this clear by a small amendment to the wording of clauses (ii) and (iii) as set out under ‘modifications sought’ below.

Modifications sought by those submitting representations:

Diane Fraser

Paragraph 4.1.15 of the Plan should be amended to make clear that the provisions of emerging Policy RES 3 will only be applied to “new” applications which relate to sites which already benefit from planning permission, if the new application will result in the erection of additional units on site over and above the number provided for under the original planning permission and that in such circumstances, the Policy will only relate to the additional number of units that will be created.

Springfield Properties

The capacity of site 148H Maxholm should be increased from 100 to c230 in recognition of the potential of the site to accommodate an increased number of new homes whilst still meeting the requirements of the Proposed Plan in terms of the site specific guidelines and the general guidelines on open and amenity space.

The western boundary of the site should be realigned to its previous boundary within the adopted East Ayrshire Local Plan to allow additional space for tree planting, which can

take place within the flood plain outwith the proposed site boundary, ensuring that none of the developable land in this location is unnecessarily sterilised, maximising the amount of affordable homes which can be delivered for this area.

Persimmon Homes

Removal of affordable housing policy as East Ayrshire is affordable anyway. The affordable housing policy should only be applied to sites which do not appear in the 2012 base housing land audit.

Loudoun Woods Homes Ltd

Inclusion of reference to no affordable housing being required within enabling housing development.

Homes for Scotland

Policy RES 3 in each of clauses (ii) and (iii) insert after “proposed” the words “ for the first time in this plan”

Summary of responses (including reasons) by planning authority:

Diane Fraser

The Council’s intention is that the affordable housing policy RES 3 should be applied to all sites which do not have planning consent at the time of the adoption of the plan. It is not intended that it should be applied to sites which apply to make amendments to approved layouts and house types. The Council does however agree that, if a revised scheme is approved which increases the density of the site, then the affordable housing policy should be applied to those additional units only. The Council sees merit in adding a sentence to paragraph 4.1.15 to clarify this matter. If the Reporter is minded to agree that such an amendment is necessary and appropriate, such a sentence could read:

“Planning applications for sites which already have planning consent and where the proposal relates to amendments to layout and/or a change in house types will not normally be required to meet with the terms of policy RES3 unless the overall capacity of the site increases. In such cases, the additional units only will be required to meet with the terms of policy RES 3”.

Similarly, in order to clarify the fact that the affordable housing policy will apply to all sites without planning consent at the date of adoption of the LDP, it is suggested to the Reporter, if an amendment is considered necessary and appropriate, that a further sentence could be added to paragraph 4.1.15 which states,

“For clarification, the affordable housing policy will be applied to housing sites which do not have planning consent including where a consent has lapsed at the date of adoption of the LDP.”

If the Reporter is agreeable, and in order to remove any ambiguity from the plan, an amendment to the first sentence of paragraph 4.1.17 could be made to remove the words “for the first time in the plan”. This will make it clearer that policy RES 3 should be applied to all new planning applications for housing in the relevant housing market areas. It is not considered that any of the above possible amendments would result in the underlying strategic approach to affordable housing being significantly altered. The changes would simply provide clarification.

Springfield Properties

The Council is supportive of the development of affordable housing on the Maxholm site in principle. It is, however, not seen as a site that should be identified solely for affordable housing. Instead, it is seen as a market housing site that could meet with the terms of the affordable housing policy RES3 and which would provide 25% affordable housing. Indeed, the Council's Strategic Housing Investment Plan dated November 2014 earmarks the site (named Riccarton West) for the development of 30 affordable units in the year 2019/20. The SHIP contains many other sites for which affordable housing grant will be sought. Springfield's aspiration that affordable housing grant subsidy will be made available by the Council for 200 units on this site is unrealistic as this would, in effect, mean that the entire grant subsidy for East Ayrshire in the coming 5 years would be spent on this one site in Kilmarnock. This does not meet with the Council's priorities for affordable housing as set out in the LHS and the SHIP. Whilst Springfield has met with the Council to discuss the development of this site, they have been advised by Council officers that grant subsidy for over 200 affordable units is highly unlikely to be available. Despite this, they have proceeded with the planning application process on the basis of all units being grant funded and affordable. Similarly, part of the Maxholm site is in Council ownership and would therefore require a partnership approach to development. No progress has been made in this regard.

The western part of the site is known to flood and previous site investigations have shown the presence of contamination which is likely to render parts of the site undevelopable. For these reasons the capacity of the site has been set at 100 units for the purposes of the LDP. It is recognised that this is an indicative capacity subject to change through the planning application process. However, Springfield's request for a capacity of over 200 units is seen as undeliverable both because of the ground conditions and the fact that over 200 units were seen as being affordable and in need of public subsidy by the developer. This is contrary to the Council's approved SHIP and is therefore considered undeliverable. For this reason the Council does not agree that the site capacity should be increased. Nor does the site boundary need to be changed as this has been amended from the East Ayrshire Local Plan 2010 to remove the area liable to flood.

Persimmon Homes' statement that an affordable housing policy is not required in East Ayrshire is not justified by any supporting information. The Council's HNDA and LHS show a clear need for affordable housing and this is taken forward in the proposed plan in line with SPP. The Council does not agree with Persimmon Homes' view in this regard.

In terms of the request that the affordable housing policy be applied only to those sites not identified in the base 2012 Housing Land Audit, the Council does not agree with this view. Firstly, it is the 2013 draft housing land audit that is used as a basis for the housing element of the Proposed Plan and not the 2012 one. Secondly, most sites that are identified in the Proposed Plan, including the larger greenfield release sites have been rolled over from the East Ayrshire Local Plan 2010 and therefore appeared in the 2013 housing land audit. Some of these sites have not yet been taken forward by developers, not because they are not suitable for housing but due to general economic conditions created by the downturn. If the Council were not to apply the affordable housing policy to sites which appeared in the 2013 draft housing land audit, there would be very few sites that the policy would apply to. It would only be future windfall sites plus one site in Fenwick and another in Kilmaurs. This would significantly reduce the output of affordable housing for the LDP period and would create a far larger overall shortfall of affordable housing. The Council is therefore of the view that only sites without consent at the date of adoption of the LDP should be required to meet with the provisions of policy RES 3. In

order to provide clarification on the Council's stance on this issue, the Reporter may wish, if considered necessary and appropriate, to consider adding a sentence to paragraph 4.1.15 which states,

"For clarification, the affordable housing policy will be applied to housing sites which do not have planning consent including where a consent has lapsed at the date of adoption of the LDP."

If the Reporter is agreeable, and in order to remove any ambiguity from the plan, an amendment to the first sentence of paragraph 4.1.17 could be also made to remove the words "for the first time in the plan". This will make it clearer that policy RES 3 should be applied to all new planning applications for housing in the relevant housing market areas. It is not considered that these amendments would change the Council's overall strategic approach to Affordable Housing.

Loudoun Woods Homes Ltd

The Council does not agree that the plan needs to state explicitly that the affordable housing policy will not apply to enabling developments. This is clearly stated in the Council's Supplementary Guidance relating to affordable housing.

Homes for Scotland

The Council accepts that in its current form, the affordable housing section of the proposed plan is ambiguous regarding which sites the affordable housing policy will be applied to as paragraphs 4.1.17 and 4.1.15 are contradictory in this regard. Homes for Scotland contends that it should only be applied to sites which are introduced to the land supply through this plan as sites which appeared in previous plans may already have been the subject of negotiations based upon no affordable housing policy being in place.

The Council does not agree with this view as most sites that are identified in the Proposed Plan, including the larger greenfield release sites have been rolled over from the East Ayrshire Local Plan 2010 and therefore appeared in the 2013 housing land audit. Some of these sites have not yet been taken forward by developers, not because they are not suitable for housing but due to general economic conditions created by the downturn. If the Council were not to apply the affordable housing policy to sites which appeared in the 2013 draft housing land audit, there would be very few sites that the policy would apply to. It would only be future windfall sites plus one site in Fenwick and another in Kilmaurs. This would significantly reduce the output of affordable housing for the LDP period and would create a far larger overall shortfall of affordable housing. The Council is therefore of the view that sites without consent at the date of publication of the Report of Examination for the EALDP should be required to meet with the provisions of policy RES 3 and of course, sites whose consent subsequently lapses after the date of publication of the Report of Examination. In order to provide clarification on the Council's stance on this issue, the Reporter may wish, if considered necessary and appropriate, to consider adding a sentence to paragraph 4.1.15 which states,

"For clarification, the affordable housing policy will be applied to housing sites which do not have planning consent including where a consent has lapsed at the date of publication of the Report of Examination for the East Ayrshire Local Development Plan."

The date of publication of the Report of Examination of the EALDP is being suggested because this is the date that affordable housing representations will be resolved and when LDP policies, together with any modifications suggested by the Reporter, will hold

increased weight in the assessment of development proposals. The Council wants to avoid waiting until adoption of the plan because more sites could progress through the planning application process without having to comply with policy RES3 and the Council will potentially lose out on securing affordable housing for such sites.

In addition, if the Reporter is agreeable, and in order to remove any ambiguity from the plan, an amendment to the first sentence of paragraph 4.1.17 could be also made to remove the words “for the first time in the plan”. This will make it clearer that policy RES 3 should be applied to all new planning applications for housing in the relevant housing market areas. It is not considered that these amendments would change the Council’s overall strategic approach to Affordable Housing.

Reporter’s conclusions:

Application of the terms of Policy RES 3

1. The policy requires, among other things, that on sites of 30 or more houses in the Kilmarnock and Loudoun sub-HMA, 25% of the houses be affordable, and on sites of 30 or more houses in the Doon Valley sub-HMA, 15% of the houses be affordable. Paragraph 4.1.15 of the plan explains that the policy will not apply to those sites identified in the plan which already have planning consent. However, if any new planning applications are submitted for these sites then the policy will apply.
2. I consider that it would be unfair for applications which do not affect the overall capacity of a site to be caught by the policy. This was evidently not the council’s intention. To rectify the situation, the last sentence of paragraph 4.1.15 should be deleted and a note added to Policy RES 3 with wording based on the council’s suggestion.
3. There is an ambiguity in the plan arising between paragraphs 4.1.15 and the terms of the policy on the one hand and paragraph 4.1.17 on the other because the former indicate that the policy should apply to all new planning applications for housing whereas the latter states that it would apply to “*sites identified for the first time in this plan*”.
4. The particular circumstances of this proposed plan are that many housing sites identified in the 2010 local plan were not progressed because of the economic downturn and have therefore been rolled forward into the proposed plan; they therefore appear in the draft Housing Land Audit 2013. Consequently, the effect of applying the policy only to sites which are introduced to the land supply through the proposed plan but as yet have no planning consent, as Homes for Scotland suggest, would be that the new policy would apply to only one of the sites identified in the proposed plan – Irvine Road, Kilmaurs (reference 422H) for 90 units – plus future windfall sites. (The other newly introduced site of Laigh Wylieland, Fenwick (406H) has an indicative capacity of 20 units and therefore falls below the 30 unit threshold.) The Homes for Scotland approach would significantly reduce the potential output of affordable housing during the plan period and create a larger overall shortfall of affordable housing.
5. That disadvantage must be weighed against the prospect of delay to the development of some of the sites identified in the proposed plan or their abandonment for development. This could occur because sites which appeared in previous plans may already have been the subject of negotiations between landowners and prospective developers based on no quota of affordable housing being required. Where contracts are in place which specify land values on the above assumption, those contracts would need

to be renegotiated, potentially delaying or preventing development on those sites.

6. It is not unusual for the policy context of housing sites to change before they are developed (especially given that some sites take many years to come forward) and, as Homes for Scotland point out, in those circumstances it is open to prospective developers to renegotiate contracts. As the Housing Needs and Demand Assessment (HNDA) makes clear, the need for affordable housing in East Ayrshire is pressing and Scottish Planning Policy encourages councils to use various means, including planning policies (such as RES 3 in this case), to address that need. I consider that it is appropriate for the council to make a judgement as to the risk of such a policy resulting in delay to development, or its abandonment, on the affected sites. I have been offered no convincing reason to interfere with their judgement in this case. The council are not obliged to take the same approach as other local authorities, whose circumstances might be different.

7. In order to remove ambiguity, the phrase *“for the first time”* should be deleted from the first sentence of paragraph 4.1.17. For clarity, a sentence should be added after the first sentence of Policy RES 3 reading: *“Paragraph 4.1.15 contains further details on the application of this policy.”*

Date from which the policy would apply

8. The council have suggested adding a sentence to paragraph 4.1.15 which would make the policy applicable from the date of the publication of the report of examination on the local development plan (LDP). This, they say, would minimise the number of sites which might escape the policy by gaining consent in advance of adoption. That, however, would be inappropriate. It would be unfair to use the terms of a policy to afford it statutory weight from a date prior to completion of the statutory processes, namely before adoption. I note that elsewhere in the Schedule 4 statement the council give adoption of the LDP as the appropriate date.

Need for the policy

9. I am not persuaded by the argument that the policy is unnecessary because most housing in East Ayrshire is already affordable in nature. The affordability of mainstream housing in each of the sub-HMAs was examined in some detail in the HNDA and the Local Housing Strategy. The council have taken that information into account in deciding not to apply the policy within the Cumnock Area sub-HMA, where sufficient mainstream housing is already affordable, but applying it within the other sub-HMAs. I have no evidence to the contrary.

Application to enabling developments

10. The fact that Policy RES 3 will not apply to enabling developments is explained in supplementary guidance, which Schedule 9 of the plan describes as being complete. It is not necessary for the plan to repeat such matters of detail.

11. The representation from Springfield Properties (286/6) is considered under Issue 13.

Reporter's recommendations:

Modify the plan by inserting a second note to the policy:

“Note 2: If a new planning application is submitted which would increase the overall capacity of a site, the additional units only would be required to meet the terms of Policy RES 3. Where a new application relates to amendments which would not affect overall capacity - for example, changes to layout or house types – the terms of the policy would not apply.”

Delete the phrase “for the first time” from the first sentence of paragraph 4.1.17.

Issue 16	Policy RES 4: Housing in the Rural Protection Area	
Development plan reference:	Volume 1, Page 49, Policy RES 4	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Kier Minerals Ltd (PLDP/90/1) First Milk (PLDP/314/2)		
Provision of the development plan to which the issue relates:	Policy RES 4 sets out the policy requirements for residential development in the Rural Protection Area.	
Planning authority's summary of the representation(s):		
<p>Kier Minerals Ltd (PLDP/90/1) suggest adding the following paragraph to policy RES 4:</p> <p><i>“a replacement house where the original dwelling has been demolished as a result of permitted surface coal mining or other mineral development.”</i></p> <p>This would support the Council’s policy and ambition for further rural diversification and the provision of housing within the rural community which is seeing a reduction in population.</p> <p>First Milk (PLDP/314/2) Policy RES 4 is inconsistent with the aims of national policy guidance, in respect of significantly increasing the number of new homes built and to support development and growth within rural areas. The policy is too restrictive, in terms of the number of units that can be accommodated within rural areas and makes no provision for the redevelopment of previously developed brownfield sites in such locations. These sites have the potential to sustainably accommodate new housing in rural areas without developing on undeveloped ‘greenfield’ land. It is considered that such sites are by definition sustainable and are already equipped with a range of infrastructure. The re-use of the Mauchline Creamery would not constitute development of previously undeveloped land and as such an additional exception bullet point should be added to policy RES 4 to allow for the development of such sites.</p>		
Modifications sought by those submitting representations:		
<p>Kier Minerals Ltd (PLDP/90/1) Add the following paragraph to policy RES 4:</p> <p><i>“a replacement house where the original dwelling has been demolished as a result of permitted surface coal mining or other mineral development.”</i></p> <p>First Milk (PLDP/314/2) Add a bullet point to policy RES 4 to allow the development of previously developed brownfield land for housing.</p>		

Summary of responses (including reasons) by planning authority:

The Council does not agree with **Kier Minerals'** suggestion that an addition to policy RES 4 which makes provision for replacement houses for those demolished as part of an opencast coal development is required. If an opencast coal development results in the demolition of a house or houses in the countryside, there should be no policy assumption that a new house will be permitted especially given that it can be many years between development commencing and restoration taking place. A house at that location may no longer be appropriate in principle as the landscape may have changed significantly. Replacement housing in the Rural Protection Area which contains the most pressured rural areas should be limited to those required to replace houses which are currently substandard or have been damaged by fire or flood as per criterion (ii) of policy RES 4. SPP is clear that, in pressured rural areas, it is important to protect against an unsustainable growth in car based commuting and the suburbanisation of the countryside. It is therefore not considered necessary or appropriate to change the policy in this regard.

In representation PLDP/314/2, **First Milk** has made a representation on policy RES 4 within which they suggest that an additional bullet point is added to policy RES8. It is assumed that this is a typographical error and due to the suggestion being contained under a heading titled 'Policy RES4', that they wish a bullet point to be added to policy RES 4 and not RES 8. First Milk has made a separate representation to policy RES 8.

The Council does not agree with First Milk's assertion that policy RES 4 is inconsistent with national policy because it doesn't allow for the development of housing on rural brownfield land. The LDP splits the rural area into two categories, the Rural Protection Area and the Rural Diversification Area, the first of these being the most pressured rural areas which policy RES 4 deals with and the latter being the remoter rural areas which policy RES 5 covers. The plan follows the guidance set out in SPP by providing more restrictive rural housing policies in the Rural Protection Area as SPP states 'it is important to protect against an unsustainable growth in car based commuting and the suburbanisation of the countryside' in pressured areas easily accessible from Scotland's cities. To allow unlimited levels of housing development on brownfield sites within these more pressured areas is not considered to be in line with this element of SPP. Policy RES 5 which applies to the Rural Diversification Area makes provision for single houses on brownfield sites which is considered consistent with SPP. No changes to policy RES 4 are considered necessary.

Reporter's conclusions:

1. Policy RES 4 applies policy requirements restricting residential development in the Rural Protection Area. This covers areas around Kilmarnock, the upper Irvine Valley, and areas in the A77/M77 and A735 corridors to the north of Kilmarnock. All have ease of access to Glasgow, Ayr, Irvine and Kilmarnock, and are considered to be under pressure for rural housing from commuters.
2. The policy restricts new housing to single or small scale developments which are required for agricultural workers, rural enterprises, replacement in certain circumstances or enabling the repair and restoration of a listed building.
3. Kier Minerals Ltd seek the addition of a further category of exception to allow a replacement house where the original dwelling has been demolished as a result of

permitted surface coal mining or other mineral development.

4. They contend that their amendment would support rural diversification and housing provision in the rural community, which is seeing a reduction in population. However, decline in rural population is an issue for the area outwith the Rural Protection Area; the area covered by the policy is one where there is pressure for rural housing.

5. I consider that the erection of a new house in the vicinity of a minerals operation may be inappropriate in principle for a variety of reasons including that the operations are likely to be taking place for many years before the land is restored, with potential effects on residential amenity, and that the landscape may have changed significantly, such that a new house could not be accommodated sympathetically.

6. SPP looks for planning authorities to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. The modification sought would run contrary to those objectives.

7. To allow an exception for brownfield land, as First Milk propose, would open up the scope for considerable numbers of dwellings in scattered rural locations to the potential detriment of sustainability and of the landscape. I am satisfied that Policy RES5 makes sufficient provision for the erection of single dwellings on brownfield land, but limited to Rural Diversification Areas.

Reporter's recommendations:

No modifications.

Issue 17	Policy RES 5: Housing in the Rural Diversification Area	
Development plan reference:	Volume 1, Page 49, Policy RES 5	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Kier Minerals Ltd (PLDP/90/2) Greta Roberts (PLDP/123/1) Moscow and Waterside Community Council (PLDP/296/6) M Younger (PLDP/274) (letter of support)</p>		
Provision of the development plan to which the issue relates:	Policy RES 5 sets out the requirements for residential development in the Rural Diversification Area.	
Planning authority's summary of the representation(s):		
<p>Kier Minerals Ltd (PLDP/90/2) suggest adding the following paragraph to policy RES 5:</p> <p><i>“a replacement house where the original dwelling has been demolished as a result of permitted surface coal mining or other mineral development.”</i></p> <p>This would support the Council’s policy and ambition for further rural diversification and the provision of housing within the rural community which is seeing a reduction in population.</p> <p>Greta Roberts (PLDP/123/1) Concerns about the reference contained in part (iv) of policy RES 5 if it would allow more than one new house to fund a new innovative business. Even allowing or funding one house for cross-funding, such as a new venture seems to be putting the cart before the horse. Policy RES7 allows for a house to serve an established viable business enterprise after 2 years operation. This is a tried and tested policy. Policy RES 5 raises the possibility of a small group of houses in a rural area, possibly unrelated to any new enterprise. Any houses which do not have their own specific location need to be sited in rural areas and directed to rural settlements, particularly in the Cumnock and Doon Valley area, where local services need to be supported by people living close by.</p> <p>Moscow and Waterside Community Council state that policy RES5: Housing in the Rural Diversification Area is of concern, as it refers not just to single, but to small scale development in the RDA.</p> <p>Criteria iv)-‘Support for a development which would facilitate the establishment of a new innovative business’, needs further examination, as it infers it is enabling development to pay for a new business. The Council should be directing new businesses into villages and industrial sites within towns where there are many vacant or underused sites. There is concern about the reference to small scale housing development, rather than just single houses, and ask for this to be altered. Most of our rural roads are unfit to accommodate further traffic:</p>		

For many years local residents endured rural diversification in farms where large vehicles; e.g.; - buses, tankers and naval HGVs required access along unsuitable rural roads.

M Younger supports policy RES 5.

Modifications sought by those submitting representations:

Kier Minerals Ltd (PLDP/90/2) Add the following paragraph to policy RES 5:

“a replacement house where the original dwelling has been demolished as a result of permitted surface coal mining or other mineral development.”

Greta Roberts (PLDP/123/1) does not request any specific modifications.

Moscow and Waterside Community Council would like reference to small scale development within criterion (iv) to be removed.

Summary of responses (including reasons) by planning authority:

The Council does not agree with **Kier Minerals’** suggestion that an addition to policy RES 5 which makes provision for replacement houses for those demolished as part of an opencast coal development is required. If an opencast coal development results in the demolition of a house or houses in the countryside, there should be no policy assumption that a new house will be permitted especially given that it can be many years between development commencing and restoration taking place. A house at that location may no longer be appropriate in principle as the landscape may have changed significantly. In addition to this, there are types of development other than minerals extraction that might result in the demolition of a house e.g. wind energy that would require to be considered in any such addition to the policy. The Council is of the view that policy RES 5 as it currently stands contains sufficient opportunities for rural diversification and the provision of housing within the rural community. It is therefore not considered necessary or appropriate to change the policy in this regard.

With regard to **Greta Roberts’** and **Moscow and Waterside Community Council’s** assertion that new houses under policy RES 5 (iv) should be directed to rural settlements and should not be located in the rural area is not considered to be realistically deliverable. The purpose of RES 5 (iv) is to encourage new innovative rural businesses by allowing profit from new houses to be channelled into the business if funding from elsewhere cannot be found. Such development would likely require to take place on the land where the business is being established as part of one overall land transaction and physical development. To limit the location of any new housing to a settlement remote from the site of the business is considered to be too onerous and is likely to discourage investment from taking place. **Greta Roberts’** comparison of policy RES 5 (iv) with RES 7 is not seen as relevant as they cover two entirely different types of development. RES 7 assists in providing a place to live on site for people with a rural business. Policy RES 5 is to provide funding for a new rural business. No changes to policy RES 5 are considered necessary.

With regard to **Moscow and Waterside Community Council’s** concerns regarding the words small scale, it is considered that more than one house may be required to cross fund an innovative rural business and that limiting development to one house is overly restrictive. The Council will ensure that any development is small scale and has minimal

impact on rural roads. This policy does not encourage businesses that would have frequent HGV movements. No changes are considered necessary.

M Younger's support is noted and welcomed.

Reporter's conclusions:

Additional category of housing

1. Policy RES 5 supports single or small scale residential developments within the Rural Diversification Area in certain circumstances. That area comprises locations other than those within the Rural Protection Area in the north of East Ayrshire.

2. The categories favoured by the policy are for: small scale expansion of existing groups of houses, a single house on brownfield land, development required to establish an innovative business, and the categories set out in Policy RES 4. All are subject to detailed criteria.

3. Kier Minerals Ltd seek the addition of a further category to allow a replacement house where the original dwelling has been demolished as a result of permitted surface coal mining or other mineral development. They contend that their amendment would support rural diversification and housing provision in the rural community, which is seeing a reduction in population.

4. I consider that to introduce a category which favours the erection of a new house in the vicinity of a minerals operation could lead to inappropriate development for a variety of reasons including: that the operations are likely to be taking place for many years before the land is restored, with potential effects on residential amenity; that the landscape may have changed significantly, such that a new house could not be accommodated sympathetically; and that the location of the dwelling might not satisfy current sustainability criteria. These considerations outweigh the addition of a single housing unit in a rural area.

5. Furthermore, to concede this representation could lead to demands for replacement houses to replace original dwellings lost to other types of development such as wind energy, all of which would be subject to similar objections to those I have set out in the previous paragraph.

Housing should be directed to rural settlements

6. Greta Roberts and Moscow and Waterside Community Council are concerned that the policy would allow the erection of more than one house to cross-fund a new business, when such houses should be directed to rural settlements and thereby support local services, especially in Cumnock area and Doon Valley, or to industrial sites within towns. Groups of houses in rural areas might arise, unrelated to a new enterprise. Increased traffic, including large vehicles, could be attracted onto unsuitable rural roads.

7. The council consider that the policy would not work unless it allowed for the erection of houses on the same parcel of land as the proposed new business enterprise. They expect such ventures to involve a single land transaction and physical development. Their primary purpose in this respect is to generate economic activity in rural diversification areas, and I am satisfied that they have reasonable grounds to set that

purpose above the other policy objectives to which Ms Roberts refers. SPP recognises that away from accessible and pressurised areas, plans may be tailored to local circumstances and, in remote and fragile areas, there may be an emphasis on sustainable economic activity, subject to various provisos. I consider that the proposed policy is in line with that approach.

8. Development under this leg of the policy would be subject to requirements set out both in section (iv) of the policy and in policy IND 3. This should prevent the development of housing unrelated to a new enterprise. Traffic impacts on the local road network would require to be assessed as part of the normal development management process. Development of a single house might be insufficient to enable a business to establish, so the council is seeking the scope to allow small scale housing development in appropriate cases. I consider that to restrict the policy to single houses only could undermine its effectiveness.

Number of units

9. First Milk criticise the policy as being too restrictive in the number of units which can be accommodated within rural areas. They seek the addition of a category of exception to allow the development for housing of previously developed brownfield land.

10. However, Scottish Planning Policy looks for planning authorities to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. The modification sought would run contrary to those objectives.

Reporter's recommendations:

No modifications.

Issue 18	Policy RES 6 - Housing for Agricultural Workers: Rural Protection Area and Rural Diversification Area	
Development plan reference:	Volume 1, Page 49, Policy RES 6	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Robert Craig (PLDP/21) Greta Roberts (PLDP/123/2)		
Provision of the development plan to which the issue relates:	Policy RES 6 sets out the policy requirements for housing for agricultural workers both in the Rural Protection Areas and the Rural Diversification Areas of East Ayrshire.	
Planning authority's summary of the representation(s):		
<p>Robert Craig (PLDP/21) has previously applied for the removal of an agricultural occupancy condition which had been attached to a previous consent. This was refused and upheld by the Local Review Body on the grounds that the removal of the condition would result in an unjustified dwelling house in the countryside. Policy RES 6, as proposed by the Council, contains no reference to the imposition, through conditions or section 75 agreements, of agricultural occupancy conditions. The fact that any refusals, in all but the most exceptional circumstances, can only be appealed through the Local Review Body makes the situation unsatisfactory for members of the farming community. The Scottish Government has made a number of publications in recent years, such as Circular 3/2012 (paragraphs 49-51) and Scottish Planning Policy (paragraph 81), relating to the use of occupancy conditions in planning permissions. As policy RES 6 does not make specific reference to the use of occupancy restrictions as required by Scottish Planning Policy, there are genuine fears that the Council will continue its practice of imposing occupancy restrictions in direct contravention of Scottish Government Policy and advice.</p> <p>Greta Roberts (PLDP/123/2) Policy RES 6 has two notes listed below criteria i-iv. These are reasonable, however it is unclear whether they should be part of the policy. For clarity, these should be part of policy RES 6.</p>		
Modifications sought by those submitting representations:		
<p>Robert Craig (PLDP/21) requests that an additional point be inserted in to policy RES 6 as drafted to make it clear that in situations where all of the criteria in the policy have been satisfied, occupancy restrictions in the form of conditions or legal agreements shall not be imposed. Similarly where an occupancy restriction has been previously imposed through a condition or legal agreement the policy should have a presumption in favour of removing such restrictions. Such an amendment is necessary to ensure East Ayrshire Council does not continue to operate in contravention of Scottish Government policy and ensures for a more compliant approach in terms of Scottish Planning Policy.</p> <p>Greta Roberts (PLDP/123/2) seeks clarification to whether the two notes listed below criteria i-iv of policy RES 6 are part of the policy. If they are not, they should become part</p>		

<p>of policy RES 6.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>With regard to Robert Craig's representation, SPP recommends that in both pressured and remote rural areas, occupancy conditions should be avoided meaning that if the Council was to impose such a condition, this would be contrary to SPP. Policy RES 6 makes no reference to such a restriction because there is no intention for these to be imposed. It is not considered necessary or appropriate for the policy to state that occupancy conditions will not be used. It would only be appropriate to refer to occupancy conditions if the Council did intend to use them. In terms of planning applications that come forward for the removal of such conditions, the plan does not contain a policy for this and it is not considered necessary for such a policy to be added. It is instead it is for the development management process to assess such cases on their own merits taking SPP into full account in decision making. No changes to the plan are considered necessary.</p> <p>With regard to Greta Roberts' statement that it is unclear if numbers 1) and 2) form part of policy RES 6, the Council can confirm that these do form part of the policy.</p>
<p>Reporter's conclusions:</p>
<p><u>Occupancy restrictions</u></p> <ol style="list-style-type: none"> 1. Policy RES 6 supports the erection of new build housing for agricultural workers in limited circumstances. Robert Craig's concern arises from the fact that the council's Local Review Body has refused to remove an agricultural occupancy condition from a consent he obtained in 2012. He cites passages in Scottish Planning Policy (SPP) and Circular 3/2012 which discourage the use of occupancy restrictions. He wishes the policy to state that, where all the criteria in the policy are satisfied, no occupancy restrictions in the form of conditions or legal agreements will be imposed. Also that where an occupancy restriction has been previously imposed, there should be a presumption in favour of removing that restriction. 2. The representation touches on the particular circumstances and merits of a planning appeal, the council's previous approach to imposing conditions and the lack of access to an appeal process which is independent of the council. These are all matters outwith the scope of this examination, whose focus is proposed future policy. 3. I agree that it would be appropriate for the policy to make reference to occupancy conditions if it were the council's intention to impose them, however, they state that they do not. It would not be appropriate either, to frame a policy with the purpose of ensuring that the council complied with government policy (as the representation urges). 4. The addition of a policy statement regarding the removal of previously imposed conditions would go further than government policy and advice, which relates only to the imposition of new restrictions. The consideration given to applications to remove occupancy conditions will potentially be complicated by the need to examine historical circumstances as well as policy and advice in the current SPP and Circular. For those reasons, I accept the council's position that the policy should not be modified in the way requested.

Content of policy

5. Greta Roberts considers that it is unclear whether two paragraphs which follow a list of four criteria in the policy form part of that policy. The council confirms that they do and I am satisfied that this is sufficiently clear. The format of this policy is consistent with that in many others, where lists of criteria are interspersed with paragraphs amplifying the council's policy intentions, all of which can be seen as forming the policy.

Reporter's recommendations:

No modifications.

Issue 19	Policy RES 7 – Housing for Other Rural Enterprises: Rural Protection Area and Rural Diversification Area	
Development plan reference:	Volume 1, Page 50, Policy RES 7	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Moscow and Waterside Community Council (PLDP/296/8)		
Provision of the development plan to which the issue relates:	Policy RES 7 sets out the circumstances where houses associated with rural enterprises will be acceptable to the Council.	
Planning authority’s summary of the representation(s):		
<p>Moscow and Waterside Community Council is of the view that criterion (iii) of policy RES 7 leaves the justification for a new house where a business has been established, operative and viable for a minimum of 2 years too open.</p> <p>This is because the policy states that supporting information will only be required when the Council considers this necessary or appropriate. In the last year there have been 2 applications to remove ‘agricultural workers’ burdens from houses which were never envisaged to be used as such, from the date of their approval within the Moscow and Waterside boundary.</p> <p>There are an increasing number of such applications within East Ayrshire. These result in isolated houses in somewhat prominent inappropriate areas for stand-alone development without a specific locational need to be there. It is understood that it remains Council policy to direct as much development as possible to towns and villages, preferably on brownfield sites.</p> <p>This is increasingly necessary, so that new residents can support local facilities. We find once rural dwellers get into their cars, they bypass local services such as shops, community facilities etc., all of which need support to remain viable.</p>		
Modifications sought by those submitting representations:		
Moscow and Waterside Community Council has not sought any specific modifications to policy RES 7.		
Summary of responses (including reasons) by planning authority:		
<p>The Council does not necessarily agree that criterion (iii) is too open or relaxed as it will always satisfy itself through the planning application process that a house proposed in connection with a rural business can be fully justified. This will usually include the submission of detailed supporting information to show that the business is viable and has reasonable prospects for its future operation. If the Reporter is of the view that the words ‘<i>where considered necessary or appropriate</i>’ are not required within the policy, the Council would have no objection to these being removed as in almost all cases it is likely</p>		

<p>that detailed supporting information will be required. Such an amendment would not change the underlying aims of the policy.</p>
<p>Reporter’s conclusions:</p>
<ol style="list-style-type: none"> 1. Policy RES 7 sets out the circumstances in which houses associated with rural enterprises will be acceptable to the council. Moscow and Waterside Community Council is concerned at the erection of isolated houses in locations where there is no specific need. It considers that the requirement for applicants <i>“to justify their proposes through the submission of detailed supporting information, for example detailed business plans”</i> is left too open because it will be applied only <i>“where considered necessary or appropriate”</i>. 2. East Ayrshire Council state that the requirement will be applied in almost all cases, and would be content for the disputed phrase to be deleted. 3. I agree that the sentence in dispute is open to being read as requiring detailed supporting information in only some cases. In the interests of clarity, therefore, the phrase <i>“where considered necessary or appropriate”</i> should be omitted. 4. During the examination period, the council noticed that the wording of policy RES 7 did not specify that the industrial or business enterprise to which the proposed house relates should have been operating on the site of the proposed house. It also wanted to close a loophole whereby a mobile business was changed to a static business in order to justify the house. 5. These are changes in line with the spirit of the policy and with SPP. They would help to avoid misuse of the exception being offered. I therefore recommend appropriate changes.
<p>Reporter’s recommendations:</p>
<p>Modify Policy RES 7 as follows:</p> <p>Delete the sentence:</p> <p style="padding-left: 40px;">“The council will, where considered necessary or appropriate, request applicants to justify their proposals through the submission of detailed supporting information, for example detailed business plans, in order to allow the council to fully assess the applications concerned.”</p> <p>Replace it with:</p> <p style="padding-left: 40px;">“The council will request applicants to justify their proposals through the submission of detailed supporting information, for example detailed business plans, in order to allow the council to fully assess the applications concerned.”</p> <p>Delete section (iii) of the policy and replace it with:</p> <p style="padding-left: 40px;">“the industrial or business enterprise to which the proposed house relates has been established and operative within the site where the proposed house is to be located for a minimum period of two years and is proven to be economically viable.”</p>

Rename "Note" as "Note 1".

Add a second note as follows:

"Note 2: any business which changes from mobile to static to justify a house associated with the business will not be considered to be the same business under the terms of this policy."

Issue 20	Policy RES 8: Rural Housing Development	
Development plan reference:	Volume 1, Page 51, Policy RES 8	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
First Milk PLDP/314/3		
Provision of the development plan to which the issue relates:	Policy RES 8 sets out circumstances where residential development in the countryside will not be acceptable.	
Planning authority's summary of the representation(s):		
<p>First Milk (PLDP/314/3) Policy RES 8 should include the provision for the re-development of brownfield sites and that such development should be considered an acceptable exception in respect of housing in rural areas. Such an approach would be consistent with National Planning Framework 3 which puts forward a firm intention to sustain rural communities through population growth and new housing. In addition Scottish Planning Policy clearly states that Councils must make provision for housing in rural areas in accordance with the spatial strategy (para. 79) and that such housing can be provided through innovative approaches (para. 109).</p>		
Modifications sought by those submitting representations:		
<p>First Milk (PLDP/314/3) Policy RES 8 should include the provision for the re-development of brownfield sites and that such development should be considered an acceptable exception in respect of housing in rural areas.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council does not agree that policy RES 8 should make provision for the redevelopment of brownfield sites. Firstly, the purpose of policy RES 8 is to set out where residential development in the countryside would not be acceptable. The insertion of a sentence setting out where it would be acceptable would not sit comfortably here. Secondly, the spatial strategy at paragraph 2.15 clearly states that priority should be given to the reuse of brownfield land and policy OP1 (iv) similarly requires development proposals to reuse previously developed land in preference to greenfield land where possible. Policies RES 4 and RES 5 then set out where residential development in rural area will be considered acceptable, all of which is considered to be fully in line with the provisions of SPP. No changes to policy RES 8 are considered necessary.</p>		
Reporter's conclusions:		
<p><u>Housing development on brownfield land</u></p> <p>1. First Milk contends that housing development on brownfield sites in the countryside should be excepted from the general restrictions on rural housing throughout East</p>		

Ayrshire.

2. Overarching policy OP1 requires that, where possible, development uses vacant previously developed land in preference to greenfield land. With specific reference to the rural area, the proposed plan identifies two categories, the Rural Protection Area and the Rural Diversification Area, the first of these being the most pressured rural areas, which policy RES 4 deals with, and the latter being the remoter rural areas, which policy RES 5 covers. The plan follows the guidance set out in SPP by providing more restrictive rural housing policies in the Rural Protection Area as SPP states '*it is important to protect against an unsustainable growth in car based commuting and the suburbanisation of the countryside*' in pressured areas easily accessible from Scotland's cities. To allow unlimited levels of housing development on brownfield sites within these more pressured areas is not considered to be in line with this element of SPP. Policy RES 5 which applies to the Rural Diversification area makes provision for single houses on brownfield/derelict sites, but the council do not wish to relax the restraint further, and I consider that stance to be consistent with SPP.

Reporter's recommendations:

No modifications.

Issue 21	Policy RES 9: Conversions to Residential Use	
Development plan reference:	Volume 1, Page 51, Policy RES 9	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Moscow and Waterside Community Council (PLDP/296/9)		
Provision of the development plan to which the issue relates:	Policy RES 9 sets out policy criteria for the conversion of properties to residential use.	
Planning authority's summary of the representation(s):		
<p>Moscow and Waterside Community Council: RES 9: Conversions to Residential Use.</p> <p>Most local farm buildings are not extensive so it is unlikely that more than 2/3 additional houses could be created from barn conversions. However they would like to see a limit applied to extending the number of houses created from one farmstead, where they would be served by a farm road. The previous RES7 in the Adopted East Ayrshire Local Plan referred to creating not more than 4:</p> <p>When there might be 2 houses already formed out of a farmhouse/dairy, this might result in 6.</p> <p>We ask for no more than 4, including the existing accommodation units.</p>		
Modifications sought by those submitting representations:		
<p>Moscow and Waterside Community Council request that policy RES9 states that no more than 4 units in total are created from one farm steading served by a farm road.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council does not consider it appropriate to apply a set limit on the conversion of farm buildings as it is of the view that each proposal should be considered on its own merits. Some steadings and associated roads may be able to comfortably accommodate more than 4 units and to arbitrarily limit the amount possible is considered to be restrictive. There are other LDP policies in place such as policy OP1 which could be used by the Council to refuse those applications it considered to constitute over development of a farm steading.</p>		
Reporter's conclusions:		
<p>1. The community council argues for restricting the number of residential units formed from barn conversions to four in total. In practice, the characteristics of farm steadings and of the farm roads serving them will vary considerably from case to case. In some instances, more than 4 new units might be accommodated comfortably. The council</p>		

wishes to move away from the former restriction to 4 new units, and there seems no strong reason to retain a numerical restriction on such schemes. This would broadly accord with the vision of allowing *“limited housing ... to sustain the rural economy ...”* in rural areas (paragraph 2.13 of the plan). Such proposals can be assessed on their merits and in the light of policies including Overarching Policy OP1 and of the council’s standards and guidance.

Reporter’s recommendations:

No modifications.

Issue 22	Policy RES 11: Residential Amenity	
Development plan reference:	Volume 1, Page 51, Policy RES 11	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Sportscotland (PLDP/319/4)		
Provision of the development plan to which the issue relates:	Policy RES 11 sets the policy context for protecting, preserving and enhancing the residential character and amenity of existing residential areas.	
Planning authority's summary of the representation(s):		
<p>Sportscotland (PLDP/319/4) supports the objective of policy RES 11 to the safeguarding against development for other uses of locally important areas of recreational or amenity open space. However, it is suggested that the reference to 'the contribution to the character and appearance of the residential area concerned' should be extended to allow for consideration of the functional role of areas of open space in relation to opportunities for outdoor sport and recreation.</p>		
Modifications sought by those submitting representations:		
<p>Sportscotland (PLDP/319/4) Amend section (ii) of policy RES 11 to read (suggested amendment highlighted in italics):</p> <p>The Council will, at all times, seek to protect, preserve and enhance the residential character and amenity of existing residential areas. In this regard, there will be a general presumption against:</p> <p>(i) The establishment of</p> <p>(ii) The development for other uses of locally important areas of recreational or amenity open space which contribute significantly to the character and appearance of the residential area concerned, <i>or which offer opportunities for outdoor sport and recreation</i></p> <p>(iii) The removal of</p>		
Summary of responses (including reasons) by planning authority:		
<p>Sportscotland's general support for policy RES 11 is noted. The Council is of the view that it is important to safeguard areas of open space that contribute to place making objectives. Whilst this policy has been designed to protect smaller areas of amenity open space and not necessarily those larger areas where sport and recreation could take place, the Council can see value in Sportscotland's suggestion as there may be areas of open space which also have a sporting or recreational function. If the Reporter considers that such an addition to the policy is required, the Council would have no objection to adding the words '<i>or which offer opportunities for outdoor sport and recreation</i>' to the end of criterion (ii) of policy RES 11. This would then cover all possible uses of areas of open space within residential areas.</p>		

Reporter's conclusions:

1. As SportScotland have pointed out, the value of areas of recreational or amenity open space may lie, at least partly, in their use for outdoor sport or recreation rather than just in their contribution to the character and appearance of the locality. It would therefore be appropriate within the policy to extend the general presumption against development for other uses to include that aspect of their value

Reporter's recommendations:

Modify Policy RES 11 as follows:

Delete the text under section (ii) of the policy and substitute: *“the development for other uses of locally important areas of recreational or amenity open space which contribute significantly to the character and appearance of the residential area concerned, or which offer opportunities for outdoor sport and recreation.”*

Issue 23	Policy RES 13: Enabling Development	
Development plan reference:	Volume 1, Page 52, Policy RES 13	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Loudoun Woods Homes Ltd (PLDP/302/7)		
Provision of the development plan to which the issue relates:	Policy RES 13 sets out the policy requirements for enabling development.	
Planning authority's summary of the representation(s):		
<p>Loudoun Woods Homes Ltd (PLDP/302/7) support the objective of policy RES 13, however it does not reflect or allow for relevant or likely scenarios. The policy does not, as worded, allow for the subject building to be retained either within its established use, or as an unoccupied building or structure. The reference to 'but limited' enabling is not necessary, due to a reference later within the policy to 'minimum necessary', not does it reflect the potential large scale costs involved in saving such buildings. Limited enabling development would not allow the objectives of policy Rural Area 4 of the existing Local Plan and the Proposed Local Development Plan to be met, and therefore policy RES 13 is inconsistent with those policies.</p>		
Modifications sought by those submitting representations:		
<p>Loudoun Woods Homes Ltd (PLDP/302/7) request the removal of the words 'but limited' from the first part of policy RES 13 and want the policy to be amended so that it allows enabling development to secure the long term future of an asset in either its existing use or as an unoccupied structure.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council does not agree that policy RES 13 does not allow for, or reflect, likely scenarios. The representation refers to Rural Area 4 of the adopted East Ayrshire Local Plan 2010 at Loudoun Estate where there is a current proposal for enabling development which will be used to fund work to the A Listed Loudoun Castle. One option for this development is the stabilisation of the castle, not its full redevelopment. Policy RES 13 allows enabling development to 'prevent the loss' of such historic assets. The Council is of the view that stabilisation of the structure could feasibly prevent its loss and is therefore of the view that no expansion to the policy text is required in this regard.</p> <p>Loudoun Woods Homes also request the removal of the words 'but limited' from policy RES 13. The Council used these words in the proposed plan to discourage large new housing estates being built in the grounds of large buildings of historic interest as such new development can often detract from the attractiveness of these assets. However, on reflection, the Council acknowledges that the word 'limited' is not contained within SPP but that the wording 'minimum necessary' is. It may therefore be difficult for the Council to</p>		

justify continuing with this wording. This being the case, if the reporter considers that the policy requires amendment to better reflect SPP, the Council would have no objection to the words '*but limited*' being removed from policy RES 13. It is not considered that the underlying aims of this policy would be affected.

Reporter's conclusions:

1. The terms of the policy as presently drafted apply only to schemes involving conversion to an alternative use. It is apparent from the council's response that they might wish to apply the policy more widely to include proposals such as stabilisation works which would prevent the loss of the historic asset without necessarily involving its full redevelopment (using the category A listed Loudoun Castle as an example).

2. As the council concede, use of the phrase "*but limited*" to qualify the enabling development goes further than SPP and is unnecessary in view of the stipulation in the second sentence of the policy that the development must be "*the minimum necessary to bridge any gap in funding*".

Reporter's recommendations:

Modify Policy RES 13 as follows:

Reword the first sentence of the policy as follows:

"Where a proposal relates to works to a large listed residential or institutional building located within its own grounds (including by conversion to a sympathetic alternative use), and where it can be clearly shown that the works are the only means of preventing the loss of the asset and securing its long term future, an associated enabling development of new build housing may be considered acceptable by the council."

Issue 24	East Ayrshire Network of Centres	
Development plan reference:	Paragraph 4.2.1 and Table 3	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Dawn Group Ltd (PLDP/111/2); Killy Property (PLDP/292/3)		
Provision of the development plan to which the issue relates:	Paragraph 4.2.1 sets out the purpose of the chapter on Successful Town Centres; Table 3 of the LDP sets out a network of town centres within East Ayrshire which links to the settlement hierarchy as set out in the vision and spatial strategy.	
Planning authority's summary of the representation(s):		
<p>Dawn Group Ltd (PLDP/111/2) states that a pragmatic application of policies within the East Ayrshire Local Plan 2010 has enabled Queens Drive to retain its bulky goods role. However, a degree of flexibility, confirmed within the text within the column headed 'challenges and opportunities', has not undermined this designation or the role and function of Kilmarnock Town Centre. The Council will also be aware that there are now a number of non-bulky goods retailers who are not seeking town centre location and if they are not accommodated within a commercial centre will turn their back completely on an area.</p> <p>The Proposed Plan states there is considerable leakage of retailing expenditure from East Ayrshire to elsewhere, in particular Silverburn. It is important therefore that Queens Drive is able to compete effectively but at the same time not undermine the vitality and viability of Kilmarnock Town Centre.</p> <p>Dawn Group is of the view that Proposed Policy TC2 "Footfall generating uses outside of town centres" will effectively provide safeguards to prevent "inappropriate" users from locating at Queens Drive and the need for the phrase "The commercial centre will continue to be limited to bulky goods" is therefore obviated.</p> <p>With regard to paragraph 4.2.1, Killy Property (PLDP/292/3) state that given that all of the centres covered within the chapter play an important role within the Council area, the title of this chapter of the Local Development Plan should be renamed 'Successful Centres' to recognise the role of non-traditional shopping locations, such as commercial centres, as mixed-use destinations that can complement the town centre and offer a different but important, consumer experience.</p> <p>Killy Property consider that this last change would accord with the thrust of national policy set out under SPP and better reflect their role as important complementary destinations where investment and economic growth should be encouraged.</p>		
Modifications sought by those submitting representations:		
Dawn Group Ltd (PLDP/111/2) suggests that within the Queens Drive, Kilmarnock		

section of Table 3, under the column heading Role of Centre should read: “The commercial centre will continue to be a preferred location for bulky goods operators. Any other form of retail development would have to satisfy the requirement of Proposed Policy TC2 “Footfall generating uses outside of Town Centres”.

Under the column heading: Challenges and Opportunities, the last sentence should be removed and replaced with:

“Proposals for new retailing other than bulky goods will be assessed under the provision of Proposal Policy TC2.”

Killy Property (PLDP/292/3) suggest that the title of this chapter of the Local Development Plan should be renamed ‘Successful Centres’.

Summary of responses (including reasons) by planning authority:

The chapter has been called Successful Town Centres to reflect the town centre first principle as detailed in SPP. Table 3 details the network of centres within East Ayrshire, the role of the centre and the challenges and opportunities for that particular centre and fully reflects the requirements of SPP.

In relation to the representation from **Dawn Group Ltd (PLDP/111/2)**, the Council would point out that although Queens Drive has an element of convenience retailing, leisure and food and drinks developments, the majority of the commercial centre has been developed for bulky goods. The Council consider that to protect and enhance the vitality and viability of Kilmarnock town centre, the Queens Drive commercial centre requires to be restricted to bulky goods retailing. This approach is fully consistent with SPP and the Council is therefore of the view that no changes are required to Table 3.

With regard to the representation from **Killy Property (PLDP/292/3)** the Council is of the view that the suggested change to the chapter title detracts from the key aim of the chapter which is to protect and enhance the vitality and viability of town centres and therefore is of the view that no changes should be made to the chapter heading.

Reporter’s conclusions:

1. A representation is seeking to change the limitation to bulky goods retailing on the Queens Drive centre in Kilmarnock, to acknowledge the fact that currently there are number of non-bulky goods operators on site, who do not require town centre locations and who may go elsewhere if sites are not available to them.
2. The council considers that the vitality and viability of Kilmarnock Town Centre needs to be protected, and that in order to do so, the retail offer at Queens Drive needs to be limited to bulky goods only. Despite the current non-bulky goods operations at the centre, the council wishes to retain the limitation.
3. I find that the representation was not supported by an evidence base demonstrating demand for non-bulky goods retail in this location, nor does there appear to be evidence to demonstrate that the vitality and viability of Kilmarnock Town Centre will not be undermined, which is the council’s primary purpose in limiting the range of retail offer at Queens Drive. Policy TC 2 : Footfall generating uses outside of town centres provides the appropriate policy safeguard for assessing such proposals, and would be applied to

any proposal for non-bulky goods retail at Queens Drive.

4. I conclude that in accordance with NPF 3 and SPP paragraph 60, the continued limitation to bulky goods retail in order to protect the vitality and viability of Kilmarnock Town Centre in this Plan is appropriate and recommend no modification.

5. A change to the title of this section of the Plan is sought, from “Successful town centres” to “Successful centres”. The representation considers that such a change would properly reflect the range of centres across the Plan area.

6. The council considers that this section of the Plan is to protect and enhance the town centres in the Plan area, and therefore the section is appropriately titled.

7. I find that both NPF 3 and PSP refer specifically to the importance of town centres and to the “town centre first principle”, expecting the planning system to support the role of town centres. This section of the Plan is aimed at providing a policy context which delivers that national planning aim, and so I conclude that the title of the section is appropriate. The role of other centres is identified in the Plan, particularly in Policies TC2: Footfall generating uses outside of town centres and TC3: Small scale retail development in out of centre locations.

Reporter’s recommendations:

No modification.

Issue 25	Policy TC 3: Small scale retail development in out of centre locations	
Development plan reference:	Volume 1, Page 61, Policy TC 3	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Ian Kelly (PLDP/57/2)		
Provision of the development plan to which the issue relates:	Policy TC 3 sets out the Councils requirements for the provision of small scale retail development in out of centre locations.	
Planning authority's summary of the representation(s):		
<p>Mr Ian Kelly (PLDP/57/2) states that in terms of retail, the policies need to look at how opportunities can help deliver other much needed land uses as part of mixed use proposals. TC3 should be amended to provide support for appropriately scaled retail developments.</p>		
Modifications sought by those submitting representations:		
<p>Mr Ian Kelly (PLDP/57/2) requests Policy TC3 is be amended to provide support for appropriately scaled retail developments.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The representation from Mr Ian Kelly (PLDP/57/2) is in relation to his representation (PLDP/57/1) for non-inclusion of Cutsburn Fields, Stewarton for mixed use purposes comprising residential, retail and business and industry. (Issue 149 considered this representation on the non-inclusion of this land for mixed use purposes).</p> <p>In relation to the suggested modifications by Mr Kelly to Policy TC 3, the Council is firmly of the opinion that the provisions of the Policy already allows for small scale retail development in out of town centres and is in accordance with the provisions of SPP in this regard.</p> <p>The Council is therefore of the view that no changes are required to be made to Policy TC 3 in this regard.</p>		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. The representation on this issue is linked to Issue 149 Land at Cutsburn Road, Stewarton, where an allocation for mixed use development is being sought. In relation to Policy TC 3, support for “appropriately scaled retail development” is sought. 2. The council considers that Policy TC 3 does allow for appropriate small scale retail development outside centres, and that the policy reflects Scottish Planning Policy (SPP) provisions. 		

3. I find that the role of other centres is identified in the plan, particularly in Policies TC2: Footfall generating uses outside of town centres and TC3: Small scale retail development in out of centre locations. Each of those policies sets out criteria for development proposals which, if met, would in principal and subject to compliance with other plan policies, be supported by the council. I conclude that a modification to Policy TC 3 to include a reference to “appropriately scaled retail development” would not be necessary, as existing Policies TC 2 and TC3 already provide the appropriate policy context for such development.

Reporter’s recommendations:

No modification.

Issue 26	Policy TC 6: Food and Drink, public houses, licensed clubs and hot food takeaways	
Development plan reference:	Policy TC6	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Planware Ltd (PLDP/332)		
Provision of the development plan to which the issue relates:	Policy TC6 directs these uses towards town centres and details the criteria that will be applied to these uses.	
Planning authority's summary of the representation(s):		
<p>Planware Ltd (PLDP/332) is of the view that the Policy does not conform to paragraph 68 of SPP as it adopts a sequential town centre first approach which gives no consideration to the variety of hot food takeaways. Drive-thru stores should not be considered in the same light as other hot food takeaways and have a different purpose to high street stores, focussing on a wider audience and existing road users. Applying a town centre approach is considered to be unjustified.</p> <p>The policy also contradicts itself as it seeks to direct all hot food takeaway uses to town centres then seeks to restrict an overconcentration of hot food takeaways. This is considered to be a direct contradiction and the policy is therefore unsound.</p> <p>The policy is overly vague and has no grounding for implementation. It would be implemented with no supporting information to prove that an over-concentration of a particular use would have a detrimental impact upon the surrounding area. Such a policy would be left to the discretion of the Council which is in direct conflict with SPP.</p>		
Modifications sought by those submitting representations:		
Planware Ltd (PLDP/332) seeks the deletion of the policy from the LDP.		
Summary of responses (including reasons) by planning authority:		
<p>Policy TC6 is included in the Local Development Plan to ensure that the Council has a degree of control over food and drink, public houses, licensed clubs and hot-food takeaways to ensure that these types of development have no adverse impacts on the amenity of the area and, in particular with hot-food takeaways, do not lead to an over-concentration in a particular location.</p> <p>With regard to the representation from Planware Ltd (PLDP/332), the Council disagrees the policy is contradictory. It is entirely reasonable to direct hot food takeaways to town centres but at the same time seek to avoid an overconcentration of such outlets in particular locations. The Council also disagrees that the Policy is overly vague and has no grounding for implementation.</p>		

<p>The Council, in using this Policy to assess applications, would fully justify why it considers there is an overconcentration of hot food takeaways. This justification would be contained within the Report of Handling or Committee Report. This approach is not in conflict with SPP and the Council is of the view that it will protect and enhance the vitality and vibrancy of East Ayrshire's town centres.</p>
<p>Reporter's conclusions:</p>
<p>1. The representation is seeking the removal of Policy TC 6: Food and drink, public houses, licensed clubs and hot food takeaways from the plan, on that basis that it is restrictive and does not give consideration to drive-through restaurants. The policy is considered contradictory, in that it directs such uses to town centres but then seeks to restrict over-concentration in such areas. The lack of detail about how such applications would be assessed is considered to be contrary to Scottish Planning Policy (SPP).</p> <p>2. The council considers that the inclusion of this policy is reasonable and necessary, as it would permit development proposals to be assessed appropriately, that the policy is not contradictory and it is compliant with SPP.</p> <p>3. Having read the full submission which forms the basis of this representation, it would appear to me that the party making the representation had not appreciated that Policy TC 2: Footfall generating uses outside of town centres expressly addresses Class 3 Food and Drink in Table 4: Definition of footfall generating uses. The inclusion of Class 3 uses in this policy, which drive-through restaurants fall under, means that an out of centre location can be justified, provided that the policy criteria of TC 2 and any other relevant plan policy are complied with. When read in conjunction with Policy TC 3, Policy TC 6 can permit out of centre Class 3 developments in the appropriate circumstances. The issue of drive-through restaurants as raised in the representation is, I conclude, addressed in Policy TC 2.</p> <p>4. SPP paragraph 68 is clear that uses which generate significant footfall are subject to the sequential town centre first approach. I find that Policy TC 6 reflects SPP.</p> <p>5. In terms of a contradiction, I find that the direction to town centres is in accordance with SPP, and that the council is correct to identify potential detrimental impacts arising from an over-concentration of such uses. I do not consider it appropriate to list each and every area in which such uses may be proposed, as that would be impractical given the varied nature of centres in the plan area. It is not contradictory to seek to protect areas from potential detrimental impacts potentially arising from an acceptable use. The individual circumstances applicable of any particular area would be assessed during the development management process, which I find would be the appropriate stage to assess potential impacts.</p>
<p>Reporter's recommendations:</p>
<p>No modification.</p>

Issue 27	Policy IND 3: Business and Industrial Development in the Rural Area	
Development plan reference:	Policy IND 3	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Kier Minerals Ltd (PLDP/90/3); Natural Power (PLDP/279/3); Fred Olsen Ltd (PLDP/281/3); Moscow and Waterside Community Council (PLDP/296/7)</p>		
Provision of the development plan to which the issue relates:	The policy sets out the types of business and industrial developments which will be encouraged and supported by the Council for development within the rural area.	
Planning authority's summary of the representation(s):		
<p>Kier Minerals Ltd (PLDP/90/3) support the principle of the use of coal rail heads for alternative rail based industrial use. However, Kier Minerals Ltd suggest alternative wording to allow the opportunity for established rail infrastructure to be utilised for an alternative use, for example the transport of forestry products. This will create additional jobs in the rural economy while also taking lorries off the public highway.</p> <p>Natural Power (PLDP/279/3) and Fred Olsen Ltd (PLDP/281/3) state that the important contribution which renewable energy generation has and will continue to make to the East Ayrshire economy has been completely overlooked in the economy section, thus failing to move the East Ayrshire area to a low carbon economy and contravening SPP outcome 1: "a successful, sustainable place" and SPP outcome 2: "a low carbon place". Both Natural Power and Fred Olsen Ltd request that the potential of renewables to contribute to sustainable economic growth is fully addressed in the final version of the LDP.</p> <p>Moscow and Waterside Community Council (PLDP/296/7) state that criterion (iv) of the policy does NOT apply appropriate conditions in this respect. In terms of criterion (vi), there is no reference to justification required for a rural location, nor assessment of availability of services, nor adequacy of access etc.</p>		
Modifications sought by those submitting representations:		
<p>Kier Minerals Ltd (PLDP/90/3) suggest that Policy IND 3 (iv) is amended to: Rail freight based industrial uses at existing coal disposal points and coal loading facilities at existing and former surface coal mines served by rail.</p> <p>Natural Power (PLDP/279/3) and Fred Olsen Ltd (PLDP/281/3) request that a new criterion is added to the policy and suggest the following text: "renewable energy developments within spatial strategy group 3 areas that have been subject to detailed consideration against identified policy criteria"</p> <p>Moscow and Waterside Community Council (PLDP/296/7), whilst not suggesting any</p>		

specific text, request that criterion (vi) is amended to include that developments are required to justify the need for a rural location; that assessment of availability of services has been undertaken and that the development can be accessed adequately.

Summary of responses (including reasons) by planning authority:

Policy IND 3 identifies what business and industrial developments are acceptable outwith settlement boundaries and will contribute to economic development within the rural area. The Council considers that the Policy is fully in line with the provisions of SPP in this regard.

In light of the representation from **Kier Minerals Ltd (PLDP/90/3)**, the Council considers that it may be appropriate to amend Policy IND 3 (iv) to widening out the criterion to ensure that there is an opportunity for established rail infrastructure to be utilised for alternative uses i.e. the transfer of bulk freight, forestry goods etc. The Council consider that this amendment to the Policy would not constitute a major change to the Council's overall approach and would be in accordance with SPP.

The Council would therefore have no objection if the Reporter is agreeable to this amendment and considers that a change to Policy IND 3 (iv) is required. Should this be the case then the Council suggests that Policy IND 3 (iv) is amended as follows (the proposed amendment is in bold):

Rail freight based industrial uses at existing coal disposal points **or coal loading facilities within existing and/or former surface coal mines** served by rail.

In relation to the representations from **Natural Power (PLDP/279/3)** and **Fred Olsen Ltd (PLDP/281/3)** the Council would state that the renewable energy policies contained within Section 6.1 of the Local Development Plan adequately deal with renewable energy developments and that there is no requirement to include a new criterion within Policy IND 3 to cover the same issue. The Council contends that Policy IND 3 should continue to deal with solely business and industrial developments outwith settlement boundaries and, as a consequence, no changes to the Policy should be made in this instance.

In terms of the representation by **Moscow and Waterside Community Council (PLDP/296/7)**, the Council states that appropriate conditions for developments associated with criterion (iv) will be applied to planning permission where appropriate at the development management stage. It is not appropriate for planning policy to specify detailed planning conditions.

The Council would also point out that the majority of the issues raised by the Community Council in relation to criterion (vi) are contained within Policy OP 1, which all development has to accord with. The Council would further point out that there is no need for the criterion to seek a justification for a rural location as the aim of the Policy is to set out what developments are considered to be appropriate outwith settlement boundaries.

The Council, as a result of the above, are of the view that no changes are required to be made to the policy as a result of the representation from the Community Council.

Reporter's conclusions:

1. A representation seeks to include "coal loading facilities at existing and former surface

coal mines” at point (iv) of Policy IND 3, which would widen the potential alternative uses for existing infrastructure. The council is supportive of the proposed additional text.

2. I find that Scottish Planning Policy (SPP) is supportive of sustainable rural development in appropriate locations, and particularly supports rural diversification (paragraph 79). The proposed re-use of existing coal-related rail infrastructure for alternative uses appropriate in a rural location would be in accordance with SPP and for that reason I recommend that point (iv) of Policy IND 3 be replaced with the suggested additional text. The modification would add clarity and certainty when assessing development proposal on such sites.

3. Two representations are concerned that the importance of renewable energy generation is not acknowledged in Policy IND 3, and that an additional point should be included in the policy specifically addressing renewable energy developments as being supported in the rural area.

4. The council considers that the issues relating to renewable energy development are fully addressed in Part 6 of the plan, and particularly at 6.1, and there is no requirement to include an additional reference in Policy IND 3.

5. I find that although the issue of renewable energy appears to have been quite comprehensively addressed in Part 6 of this Plan, the potential economic benefits have not been explicitly recognised. SPP is clear at paragraph 153 that *“Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain,...”*. Although bullet point 13 of Schedule 1 : Renewable Energy Assessment Criteria seeks to assess the potential net economic impact of renewable energy developments, Policies RE 1 to RE 10 of this plan do not actually set a supportive policy context in terms of potential contributions to sustainable economic growth in the rural area.

6. I conclude that specifically including renewable energy developments would be appropriate in Policy IND 3, and would build on the policy context for such developments. In addition, it would reflect SPP provisions and recognise the potential contribution to the economy of East Ayrshire. The representations sought an additional bullet point included, and I recommend that the Plan be modified as set out in the recommendations below. I have further modified the suggested additional bullet point by deleting the reference to “spatial strategy group 3 areas”, as such areas relate to wind energy development only, and replaced that with “the Rural Area”.

7. A representation is seeking to have criteria-based justifications added to point (iv) of Policy IND 3, as there are concerns that no justification for a rural location appears to be required for small scale businesses operating from rural residential properties.

8. The council considers that the imposition of appropriate conditions at the development management stage is appropriate, and that as the policy is supportive of such developments, they do not need to be justified. Any such applications would fall to be assessed against the relevant policies of the Plan.

9. I find that as the policy is supportive of specified development in the rural area, it does not require an additional criteria-based list of justifications, as the presumption has to be that it is an appropriate use. I agree that any development proposal will fall to be assessed against the relevant policies of the plan, and so detailed conditions would not be

appropriately included in the policy.

Reporter's recommendations:

Modify Policy IND 3: Business and Industrial Development in the Rural Area as follows.

1. Replace point (iv) with the following:

“(iv) Rail freight based industrial uses at existing coal disposal points or coal loading facilities within existing and/or former surface coal mines served by rail.”

2. Add a final bullet point as follows:

“renewable energy developments within the Rural Area that have been subject to detailed consideration against identified policy criteria.”

Issue 28	Policy IND 4: Mixed Use Sites	
Development plan reference:	Volume 1, Page 67, Policy IND 4	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Ian Kelly (PLDP/57/3)		
Provision of the development plan to which the issue relates:	Policy IND 4 sets out the provisions for development within mixed use sites within Schedule 4, Page 126 of the Local Development Plan and deals with the cross-funding requirements of business and industrial development on these sites.	
Planning authority's summary of the representation(s):		
<p>Mr Ian Kelly (PLDP/57/3) states that in terms of the economy, the requirement of policy IND4 that the relevant site “is primarily developed for business and industrial development” is too restrictive and may create viability issues in smaller settlements.</p>		
Modifications sought by those submitting representations:		
<p>Mr Ian Kelly (PLDP/57/3) requests that the first bullet point of policy IND4 is changed to read “The site contains a significant amount of business and industrial development in line with an agreed masterplan and cross funding proposal”</p>		
Summary of responses (including reasons) by planning authority:		
<p>The representation from Mr Ian Kelly (PLDP/57/3) is in relation to his representation (PLDP/57/1) for non-inclusion of Cutsburn Fields, Stewarton for mixed use purposes comprising residential, retail and business and industry. (Issue 149 considered this representation on the non-inclusion of this land for mixed use purposes).</p> <p>The purpose of the Councils approach to development within the mixed use sites is set out in Paragraph 5.1.7, Page 64 of Volume 1 of the Local Development Plan. The purpose of allowing compatible enabling development within the sites is to enable the existing business and industrial site to be primarily developed for economic development uses.</p> <p>The modifications to Policy IND 4 proposed by Mr Kelly would, in the opinion of the Council, substantially weaken the Council’s approach to the development of the ‘MXD’ sites for economic development purposes and could lead to the further loss of business and industrial land within the settlements where the MXD sites are located.</p> <p>The Council is therefore of the view that no changes to Policy IND 4 are required in this regard.</p>		
Reporter’s conclusions:		
<p>1. The representation is seeking to amend criterion (i) of Policy IND 4: Mixed Use Sites</p>		

by removing the word “primarily” and replacing it with the phrase “significant amount of business and industrial development in line with an agreed masterplan and cross funding proposal”. The change is sought as “primarily” is considered to be too restrictive and that such a restriction may give rise to issues of viability on sites in smaller settlements.

2. The council consider that the policy is aimed at permitting appropriate development which would enable business and industrial units to be developed, and that such uses need to be the primary uses onsite. Changing the wording would weaken the approach of the council and could lead to the loss of business and industrial land.

3. I find that the underlying purpose of Policy IND 4: Mixed Use Sites is to enable the provision of business and industrial units, or the infrastructure to allow such units to be developed, and that removing the word “primarily” from criterion (i) of the policy would have alter the intention of the policy. “Significant” amounts are not the same as “primarily”, and could give rise to the loss of existing economic development uses on mixed sites.

4. The proposed amendment to include references to masterplans and cross-funding in criterion (i) is already addressed in criteria (iii) and (iv) of the policy.

Reporter’s recommendations:

No modification.

Issue 29	Tourism Development	
Development plan reference:	Paragraph 5.2.7, Policy TOUR 1, TOUR 2, TOUR 3	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Loudoun Valley Trust (PLDP/115/3); Mrs Greta Roberts (PLDP/123/5); RSPB Scotland (PLDP/272/5); Loudoun Woods Homes Ltd (PLDP/302/5&8) (letters of support) Natural Power (PLDP/279/4) Fred Olsen Renewables (PLDP/281/4)</p>		
Provision of the development plan to which the issue relates:	<p>Paragraph 5.2.2 provides a high level overview of East Ayrshire rich built and cultural heritage The policies set out the Councils approach to Tourism Development, Tourist Accommodation and Rural Sporting, Leisure and Recreation Activities.</p>	
Planning authority's summary of the representation(s):		
<p>In terms of Policy TOUR 1 and TOUR 2, the Loudoun Valley Trust (PLDP/115/3) states that tourism has been neglected and more overnight accommodation is required in the Valley area to allow people to stay rather than just pass through. More hotels, B & B's and restaurants are required and the Plan should place more of an emphasis on expansion of the tourism industry locally.</p> <p>In terms of Policy TOUR 3, Mrs Greta Roberts (PLDP/123/5) suggests that an additional criterion is added to the policy to protect residential amenity.</p> <p>With regard to Policy TOUR 1, RSPB Scotland (PLDP/272/5) welcomes the recognition of green tourism initiatives and the value of nature conservation in this. They do not object to the caveat that green tourism initiatives will be supported where they "have demonstrated that they will not have an adverse effect on the integrity of a Natura 2000 site", but are of the view that the policy is too limited to only identify this restriction. Therefore, the RSPB wish to see this restriction widen out to also include adverse effects on other nature conservation features, for example SSSI's.</p> <p>Loudoun Woods Homes Ltd (PLDP/302/5&8) support the recognition within the Local Development Plan that development at Loudoun Castle could assist in the regeneration of Galston. Loudoun Woods Homes Ltd consider that paragraph 5.2.2 could go further and refer to the significant benefit a major tourism development would bring to the district as a whole, through increased employment opportunities, retail and leisure spend, and other attraction visits. They also support the reference to Loudoun Castle within policy TOUR1.</p> <p>Natural Power and Fred Olsen Renewables Tourism is discussed throughout the LDP, particularly within the economy section; however there is no mention of socio-economic factors. The consideration of tourism without a consideration of other socio-economic factors represents a very narrow approach which is at odds with the wider positive</p>		

<p>approach of the SPP.</p>
<p>Modifications sought by those submitting representations:</p>
<p>Loudon Valley Trust wish to see more emphasis placed on expanding the local tourism industry within Policy TOUR 1 and Policy TOUR 2.</p> <p>Mrs Greta Roberts wishes to see ‘<i>No adverse impact on surrounding residential amenity</i>’ added to the list of criterion within Policy TOUR 3.</p> <p>RSPB wish to see the Policy TOUR 1 expanded to give protection to other important nature conservation features.</p> <p>Loudoun Woods Homes Ltd (PLDP/302/5) wish to see Paragraph 5.2.2 amended to refer to the significant benefit a major tourism development would bring to the district as a whole, through increased employment opportunities, retail and leisure spend, and other attraction visits in relation to Loudoun Castle.</p> <p>Natural Power and Fred Olsen Renewables suggest that consideration is given within the LDP to tourism within the wider socio-economics context of the area rather than in isolation.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>The Local Development Plan sets out the Council’s approach to promoting tourism within East Ayrshire and is fully in accordance with SPP and the Ayrshire & Arran Tourism Strategy. The tourism policies encourage and support developments which will improve the tourism offer in East Ayrshire whilst ensuring that the environment and other important considerations are not adversely impacted upon.</p> <p>In relation to the representation from the Loudoun Valley Trust (PLDP/115/3), the Council is of the opinion that Policy TOUR 1 places adequate emphasis on expanding the tourism industry throughout East Ayrshire and is fully in accordance with SPP and the Ayrshire Tourism Strategy.</p> <p>Similarly, with regard to the representation from Loudoun Valley Trust (PLDP/115/3) in relation to Policy TOUR 2, the Council is of the view that no changes should be made to the Policy as it states that the Council will support tourism accommodation within settlement boundaries and the rural area, subject to accordance with the criteria within the Policy and other relevant Local Development Plan Policies. This is considered to be a positive and supportive approach.</p> <p>In relation to the representation from Mrs Greta Roberts (PLDP/123/5), the Council is of the view that no changes should be made to Policy TOUR 3. All development proposals are required to accord with the criteria contained within Policy OP 1. In particular, Policy OP 1 (ii) states that all development proposals must “be fully compatible with surrounding established uses and have a positive impact on the environmental quality of the area.”</p> <p>In light of the representation from RSPB Scotland (PLDP/272/5), the Council considers that an amendment to the last paragraph of Policy TOUR 1 may be appropriate to ensure that there are also no adverse impacts on statutory protected sites and other important nature conservation features, in order to specifically accord with legislation and SPP. The</p>

Council considers that this amendment would not represent a major change to the overall approach of the Policy and will ensure that all statutory designations and important nature features are protected from inappropriate green tourism initiatives.

The Council would therefore have no objection if the Reporter is agreeable to an amendment and considers that a change to last paragraph of Policy TOUR 1 is required. Should this be the case then the Council would suggest that the last paragraph of Policy TOUR1 is amended as follows (the proposed amendment is in bold):

*Green tourism initiatives relating to the high scenic, landscape quality and nature conservation interest of the Doon and Irvine Valleys, Loch Doon and Glen Afton as well as the Muirkirk Uplands and River Nith areas will also be encouraged and supported, where green tourism initiatives have demonstrated that they will not have an adverse effect on the integrity of a Natura 2000 site, **SSSI's and other important nature conservation features.***"

It is not considered that this would change the underlying aims of the policy.

In relation to the representation from **Loudoun Woods Homes Ltd (PLDP/302/5)**, the Council is of the opinion that Paragraph 5.2.2 clearly outlines the potential of Loudon Castle as a prime tourism development opportunity and, as such, the Council is of the view that no changes require to be made to the paragraph.

With regard to **Natural Power** and **Fred Olsen Renewables**, the Council does not agree that the tourism section is lacking in any way because it does not refer directly to the wider socio-economics context of the area. The tourism section concentrates on the tourism potential of the area and highlights the importance of this to the area. This is considered to be the correct approach to take and no changes to this section are considered necessary.

Reporter's conclusions:

Paragraph 5.2: Promoting Tourism

1. A representation is seeking to see the significance of Loudoun Castle emphasised in paragraph 5.2.2, with a reference to the potential benefits and opportunities for the district as a whole.
2. The council considers that the correct emphasis is made in the current text.
3. I find that as the current development proposal at Loudoun Castle does not have planning consent, and that as there are many factors that may influence delivery, the specific outcomes of any such development proposal and its potential impact in East Ayrshire are difficult to quantify. I conclude that the approach of the council is appropriate in that it acknowledges the importance of Loudoun Castle Estate at paragraph 5.2.2 and specifically sets out support for appropriate development at the Estate in Policy TOUR 1.
4. Emphasis on the socio-economic benefits of tourism in East Ayrshire is not thought to be given sufficient recognition in the LDP, in two representations.
5. The council considers that it has taken the correct approach by including the topic of tourism in the economy section of the Plan.

6. I find that at paragraph 5.2.1, the council has clearly set out the role it expects tourism to play in the East Ayrshire economy, and has linked it not only to the wider LDP but also to the Community Plan and the Economic Development Strategy. I conclude that the socio-economic benefits potentially arising from tourism and related development are acknowledged in the Plan.

Policy TOUR 1: Tourism Development

7. An emphasis on local tourism and accommodation is sought in a representation.

8. The council has responded saying that the tourism section of the Plan is in accordance with Scottish Planning Policy (SPPP) and the Ayrshire Tourism Strategy, and that the policy has the correct emphasis.

9. I find that the policy is positive in tone, seeking to actively support and encourage appropriate tourism and related developments. I consider that the issue of tourism has not been neglected, as suggested by the representation, and that tourism is a central part of the East Ayrshire economy, as evidenced by Part 5.2 of the Plan.

10. A representation considers that the reference to “Natura 2000 sites” in the final sentence of Policy TOUR 1 is too limited, and the reference should be widened to include other nature conservation features. The council is in agreement and supports the suggested change to the text.

11. I find that it would be appropriate to widen the reference to other nature conservation features, of which there are many in East Ayrshire. Green tourism initiatives may be, by their nature, located in areas which are more sensitive to development and so I conclude it is reasonable to expect such development proposals to demonstrate that no adverse impacts will arise for any nature conservation feature. The suggested amendment to the text will achieve that aim.

Policy TOUR 2: Tourist Accommodation

12. The representation is seeking to ensure that more tourist accommodation is provided in the Plan.

13. The council considers that its approach is positive and supportive in the policy, and no amendment is required.

14. I find that Policy TOUR 3 and the text at Part 5.2 of the plan is positive in tone, seeking to actively support and encourage appropriate tourism and related developments. Specifically in relation to tourist accommodation, I find that Policy TOUR 2 encourages and supports hotels, B&Bs and all types of tourist accommodation. I conclude that no modification to the plan is necessary to achieve the outcome sought by the representation.

Policy TOUR 3: Rural Sporting, Leisure and Recreational Activities

15. The representation suggests adding “*No adverse impact on surrounding residential amenity*’ added to the list of criteria within Policy TOUR 3.

16. The council is content that the matter of residential amenity is addressed in Policy

OP 1(ii) of this plan, which states that all development proposals must “be fully compatible with surrounding established uses and have a positive impact on the environmental quality of the area.”

17. I find that the additional proposed criterion would duplicate the criterion set out in Policy OP 1 (ii), and there would be no purpose in adding a similar criterion with the same intended outcome to another policy in the same plan.

Reporter’s recommendations:

Modify Policy TOUR 1: Tourism Development as follows:

Amend the final sentence with the addition of the following text:

“..... *SSSIs and other important nature conservation features.*”

Issue 30	Policy TOUR4: The Dark Sky Park	
Development plan reference:	Volume 1 Paragraph 5.2.5 – 5.2.7 and page 74, policy TOUR4	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy: PLDP/120/10 Scottish Renewables: PLDP/149/3 Vattenfall Wind Power: PLDP/285/4 Scottish Power Renewables: PLDP/330/5 Sportscotland: PLDP/319/5</p>		
Provision of the development plan to which the issue relates:	Paragraph 5.2.7 refers to the Dark Sky Park and explains its zones and the implications for lighting within these areas. Policy TOUR 4 provides the Council's policy approach to development within the Dark Sky park and its buffer zone.	
Planning authority's summary of the representation(s):		
<p>RWE Innogy: Policy TOUR4 relates to the Galloway Forest Sky Park designation. This is a specific policy relating to the Park and states that proposals within the Dark Sky Park will be expected to comply with non-statutory guidance and that proposals which produce lighting that will have a significant adverse impact on the quality of the night sky and undermine its status will not be supported.</p> <p>There are concerns in relation to this policy given it relates to a non-statutory designation. It should be made clear under this policy that there is no presumption against development within the 'zones' and this should also be explicitly stated as the non-statutory guidance is progressed. We note that a 'transition zone' (10 mile radius of the Park) is also proposed. Map 10: The Dark Sky Park does not explicitly define the 'transition zone' and this could result in ambiguity given it is specifically mentioned in Policy TOUR4 and the supporting text relating to this policy states "For the purposes of LDP policy TOUR2, the Dark Sky Park is taken to mean the core and buffer areas only". The policy and supporting text is wholly confusing. Firstly, it is questioned as to whether the sentence as quoted above should state TOUR 4 rather than TOUR 2? Secondly, Policy TOUR 4 explicitly refers to 'transition zones' whilst the supporting text noted above states that the Dark Sky Park is taken to mean the core and buffer areas only. Moreover, it is not clear how the boundaries for the zones were formulated.</p> <p>Scottish Renewables: The description of the Dark Sky Park as comprising a core zone and a buffer zone is at odds with the approved South Ayrshire Local Development Plan which adopts wording provided by DPEA which clearly differentiates between the Dark Sky Park and the buffer zone. Furthermore, while we have no issue with a voluntary transition zone where the Councils and Forestry Commission will encourage any new lighting to be Dark Sky friendly but this must be on a voluntary basis and not a material planning issue. The use of a planning condition to enforce a voluntary arrangement is inappropriate. We recommend that the policy on Dark Sky Park's is reworded in line with the comments above.</p> <p>Vattenfall Wind Power: Policy TOUR4 relates to the Galloway Forest Sky Park</p>		

designation. This is a specific policy relating to the Park and states that proposals within the Dark Sky Park will be expected to comply with non-statutory guidance and that proposals which produce lighting that will have a significant adverse impact on the quality of the night sky and undermine its status will not be supported.

Vattenfall has concerns in relation to this policy given it relates to a non-statutory designation. It should be made clear under this policy that there is no presumption against development within the 'zones' and this should also be explicitly stated as the non-statutory guidance is progressed. We note that a 'transition zone' (10 mile radius of the Park) is also proposed. Map 10: The Dark Sky Park does not explicitly define the 'transition zone' and this could result in ambiguity given it is specifically mentioned in Policy TOUR4 and supporting text relating to this policy states "For the purposes of LDP policy TOUR2, the Dark Sky Park is taken to mean the core and buffer areas only". The policy and supporting text is wholly confusing. Firstly, it is questioned as to whether the sentence as quoted above should state TOUR4 rather than TOUR2? Secondly, Policy TOUR4 explicitly refers to 'transition zones' whilst the supporting text noted above states that the Dark Sky Park is taken to mean the core and buffer areas only. Moreover, it is not clear how the boundaries for the zones were formulated.

Scottish Power Renewables The description of the Dark Sky Park as comprising a core zone and a buffer zone is in contrast to the approved South Ayrshire Local Development Plan which adopts wording provided by DPEA which clearly differentiates between the Dark Sky Park and the buffer zone.

SPR considers that a transition zone where the Councils and Forestry Commission encourage any new lighting to be Dark Sky friendly is valuable, but this must be on a voluntary basis and not a material planning issue.

Sportscotland refer to the distinction between the various zones identified for the Dark Sky Park at paragraph 5.2.7 and that the paragraph also states "for the purposes of LDP policy TOUR2, the Dark Sky Park is taken to mean the core and buffer areas only". Sportscotland highlight that there does not appear to be any direct link between the different zones identified for the Dark Sky Park and the provisions of policy TOUR2. Sportscotland are of the view that this statement could be more appropriately applied to policy TOUR 4: The Dark Sky Park, which specifically provides for development within the area designated as the Galloway Forest Dark Sky Park.

Modifications sought by those submitting representations:

RWE Innogy: It is recommended that it should be made clear under this Policy TOUR4 that there is no presumption against development within the 'zones'

- It is recommended that the policy wording is reviewed and amended to avoid ambiguity as outlined above

- It is recommended that information on how the zone boundaries were formed is noted within the supporting policy text.

Scottish Renewables: Reword the Dark Sky policy in line with the South Ayrshire LDP. Do not use a planning condition to enforce a voluntary arrangement.

Vattenfall Wind Power: Policy TOUR4: It should be made clear under this policy that there is no presumption against development within the 'zones' and this should also be explicitly stated as the non-statutory guidance is progressed. We query whether the

sentence in the policy supporting text stating “For the purposes of LDP policy TOUR2, the Dark Sky Park is taken to mean the core and buffer areas only” should actually refer to Policy TOUR4? The policies need to be clear on how the boundaries for the transition zones were formulated.

Scottish Power Renewables We would recommend that the wording provided by the DPEA which differentiates between the Dark Sky Park and the buffer zone should be adopted, as it was in the South Ayrshire LDP.

Policy TOUR 4, on page 74, should be re-worded as follows:

“We will support the Galloway Forest Dark Sky Park, and will presume against development proposals within the boundaries of the park that would produce levels of lighting that would adversely affect its ‘dark sky’ status. The boundaries of the Dark Sky Park [and of the buffer zone] are shown on map 10 on page 70. Development will have to be in line with the supplementary guidance on lighting within the Galloway Forest Dark Sky Park, which we will produce jointly with the adjoining planning authorities and Forestry Commission Scotland. This will also provide guidance for proposed developments within the buffer zone which may have a lighting impact on the Dark Sky Park.

Outwith the Dark Sky Park, and in particular within the 10 mile radius of the Park known as the transition zone, the Council will encourage developers to take account of the Dark Sky Park designation and take measures to limit light pollution”.

Sportscotland request that Para 5.2.7 of Volume 1 of the Proposed Plan is amended, if appropriate, to clarify whether the following statement applies to Policy TOUR 2 or TOUR 4:

“for the purposes of LDP Policy TOUR 2, the Dark Sky Park is taken to mean the core and buffer areas only”

Summary of responses (including reasons) by planning authority:

With regard to the representation from **RWE Innogy**, the Council notes their concern regarding a presumption against development within the Dark Sky park zones. The Council is, however, of the view that it is essential to presume against development which could compromise the status of the Dark Sky Park. The core area of the Dark Sky Park has zero light and this must be maintained in order to retain this status. The purpose of the buffer zone is to carefully manage light pollution so that this does not impact upon the area of zero light within the core area. The Council is therefore of the view that a presumption against development which could compromise the status of both of these zones is entirely justified and the fact that this is a non-statutory designation does not change the Council’s view. The Dark Sky Park has the potential to contribute significantly to the economy of south west Scotland and the protection of this asset is a key priority.

Policy TOUR4 does mention a transition zone of 10 miles around the Dark Sky Park where developers will be encouraged to take measures to limit light pollution in line with supplementary guidance which is currently being prepared and it is accepted that Map 10 does not show the extent of the transition zone. In this regard the Council considers that it may be preferable to remove the text which refers to the transition zone from policy TOUR 4 and move it to the note on the content of the non-statutory guidance on the Dark

Sky Park which follows the policy on page 74. If the Reporter agrees that the plan would benefit from such an amendment, the Council would have no objection to the second paragraph of policy TOUR 4 being deleted and the words '*through non-statutory guidance on Dark Sky Park Lighting*' being added to the second sentence of paragraph 5.2.7 on page 69 of Volume 1. This will not change the underlying aims of the policy and will provide some clarification on the status of the transition zone.

With regard to the supporting text for policy TOUR 4 at paragraph 5.2.7, the Council would point out that there is a typographical error in the third sentence of paragraph 5.2.7. The word 'TOUR2' should read 'TOUR4'. The Council considers this to constitute a non-notifiable change and, as such, it is included in the schedule of non-notifiable changes. Therefore the sentence now reads: "*for the purposes of LDP Policy TOUR 4, the Dark Sky Park is taken to mean the core and buffer areas only*". **RWE Innogy, Vattenfall Wind Power** and **SportScotland** have all pointed this error out.

In terms of **Scottish Renewables'** response, whilst the wording of policy TOUR4 differs slightly from that of South Ayrshire LDP, is not considered to be at odds with it. Policy TOUR4 does not differentiate between the Core Area and the Buffer Zone whereas the South Ayrshire LDP does make a differentiation between the two. The Council is therefore of the view that policy TOUR 4 may benefit from some clarification on this issue. If the reporter is agreeable and considers that a change to the policy is necessary and appropriate then the Council would have no objection to the policy being changed to read:

'Policy TOUR4

East Ayrshire Council will support the Galloway Forest Dark Sky Park, and will presume against development proposals within the boundaries of the park that would produce levels of lighting that would adversely affect its 'dark sky' status. The boundaries of the Dark Sky Park [and of the buffer zone] are shown on Map 10. Development will require to be in line with non-statutory guidance on Dark Sky Park Lighting. This will also provide guidance for proposed developments within the buffer zone which may have a lighting impact on the Dark Sky Park.'

This will not change the underlying aims of the policy and will ensure that development does not compromise the status of the Dark Sky Park and the economic benefits this brings to the area. An accompanying change to paragraph 5.2.7 will also be required. In this regard the Council would, if the reporter is agreeable and considers such a change necessary, have no objection to the first sentence of paragraph 5.2.7 being changed to read: '*The Dark Sky Park comprises a core zone where there is zero light. Surrounding the Core Area is a buffer zone where any lighting is carefully managed to reduce light pollution. The core area and buffer zone are shown on Map 10.*'

It is considered that these minor amendments would not alter the underlying aims of policy TOUR4.

With regard to the point made by Scottish Power Renewables relating to the transitional zone. The Council is suggesting under RWE Innogy's representation above that reference to this is removed from the policy and that this will be dealt with through Supplementary Guidance.

The Council does not agree with **Vattenfall Wind Power's** request that there should be no presumption against development in the core area and buffer zone. The Dark Sky Park status is reliant on zero light in the core area and carefully managed light in the

buffer zone. It is therefore of prime importance that the Council ensure that no new development could compromise this status. Presuming against inappropriate development is fully justified in this case.

Scottish Power Renewables would like the wording of policy TOUR4 to change to that contained within the Dark Sky Park policy within the South Ayrshire LDP. As can be seen under the representation by Scottish Power Renewables above, the Council has suggested to the reporter that a change in wording to this policy to more closely reflect that of the South Ayrshire LDP may be appropriate. With regard to the transition zone, the Council is recommending to the reporter that this is dealt with through supplementary guidance.

Reporter's conclusions:

Errors in text

1. A typographical error was identified at paragraph 5.2.7, page 69, where a reference is made to Policy TOUR 2, when it should properly be to Policy TOUR 4. This should be corrected.

Supplementary Guidance

2. In a letter dated 19 April 2016, the council confirmed that the joint Supplementary Guidance on Dark Sky Park Lighting has been adopted as statutory Supplementary Guidance by the other constituent authorities of the park. Accordingly, the council has now requested that the proposed "non-statutory guidance" reference in Policy TOUR 4 be replaced with a reference to "Supplementary Guidance" (which would be statutory). I find that such a modification would ensure that the SG carries the same force and weight as it does in the other authorities and that a consistent approach to decision making on the Dark Sky Park would be facilitated. I conclude that Policy TOUR 4 should be amended in accordance with the council's letter of April 2016. In addition, Schedule 9 on page 134 should be modified to reflect the change.

Transition Zone

3. A number of representations have raised concerns regarding the proposed transition zone of 10 miles around the park. It is considered that the transition zone as proposed in Policy TOUR 4 could be interpreted as being a statutory designation, which it is not intended to be. The council has confirmed that it is seeking to alter the proposed plan with suggested modifications, and those modifications have been the subject of a Further Information Request (FIR) to the appropriate parties, seeking their views. The responses received are generally supportive of removing the reference to the transition zone from the policy, and instead having Supplementary Guidance to cover the issue. I find that the reference in the policy to the transition zone could cause confusion and note that it is not defined on Map 10. There should be a clear distinction in the status of the zones for planning purposes. I conclude that the council's suggested modification would address this issue.

Revised Policy Wording

4. A representation has suggested that given the common policy objectives of the planning authorities within which the park lies, the policy in this plan should more closely

reflect that of South Ayrshire, where that plan has recently been through a Local Development Plan Examination and where the wording suggested by the reporter was adopted in the plan. The council agrees that the wording of the South Ayrshire policy is appropriate, and suggests a modification to reflect that.

5. In addition to the suggested modification by the council, I consider that the statement regarding the buffer zone should also be included in the revised policy wording, as it fully differentiates between the Dark Sky Park and the buffer zone, and provides clarity.

Presumption against development

6. Concern has been expressed about the presumption against development within the defined zones of the park, given its non-statutory designation. I find that the purpose of the policy and Map 10 is to control development that would have an adverse impact on the quality of the night sky, not to presume against all development. I find that the policy is clear in setting out that development is expected to comply with the proposed statutory SG, and conclude that the policy, map and supporting text are appropriate in their approach to delivering the aim of protecting the quality of the park.

Reporter’s recommendations:

Modify the plan as follows:

1. Delete the term “non-statutory” and replace it with “statutory” in Policy TOUR 4, and at row 11 of Schedule 9 of the Plan.
2. Amend paragraph 5.2.7, final sentence: remove “TOUR 2” replace with “TOUR 4”.
3. Replace paragraph one of Policy TOUR 4 with the following :

“East Ayrshire Council will support the Galloway Forest Dark Sky Park, and will presume against development proposals within the boundaries of the park that would produce levels of lighting that would adversely affect its ‘dark sky’ status. The boundaries of the Dark Sky Park and of the buffer zone are shown on Map 10. Development will require to be in line with statutory guidance on Dark Sky Park Lighting. This document will include, guidance for proposed developments within the buffer zone which may have a lighting impact on the Dark Sky Park.”
4. Delete the reference to “non-statutory guidance” in Policy TOUR 4 paragraph 3 and replace with a reference to “Supplementary Guidance”.
5. Amend Schedule 9, row 11, by deleting “non-statutory” and replacing it with “statutory”.

Issue 31	Policy TOUR 5: Galloway and Southern Ayrshire Biosphere	
Development plan reference:	Volume 1, Page 74, Policy TOUR 5, Galloway and Southern Ayrshire Biosphere	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy: PLDP/120/11 Greta Roberts: PLDP/123/6 Vattenfall Wind Power: PLDP285/5 Sportscotland: PLDP/319/6 RSPB: PLDP/272/8 (letter of support)</p>		
Provision of the development plan to which the issue relates:	Policy TOUR 5 sets out the Council’s supportive approach to the Galloway and Southern Ayrshire Biosphere.	
Planning authority’s summary of the representation(s):		
<p>RWE Innogy and Vattenfall Wind Power: Similar to the Dark Sky policy, TOUR 5 relates to a non-statutory designation that is partly located within East Ayrshire. There are concerns regarding the appropriateness of this policy and how this may be viewed as a barrier to wind energy development. It is recommended that it is explicitly stated within the policy that there is no presumption against development within the Biosphere, specifically, the ‘buffer zone’ and ‘transition zone’ and as identified by Map 11: UNESCO Galloway and Southern Ayrshire Biosphere. In general terms, it is considered that the core areas of the Biosphere are already protected through the pLDP i.e. natural environment policies. Furthermore, and with reference to pLDP text relating to biospheres which seek to “promote conservation and sustainable development on a regional scale”; generation from low carbon technologies should be specifically supported through this policy.</p> <p>Greta Roberts: It is unclear as to the need to identify a transition area as shown on the accompanying map, as there are no safeguards listed for development, other than a mention of sustainability; an aim which is surely universal to all land and land use proposals.</p> <p>If the transitional area is described as a place where most people work and live, this could be applied throughout East Ayrshire.</p> <p>Sportscotland generally supports the inclusion of a policy in the Proposed Plan for the Galloway and Southern Ayrshire Biosphere. However, it is suggested that the policy would benefit from additional text indicating in general terms what will and will not be acceptable in terms of development in the biosphere and the different zones proposed. It is understood that development related to recreation will be allowed in buffer and transitional areas however as the policy is non-specific in this area it is unclear what development will be allowed in the core area.</p> <p>The core area is based on the core of the Merrick Kells SSSI/SAC, and the Cairnsmore of Fleet and Silver Flowes NNRs; such designations do not necessarily preclude</p>		

development and it would be helpful if the policy were to provide clarity and guidance on what will be allowed in the core area.

It is noted, for example that part of the 7 Stanes network of mountain bike trails extends into the biosphere and would hope that there would not be an automatic exclusion of such forms of development in the core area if such development sought to locate there.

In addition it is important that management arrangements for the biosphere recognise access rights and do not propose any restriction of access (without justifiable reason) in the core zone.

RSPB support policy TOUR 5.

Modifications sought by those submitting representations:

RWE Innogy and Vattenfall Wind Power: It is recommended that it is explicitly stated within Policy TOUR 5 that there is no presumption against development within the biosphere. Vattenfall states that this statement of no presumption against development should specifically relate to the ‘buffer zone’ and ‘transition zone’
It is recommended that text is added to Policy TOUR 5 which is supportive of low carbon energy generating technologies within the Biosphere.

Greta Roberts does not request any specific modifications.

Sportscotland The wording of the policy should be expanded upon in order to provide clarity of the type and extent of development that will be considered to be appropriate in each of the core areas, buffer zone and transitional areas.
Any supporting text to the policy should also recognise the importance of access rights in the management arrangements for the biosphere.

Summary of responses (including reasons) by planning authority:

RWE Innogy and Vattenfall: The Council does not agree that policy TOUR 5 as written could be seen as a barrier to development. It is clearly a purely supportive policy designed to promote the Biosphere concept and the Council does not consider it appropriate to change the policy to say that there will be no presumption against development. The fact that the policy is silent on any presumption against development is sufficient. With regard to supporting generation from low carbon technologies, this again is not considered appropriate for the Biosphere policy as policies elsewhere in the plan (specifically policy ENV 14) cover this issue.

With regard to **Greta Roberts’** question over why there needs to be a transition area, the Council is reflecting the status of the Biosphere in the LDP to raise awareness, promote and support the Biosphere concept, not to stipulate which types of development will or will not be acceptable. The Council is of the view that all other LDP policies can comfortably cover all potential development proposals. The Council does not consider that it is appropriate to identify all of East Ayrshire as the transitional area because it should only be those areas within a reasonable distance of the core area that this applies to. No changes to the plan are necessary in this regard.

With regard to **Sportscotland’s** representation, the Council is reflecting the status of the Biosphere in the LDP to raise awareness, promote and support the Biosphere concept,

not to stipulate which types of development will or will not be acceptable. The Council is of the view that all other LDP policies can comfortably cover all potential development proposals. It is also not considered necessary to specifically mention access arrangements in the Core Area as this is not the role of the LDP.

RSPB's support for policy TOUR 5 is noted and welcomed.

Reporter's conclusions:

1. Concern has been expressed regarding the presumed barrier to development in the Biosphere and in the buffer and transition areas as set out on Map 11 at page 72 of the plan. The Biosphere was selected by UNESCO, and the plan aims to facilitate appropriate development within the three zones.

2. I find that Policy TOUR 5 specifically encourages development that would support the aims of the Biosphere, and the supporting text at paragraph 5.2.8 promotes appropriate development. No specific forms of development are identified, as each would be assessed on its merits in the policy context of the Biosphere and Policy TOUR 5. I find that it would not be appropriate to list types of development in the policy which may or may not be acceptable, as each proposal should be assessed in the broader context of the policies of the plan. I find that there is no presumption against development in Policy TOUR 5.

Reporter's recommendations:

No modification to the plan.

Issue 32	Heat Generation	
Development plan reference:	Paragraphs 6.1.4-6.1.7 and Policy RE 2: Heat Generation	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
RSPB Scotland (PLDP/272/9&10); SEPA (PLDP/309/3); The Scottish Government (PLDP/331/4)		
Provision of the development plan to which the issue relates:	Paragraphs 6.1.6-6.1.7 and Policy RE2 set out the Council's approach to the renewable and non-renewable sources of heat generation and district heat networks.	
Planning authority's summary of the representation(s):		
<p>RSPB Scotland (PLDP/272/9&10) recommends that the renewable heat generation Policy includes reference to biomass sustainability. Heat from biomass is only renewable where the biomass comes from a sustainable source. The FSC standard provides robust environmental protection and is currently the only credible, internationally recognised standard.</p> <p>RSPB welcomes policies to support renewable heat, in particular because heat accounts for around half of energy use in Scotland. In addition to supporting heat networks, there should be strong support for the installation of heat pumps in domestic and commercial buildings. Heat pumps are likely to be key to decarbonising the heat sector.</p> <p>In relation to paragraph 6.1.5, SEPA (PLDP/309/3) welcomes the Council's intention to take forward work on heat mapping. However, SEPA is of the view that the plan does not undertake the approach set out in SPP (paragraph 159), namely support for the development of heat networks in as many locations as possible within LDPs and that Plans '<i>identify where heat networks, heat storage and energy centres exist or would be appropriate</i>'. SEPA also express concerns that limited opportunities have been afforded to the consideration of the National Heat Map in terms of informing the LDP and also in relation to commitments to produce a localised East Ayrshire Heat Map. They do acknowledge that this is likely to have been as a result of the relatively short timescale between the adoption of the SPP and formulation of the Proposed Plan, but are nevertheless of the view that section 6.1.5 requires to be amended to remove reference to 'possibilities' in using heat maps.</p> <p>SEPA also recommend that Policy RE 2 is amended in line with SPP to better support the safeguarding of piperuns within developments for later connection and pipework to the curtilage of development rather than wait for the Heat Generation Supplementary Guidance to be produced.</p> <p>The Scottish Government (PLDP/331/4) consider that Policy RE 2 does not provide a robust plan for where the key opportunities exist for district heating nor does it firmly promote the take up of those opportunities. They suggest that the Policy should revert to the provisions of SPP in this instance.</p>		

Furthermore, the Scottish Government state that it is unclear when the Heat Generation Supplementary Guidance will be produced and how it will properly link with the plan's development strategy. In their view the policy does not adequately express the matters that are to be dealt by the Supplementary Guidance.

Modifications sought by those submitting representations:

RSPB Scotland (PLDP/272/10) recommends that the renewable heat generation policy include reference to biomass sustainability.

SEPA (PLDP/309/3) recommends that paragraph 6.1.5 is amended to remove the reference to 'possibilities' in using heat maps and replaced with a statement indicating that the East Ayrshire Heat Map be used to consider the potential for localised Heat Networks within East Ayrshire. Production of this Heat Map should be then identified as a specific outcome within the LDP Action programme.

SEPA further recommends that Policy RE 2 is amended to include a requirement for land to be safeguarded for the provision of heat network pipelines, piperuns, and energy centres that would enable subsequent connections to be made to heat networks, in order to protect applicable land for subsequent connections to these heat networks, should an application be lodged prior to the adoption of the supporting Supplementary Guidance.

The Scottish Government (PLDP/331/4) suggests that Policy RE 2 is amended to reflect the provisions of SPP in relation district heating. The Scottish Government also recommend Policy RE 2 is amended as follows in relation to the Supplementary Guidance:

'Supplementary Guidance on Heat Generation will be produced to support Policy RE 2.

This Supplementary Guidance will identify where the opportunities are for co-locating developments with a high heat demand with sources of heat supply exist. The Supplementary Guidance will include criteria for decision making.

This Supplementary guidance will include detail on individual heat generating technologies and will set out decision making criteria in addition to those in Policy RE2 that apply to those technologies.'

Summary of responses (including reasons) by planning authority:

Paragraph 6.1.5

With regard to the representation from **SEPA (PLDP/309/3)**, it was not possible to comprehensively analyse the heat maps in the preparation of the Local Development Plan. This was due to the short timeframe between the publication of SPP and the preparation of the Local Development Plan. There were also software compatibility issues with regard to the GIS heat data supplied by the Scottish Government and the Council's own GIS system which contributed to the analysis of the heat maps not being able to be undertaken in time for committee deadlines associated with the publication of the Local Development Plan. The Council are still in discussion with the Scottish Government regarding these software compatibility issues.

The Council, however, is of the view that the Local Development Plan accords with SPP,

as the Heat Generation supplementary guidance will use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply and this approach is explicitly stated in Policy RE2. In terms of the failure of the plan to identify where heat networks, heat storage and energy centres exist, the Council would point out that paragraph 6.1.6 states that no heat networks exist in East Ayrshire and, as stated above, that the Supplementary Guidance will identify where these developments will be appropriate. SPP does not specifically state this information cannot be contained within Supplementary Guidance.

However, in light of the representation from SEPA, the Council considers an amendment to paragraph 6.1.5 may be appropriate in order to explicitly state that the Supplementary Guidance will analyse heat mapping to ensure that the potential for co-location of developments with a high heat demand with sources of heat supply are identified and will identify where heat networks, heat storage and energy centres are suitable. The Council would therefore have no objection if the Reporter is agreeable and considers that a change is required to the paragraph 6.1.5 in this regard and would suggest that the paragraph could be amended to the following (the proposed amendment is in bold):

*“However, the plan supports and provides guidance for the co-location of developments with a high heat demand where sources of heat supply exist. **The Supplementary Guidance on Heat Generation will analyse the heat maps produced by the Scottish Government and will identify where heat networks, heat storage and energy centres are suitable, as well as, identifying where opportunities for the co-location of developments with a high heat demand with sources of heat supply would be appropriate.**”*

Policy RE2: Heat Generation

Policy RE2 was developed in accordance with the provisions of SPP and also in light of the policy statements issued the Scottish Government in relation to Renewable Heat Generation. The Policy also seeks to ensure that the LDP contributes to the renewable heat targets that have been set by the Scottish Government. The Council is of the view that Policy RE 2 accords with the requirements of SPP with regard to supporting developments associated with heat generation, the development of heat networks and the promotion of their take-up whilst ensuring that there are no adverse impacts on the environment and the amenity of the area.

In relation to the representation from **RSPB Scotland (PLDP/272/10)**, the Council is of the view that no changes should be made to the Policy to include a reference to biomass sustainability, as the Supplementary Guidance on Heat Generation will describe individual heat generating technologies and will set out decision making criteria for these technologies in addition to the requirements of Policy RE 2. This also applies to the inclusion of specific technologies such as heat pumps.

However, in light of the representations from **SEPA (PLDP/309/3)** and **The Scottish Government (PLDP/331/4)**, the Council considers that it may be appropriate to amend Policy RE 2, to include support for energy centres and to specifically safeguard land for pipelines/piperuns and energy centres in order to better align with SPP. The Council would therefore have no objection if the Reporter is agreeable and considers that a change to is required to Policy RE2 being amended as follows (the proposed amendment is in bold):

“Policy RE 2: Heat Generation

*The Local Development Plan will support developments associated with the renewable generation of heat. Where non-renewable generation of heat is proposed, the Council will support these developments only where greenhouse gas emissions are significantly reduced, form part of a carbon capture development or where the applicant can demonstrate plans for conversion to renewable or low carbon sources of heat in the future. **The Council will also be supportive of the provision of energy centres, where appropriate, within new development.***

*All new heat generating developments should, where possible, be located close to potential heat users and the possibility of developing heat networks, **including district heat networks**, should be investigated.*

Proposals for new development should ensure that the site can be connected to heat networks, including district heating, which may be developed in the future. This will require developers to safeguard sufficient capacity within the site’s infrastructure to allow pipework to be connected to premises within the site and to the future heat supply/network. Developers should also safeguard sufficient land, where appropriate, for the provision of energy centres to enable subsequent connections to heat networks to be made.

Where heat networks are not viable, micro-generation and heat recovery technologies, within or associated with individual properties, will be encouraged by the Council.

All proposals will require to meet with the Renewable Energy Assessment Criteria set out in Schedule 1 of the LDP. Thermal treatment plants will also require to meet with SEPA’s Thermal Treatment of Waste Guidelines 2014.

It is considered that this would not change the underlying aims of the policy.

The Council, however, disagrees with **The Scottish Government’s (PLDP/331/4)** view that Policy RE2 does not adequately detail how the Supplementary Guidance on Heat Generation will properly link with the Local Development Plan’s development strategy and the matters that are to be dealt with in Supplementary Guidance. Policy RE2 clearly sets out what the Supplementary Guidance will include, which is in line with the requirements of SPP and in line with the Local Development Plan’s spatial strategy.

With regard to **The Scottish Government’s (PLDP/331/4)** representation that Policy RE 2 does not state when the Supplementary Guidance will be produced, the Council would refer the Reporter to the Action Programme, which clearly states that the Supplementary Guidance on Heat Generation will be produced in 2015/16. The Council, therefore, does not consider that date for the production of the Supplementary Guidance is required to be included within the text of the policy and are of the view that no further changes to the Policy are necessary.

Reporter’s conclusions:

Heat – Paragraphs 6.1.4 to 6.1.7

1. A representation seeks to have the text in paragraph 6.1.5 amended to remove the references to “possibilities” and to make reference to the production of an East Ayrshire Heat Map in order to determine where opportunities for heat networks may arise. A further representation seeks to link the proposed Supplementary Guidance (SG) to Policy

RE 2.

2. The council agrees that the text in paragraph 6.1.5. could be amended to reflect the matters raised in the representation, and has suggested replacement text. This text was circulated to all the relevant parties in Further Information Request 12 (FIR). The council has advised that the short timeframe between the publication of Scottish Planning Policy (SPP) and this Plan limited the ability to fully analyse the SPP heat maps, but intends to provide further guidance in the proposed Heat Generation Supplementary Guidance (SG).

3. I conclude that paragraph 6.1.6 of the plan adequately sets out the link between Policy RE 2 and the proposed SG and I recommend no modification to the Plan.

4. I find that SPP supports the use of heat maps in LDPs to identify opportunities, and agree that such maps could be in SG, once a sufficiently explicit reference to the content of the SG is made in the Plan. I conclude that the suggested amendment, which is supported by the party making the representation, would provide a clear explanation of how the SG would be in accordance with SPP paragraphs 158 and 159 of SPP, in that heat mapping will inform decision making. I recommend that the Plan should be modified with the additional text as a new penultimate and final sentence.

Policy RE 2 : Heat Generation

5. Representations seek to have Policy RE 2 fully reflect the provisions of SPP, and to set out the role the proposed SG will have in decision making on heat generating and related proposals. An additional representation seeks to have biomass sustainability included in Policy RE 2.

6. I find that Policy RE 2 does not include a specific reference to biomass sustainability, but there are appropriate references to “all new heat generating” developments, which would include biomass. I conclude that there is no requirement to list all potential sources as set out in SPP paragraph 158, as the proposed amended text for the Policy will provide a clear indication of how such proposals would be assessed. There is no modification to the Plan.

7. The council suggested an amendment to Policy RE 2, which was circulated to the parties for comment in FIR 12, addressing the issue of energy centres and pipelines, and parties have responded with further comments.

8. I find that the policy as it currently stands does not fully reflect SPP, and that the amendments sought in representations are reasonable. In particular, energy centres, heat networks, heat storage and the required supporting infrastructure are matters addressed in SPP paragraphs 158 and 159, and I conclude, should properly be reflected in the plan. The proposed amendment to the text of the policy would result in a policy which is more closely aligned with SPP, and I recommend that the plan be modified accordingly. A revised, composite version of Policy RE 2 is provided in the recommendations.

9. A representation is concerned that there is not adequate reference to the proposed SG on Heat Generation in the Plan or a clear indication of when it might be produced. I find that paragraph 6.1.6 of the Plan sets out the link between Policy RE 2 and the proposed SG. Schedule 9 of this plan lists proposed SG, and Heat Generation is set out

on the fourth row with a date of 2015/ 2016, the Action Plan sets out the same time frame of 2015/2016, and the revised policy text now sets out the matters that will be addressed in the SG. I conclude that there is adequate referencing to the SG in the Plan, there is a clear timeline for production of the SG, and the matters to be addressed are now appropriately included in the policy text. I recommend no modification to the Plan.

10. A specific reference to the criteria to be used to determine heat generating technology proposals was sought to be included in the proposed SG. Whilst this examination report cannot direct the content of SG, I agree that a reference to such criteria would provide a fuller picture of how the proposed SG would assess such development. I recommend that revised text be inserted in Policy RE 2 to replace the current text on SG. The modification is included in the composite, revised text set out below.

Reporter's recommendations:

Modify the plan as follows:

1. Amend paragraph 6.1.5 with inclusion of the following text as a new penultimate and final sentence:

“However, the plan supports and provides guidance for the co-location of developments with a high heat demand where sources of heat supply exist. The Supplementary Guidance on Heat Generation will analyse the heat maps produced by the Scottish Government and will identify where heat networks, heat storage and energy centres are suitable, as well as identifying where opportunities for the co-location of developments with a high heat demand with sources of heat supply would be appropriate.”

2. Replace Policy RE 2 : Heat Generation with the following revised text:

“Policy RE 2: Heat Generation

The Local Development Plan will support developments associated with the renewable generation of heat. Where non-renewable generation of heat is proposed, the Council will support these developments only where greenhouse gas emissions are significantly reduced, form part of a carbon capture development or where the applicant can demonstrate plans for conversion to renewable or low carbon sources of heat in the future. The Council will also be supportive of the provision of energy centres, where appropriate, within new development.

All new heat generating developments should, where possible, be located close to potential heat users and the possibility of developing heat networks, including district heat networks, should be investigated.

Proposals for new development should ensure that the site can be connected to heat networks, including district heating, which may be developed in the future. This will require developers to safeguard sufficient capacity within the site's infrastructure to allow pipework to be connected to premises within the site and to the future heat supply/network. Developers should also safeguard sufficient land, where appropriate, for the provision of energy centres to enable subsequent connections to heat networks to be made.

Where heat networks are not viable, micro-generation and heat recovery technologies, within or associated with individual properties, will be encouraged by the Council.

All proposals will require to meet with the Renewable Energy Assessment Criteria set out in Schedule 1 of the LDP. Thermal treatment plants will also require to meet with SEPA's Thermal Treatment of Waste Guidelines 2014.

'Supplementary Guidance on Heat Generation will be produced to support Policy RE 2.

This Supplementary Guidance will identify where the opportunities exist for co-locating developments with a high heat demand with sources of heat supply. The Supplementary Guidance will include criteria for decision making.

This Supplementary guidance will include detail on individual heat generating technologies and will set out decision making criteria that apply to those technologies in addition to those in Policy RE2.'

Issue 33	Paragraph 6.1.8: Wind Energy	
Development plan reference:	Volume 1, Paragraph 6.1.8, Wind Energy	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
E.ON: PLDP/122/8		
Provision of the development plan to which the issue relates:	Paragraph 6.1.8 forms an introductory paragraph to the wind energy section.	
Planning authority's summary of the representation(s):		
<p>E.ON is of the view that paragraph 6.1.8 the Proposed Plan it is less encouraging in its support for onshore wind and other renewable energy sources than SPP. Paragraph 6.1.8 of the Proposed Plan seems to suggest that East Ayrshire already contributes significantly, and thus further opportunities must be explored and the LDP should be supportive. However, the strong encouragement and developing an areas full potential message contained within SPP is not re-enforced here. E.ON would wish for this paragraph to be re-written so that it is more in line with SPP.</p>		
Modifications sought by those submitting representations:		
<p>E.ON would like paragraph 6.1.8 re-written to state:-</p> <p>In terms of wind energy, East Ayrshire will be supportive of new opportunities for renewable energy developments and will seek to ensure an area's full potential for electricity from renewable sources is achieved in suitable locations, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations."</p>		
Summary of responses (including reasons) by planning authority:		
<p>Through paragraph 6.1.8, the Council is simply introducing the topic of wind energy and is demonstrating the contribution that East Ayrshire already makes which is considered to be an important point to make in the LDP. There is nothing in paragraph 6.1.8 that the Council considers to be contrary to SPP and does not agree that paragraph 6.1.8 requires to be rewritten.</p>		
Reporter's conclusions:		
<p>1. Paragraph 155 of Scottish Planning Policy states that development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations. Targets for energy from renewable sources are set out in paragraph 154. I note in this context that under the heading of delivering renewable energy, paragraph 6.1.1 of the proposed local</p>		

development plan states that planning has an important role to play in Scotland's transition to a low carbon place. Alongside energy efficiency measures, renewable energy is a key way to help reduce greenhouse gas emissions from the energy sector and in this regard, the Scottish Government has set ambitious renewable energy targets. I find that this is suitable introduction to renewable energy in the context of Scottish Planning Policy, which provides an appropriate balance between the support for renewable energy targets and protection for the environment within East Ayrshire.

2. Paragraph 6.1.8 introduces onshore wind energy, and prefaces the consideration of the spatial framework and related policies in the content of Scottish Planning Policy. However, I find that there is no need to repeat the positive message (which applies to all forms of renewable energy, not just wind energy) contained in paragraph 6.1.1. In my view the suggested change proposed in the representation on this matter would essentially duplicate the content of paragraph 6.1.1.

Reporter's recommendations:

No modifications.

Issue 34	Spatial Framework for Wind Energy: Paragraph 6.1.10 and Map 12	
Development plan reference:	Volume 1, Paragraph 6.1.10 and Map 12: Spatial Framework for Wind Energy	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>E.ON: PLDP/122/1 Scottish Renewables: PLDP/149/6 & 149/7 Gamesa Energy (UK): PLDP/287/1 Greta M Roberts: PLDP/123/7 Moscow and Waterside Community Council PLDP/296/10 Hargreaves: PLDP/297/1 RES UK: PLDP/324/11 Scottish Power Renewables PLDP/330/6 & 330/7</p>		
Provision of the development plan to which the issue relates:	Paragraph 6.1.10 and Map 12 set out the Council’s Spatial Framework for Wind Energy developments over 50m in height as required by Table 1 of SPP.	
Planning authority’s summary of the representation(s):		
<p>E.ON states that Map 12 has used the 1:250,000 scale Soils Scotland soil carbon richness mapping in order to define Group 2 areas of the proposed spatial framework. This mapping should be removed from the proposed spatial framework as it not consistent with the scope of the SPP and is not fit for purpose in determining the extent of "carbon rich soils, deep peat and priority peatland habitat" as required by the SPP. The Soils Scotland carbon richness mapping considers the broad issue of soil carbon richness (defined as soil carbon categories 5 or 6) rather than the specific issue of deep peat, carbon rich soils and priority peatland habitats, as required within Table 1 of the SPP.</p> <p>Furthermore, the low spatial resolution of this mapping does not provide sufficient data to reliably identify areas of deep peat, carbon rich soils or priority peatland habitats at a level which can usefully inform the siting of individual wind energy developments or draw the boundaries between areas with potential for wind energy development and areas of significant protection. This is important as this “Other nationally important mapped environmental interests of carbon rich soils, deep peat and priority peatland habitat” is often the only constraint affecting land that would without this designation otherwise be an area with potential for wind energy development .</p> <p>This mapping is also significantly out of date (it relies upon surveys undertaken in the 1980’s which has not been updated to take account of land use change such as the growth of coniferous forestry plantations). It would however at this stage also be inappropriate to use SNH’s draft deep peat, carbon rich soils and priority peatland habitats map as an alternative dataset within the proposed spatial framework, as this map is currently in draft form and will not be finalised until at least June 2015.</p> <p>E.ON has already recommended to SNH that soil carbon category 6 should be amended to include only peat with mapped depths greater than 1m, whilst peat (not peaty soils) with a depth less than 1m should fall within soil carbon category 5. It has also been</p>		

recommended to SNH that once the draft map is finalised only Class 1 land should be considered for inclusion within Group 2 areas on spatial frameworks, due to methodological concerns regarding the reliable identification of Class 2 land. These modifications would result in a significant reduction in the extent of Class 1 and Class 2 land and a significant reduction in the amount of land which should be identified as Group 2 areas.

Scottish Renewables states that paragraph 6.1.10 gives a description of the three groups that should be identified in the preparation of the spatial framework. The description of Group 2 goes beyond SPP, failing to acknowledge that wind farms “may be appropriate in some circumstances” as set out in Table 1 of SPP. They recommend that this section is reworded to accurately reflect SPP.

SPP sets a requirement for:

“Community separation for consideration of visual impact: An area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.”

Further guidance on how planning authorities should go about defining community separation distances to be included in spatial frameworks is set out in the Scottish Government Planning and Architecture blog, published in December 2014. This map should be refined to take account of this which encourages the consideration of issues such as local topography, the landscape character of settlements and the layout and built form of settlements rather than applying a set 2km buffer. We recommend that the community separation distance and subsequently Map 12 are revisited to ensure it adheres to Scottish Government guidance.

Gamesa states that the LDP contains a supportive message towards wind energy development overall, however, there are a number of points which are inconsistent with national policy.

Map 12: Spatial Framework for Wind Energy Development over 50m in height. Group 2 areas are shaded on the map - covering the vast majority of the Council area. However, neither the Map nor the associated text offers a justification as to why certain areas have been incorporated under the blanket Group 2 area. As Group 2 covers a wide range of designations and other features of importance as set out in SPP, it would be helpful for developers and local communities to understand on what basis each of the areas have been designated as Group 2 sites.

A detailed key with Map 12 or separate inset maps to detail this would be recommended, in order that users may see a specific area and understand the potential constraints quickly and easily. It should be noted that areas which have been designated as Group 2 due to carbon rich soils, deep peat and priority peatland habitat should use SNH’s ‘Carbon rich soil, deep peat and priority peatland habitats map’ to determine where these areas are. This document is not yet finalised following recent consultation and therefore may be subject to change. However, it is recognised that the spatial framework has included Category 6 (deep peat) and Category 5 (deep peat and other carbon rich soils) on the 1:250,000 Soil carbon richness map available from the Scotland’s soil website to define areas and this approach was taken on the advice of SNH, as noted within Planning for Wind Energy SG. We would suggest that this approach is updated prior to the

adoption of the LDP.

Greta Roberts welcomes within Map 12 the inclusion of areas of peatland and carbon rich forest soils at Glenouther Forest and Blair Farm west of the M77 before the East Ayrshire boundary. This area needs to be protected for visual, ecological and ornithological reasons.

Moscow and Waterside Community Council note that Map 12 shows most of the community council area as being group 2: Areas of significant Protection. It is suggested that this is extended to cover the entire community council area; in particular the areas shown in white on the map up Hareshawmuir Road and north of the designated Landscape of Loudoun Castle Estate.

Hargreaves states that the LDP does not use the term wind farm but the Spatial Framework's definition for wind energy developments. The Spatial Framework applies to all proposals for wind energy developments, including turbines greater than 50 metres in height. Hargreaves is of the opinion that developments including turbines greater than 50 metres in height, irrespective of the number of turbines, should not be categorised as a wind farm. A single wind turbine with a blade tip height of 51 metres does not have the ability to cause the same level of impact as a wind farm consisting of 26 wind turbines, 126 metres to blade tip, therefore unnecessarily constraining wind energy development, contrary to SPP.

RES UK question the Council's approach to the minimum scale of development that the spatial framework will apply to. Whilst a minimum height is welcomed, it would be more appropriate to indicate both a height and number of turbines as opposed to purely height. RES UK points out that the 50m above which the spatial framework will apply appears to have come from the East Ayrshire Landscape Wind Capacity Study and state that such studies do not have any relevance in the preparation of spatial frameworks.

The approach to identifying areas not exceeding 2km around communities is questioned. It is unclear from the plan whether 2km separation distances have been applied to all of East Ayrshire settlements of 15 or more houses as no separate mapping is available for each of the constraints listed in Table 1 of SPP.

It is noted by RES UK that no mention is made to the national carbon mapping potential constraints as identified within Table 1 of SPP. RES would anticipate that, following the recent public consultation by SNH, such mapping would be incorporated into the spatial framework.

Scottish Power Renewables states that the description of Group 2 "areas of significant protection" goes beyond SPP and should be reworded to align with SPP.

Map 12 does not align with SPP and should demonstrate that wind farms are appropriate within Group 2 areas in some circumstances. Map 12 should be based on the exercise required by SPP, i.e. that an area not exceeding 2km around cities, towns and villages be identified on the local development plan, but the extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.

Draft maps of peat and carbon rich soil sites are now available from SNH, and should be used in Map 12. Although subject to consultation, significant change is not anticipated.

However, caveats on the accuracy of the data, as acknowledged by SNH, should be included.

Modifications sought by those submitting representations:

E.ON has requested four changes to the plan as follows:

1. Map 12: Spatial Framework for Wind Energy Development over 50m in height be amended to reflect the Plan in PDF document titled “E.ON_Map 12”

This is because until such time as up-to-date and accurate mapping of deep peat, carbon rich soils and priority peatland habitats map is available it is not appropriate to include incorrect mapping into a spatial framework plan, particularly given the importance of low carbon and renewable technologies.

2. Add in an additional Map 12a the same as the document titled “E.ON_Map 12a”

3. Change the wording in 6.1.10 that starts off with “Group 2: Areas of significant protection. This group contains a number of national and international designations, other etc.....” To read the following:-

“Group 2: Areas of significant protection. This group contains a number of national and international designations, other nationally important environmental interests and a separation distance for communities of up to 2km for visual impact purposes as set out below.

National and International importance designations:

- *World Heritage Sites;*
- *Natura 2000 and Ramsar sites;*
- *Sites of Special Scientific Interest;*
- *National Nature Reserves;*
- *Sites identified in the Inventory of Gardens and Designed Landscapes;*
- *Sites identified in the Inventory of Historic Battlefields.*

*Other nationally important mapped environmental interests: **

- *areas of wild land as shown on the 2014 SNH map of wild land areas;*

Community separation for consideration of visual impact:

- *an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.*

It is recognised that these areas need significant protection and that any wind energy proposal in these areas may be appropriate in some circumstances they will be required to demonstrate that any significant effects on each of the qualities of such areas can be substantially overcome by siting, design or other mitigation. Proposals within Group 2 areas will be assessed against the criteria listed in Schedule 1 as part of the Development Management Process.

** Mapping of carbon rich soils, deep peat and priority peatland habitat will be included within Group 2 only once up-to-date and accurate mapping is available. At his stage this*

environmental interest is not mapped.

4. To the properly reflect the status of Group 3 areas within the SPP it is further recommended that the current neutral wording under paragraph 6.1.10 that development in Group 3 areas “may be acceptable subject to detailed consideration...” should be replaced by the more positive statement of the SPP “are likely to be acceptable subject to detailed consideration...”.

Therefore change to read:

“Group 3: Areas with potential for development. Beyond Groups 1 and 2, proposals for wind energy development are likely to be acceptable subject to detailed consideration, at the Development Management Stage, against the identified policy criteria listed in Schedule 1.”

Scottish Renewables recommends that Group 3: Areas with potential for Development part of paragraph 6.1.10 is reworded to accurately reflect SPP and that the community separation distance and subsequently Map 12 are revisited to ensure it adheres to Scottish Government guidance.

Gamesa suggests that Map 12 shows further detail of type of Group 2 designation either by a detailed key or separate inset maps. It is also recommended to include an explanation that in the absence of the finalised SNH Carbon rich soil, deep peat and priority peatland habitats map, the 1:250,000 Soil carbon richness map, available from the Scotland’s soil website, has been used to define areas and this approach was taken on the advice of SNH. This could be similar to the note included within the Planning for Wind Energy SPG- Table 3.

Moscow and Waterside Community Council want Map 12 amended to extend Group 2 areas to cover the entire community council area; in particular the areas shown in white on the map up Hareshawmuir Road and north of the designated Landscape of Loudoun Castle Estate.

Hargreaves does not specifically state what modifications they would like made to the plan.

RES would request clarification on the various constraint criteria that are used to confirm Group 2 Areas within the Council’s Spatial Framework. This should be contained within further guidance within the timescale of the emerging LDP.

SPR recommends rewording of paragraph 6.1.10 as follows:

Group 2: Areas of significant protection.

This group contains a number of national and international designations, other nationally important environmental interests and a separation distance for communities of up to 2km for visual impact purposes. It is recognised that these areas require significant protection but that wind farms may be appropriate in some circumstances. Any wind energy proposal will be required to demonstrate that significant effects on each of the qualities of such areas can be substantially overcome by siting, design or other mitigation.

Proposals within Group 2 areas will be assessed against the criteria listed in Schedule 1

as part of the Development Management Process.

Map 12 should be re-drawn to align with SPP requirement on Group 2 areas, and separating distances, and to incorporate latest peat and carbon rich soil maps, devised by SNH, with appropriate caveats on the accuracy of the underlying data.

Summary of responses (including reasons) by planning authority:

At the time of preparing the Proposed Plan, a finalised soil map defining areas of carbon rich soils, deep peat and priority peatland habitats had not been prepared by SNH. The Council was advised by SNH to use Category 6 (deep peat) and Category 5 (deep peat and other carbon rich soils) areas as shown on the 1:250,000 Soil carbon richness map from the Scotland's soil website for the purposes of preparing its Spatial Framework for Wind Energy for the Proposed Plan which was subsequently done. It is acknowledged that a finalised map is now available (as at July 2015) and the Reporter may therefore see merit in recommending that the spatial framework is amended to incorporate the most up to date map on the SNH website which is considered to be the most up to date representation of "carbon rich soils, deep peat and priority peatland habitat" as set out in Table 1 of SPP.

With regard to **E.ON's** suggestion that a map compiled by their consultants is included within the LDP, the Council does not agree that this is appropriate. The Council considers that the most appropriate approach at this time is to use SNH's most up to date mapping which was not available at the time of preparing the Proposed Plan but will be available during the examination of the plan.

With regard to the wording of paragraph 6.1.10 and the fact that it does not exactly replicate the wording of the spatial framework text within SPP, the Council is of the view that the LDP should not be required to exactly replicate SPP word for word. The wording used to describe both Group 2 and Group 3 is not considered so different to SPP that it would result in an alternative policy interpretation. The Council does not agree that the LDP "goes beyond" SPP and is of the view that the wording of Group 2 adequately reflects the policy direction given in SPP.

With regard to the wording used under Group 3 areas in paragraph 6.1.10, it is important to emphasise that all proposals will need to meet the criteria set out in Schedule 1 in order to be acceptable in planning policy terms.

Several representations state dissatisfaction with the way that community separation distances have been defined in the LDP Spatial Framework. It is confirmed that 2km buffers were drawn around all communities that are listed as settlements in Volume 2 of the plan. No refinement of this through survey work relating to landform and views was carried out due to time restrictions. There are 41 settlements in East Ayrshire and to do a detailed analysis of landform and views from each of these would have taken a significant period of time adding delays to the LDP timetable. Pre-publication consultation with Scottish Government officials and SNH was carried out and this blanket 2km buffer approach was considered appropriate at that time. The Council does not therefore consider it necessary to undertake such an exercise at this stage. This can be carried out in a future review of the LDP or Supplementary Guidance and can be carried out for those settlements in the vicinity of areas most under pressure for wind energy development.

Gamesa is correct to state that the plan does not show in map form a breakdown of the different Group 2 constraints. They should, however, be assured that Map 12 strictly follows Table 1 of SPP. Each of the constraints set out in group 2 of Table 1 in SPP have been shaded orange meaning that all Group 2 areas are orange and the remaining white areas are all Group 3 areas. The SG on Planning for Wind Energy provides more detail on this matter albeit that it does not show each constraint on individual maps. The Council is of the view that the LDP does not require to provide such detail on how the spatial framework map has been drawn up. The current map and text are considered appropriate. Supplementary Guidance would be a more appropriate document to contain this level of detail.

With regard to the representations from **Greta Roberts**, it is noted that she welcomes the inclusion of certain areas of East Ayrshire as being areas of peatland and carbon rich forest soils. However, her point that these areas need to be protected for visual, ecological and ornithological reasons is not a point for consideration as part of the spatial framework. These issues would be dealt with as part of the assessment of any applications for wind energy development against the relevant wind energy policy as well as the criteria set out in Schedule 1 of the plan.

Moscow and Waterside Community Council would like Group 2 areas extended to cover their entire Community Council area. The Council does not consider this appropriate as the Spatial Framework map is required to follow the methodology set out in SPP. Only those constraints listed under Group 2 in table 1 of SPP can be defined as Group 2.

Hargreaves is concerned with the Council's decision to apply the Spatial Framework to all proposals over 50m in height regardless of the number of turbines being proposed. When assessing the appropriateness of wind energy developments, the Council is of the view that it is the environmental impact of the proposal and its physical relationship with its setting that most influence the significance and appropriateness of any development proposal. The Council was required to establish a minimum scale for the purposes of the Spatial Framework and it is considered that 50m is generally the height at which the visual impact of a proposal on its surroundings has the potential to be significant. No changes to this approach are considered necessary. In addition to this point, **RES UK** is of the view that the 50m minimum scale appears to have come from the East Ayrshire Landscape Wind Capacity Study (LWCS) and that this is not appropriate as such studies should not form part of the Spatial Framework. Whilst it is accepted that the LWCS classifies medium typology turbines as 50-70m in height and that this has influenced the Council's decision to use 50m as the minimum scale for the spatial framework, this does not mean that the LWCS forms an integral part of the spatial framework. Landscape considerations have been kept separate to the spatial framework in line with SPP.

Reporter's conclusions:

Context

1. Paragraph 161 of Scottish Planning Policy states that planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out in Table 1. The local development plan sets out a spatial framework for wind energy based upon Table 1, identifying areas that are likely to be more appropriate for onshore wind development. The spatial framework applies to all

proposals for wind energy development which include turbines of 50 metres and above, irrespective of the number of turbines. The representations seek various changes to the text relating to the spatial framework and Map 12.

Carbon rich soils and peat

2. The position has now moved on from that stated within the representations, in that a finalised carbon rich soil deep peat and priority peatland habitats map has now been published by Scottish Natural Heritage. Following a further information request, Scottish Natural Heritage has also advised that classes 1 and 2 shown on the map should be used in the identification of Group 2 areas in the wind energy spatial framework.

3. I note that in its consultation response to Scottish Natural Heritage, E.ON raised significant methodological concerns (which are set out in Appendix A of its response to the further information request). However, I find that the advice from Scottish Natural Heritage constitutes the best evidence available at the present time, and that this should therefore inform the spatial framework. I do not consider that Supplementary Guidance would be appropriate for determining a key element of the spatial framework for wind energy development in the context of paragraphs 137 to 139 of Circular 6/2013.

4. I find that classes 1 and 2 from the finalised map on carbon rich soil, deep peat and priority peatland habitats are appropriate Group 2 constraints for the spatial framework. The council has provided a more detailed map showing classes 1 and 2, and a revised Map 12 incorporating these areas instead of the previously identified areas from the soil and carbon richness map. Notwithstanding the concerns expressed on behalf of E.ON referred to above, I find in the circumstances that it is appropriate to include classes 1 and 2 from the finalised map on carbon rich soil deep peat and priority peatland habitats as Group 2 constraints on Map 12.

General matters relating to the detail of Map 12

5. Apart from the issue of carbon rich soils and peat, the representation on behalf of E.ON also requests the inclusion of a more detailed map showing the nature of the constraints defining the Group 2 areas shown on Map 12. According to the information provided, relevant constraints for Group 2 are (first column) special protection areas and special conservation areas, sites of special scientific interest, designed landscapes and gardens and battlefields; (second column) wild land and carbon rich soils and peat; (third column) buffer zones around towns and villages. This matter is also raised on behalf of Gamesa Energy (UK) Ltd, to the extent that it is considered necessary to understand the basis for the shaded areas on Map 12.

6. The spatial framework within Map 12 relates to the policies for renewable energy development (in so far as they apply), and Schedule 1 lists the relevant criteria against which proposals need to be considered in the context of these policies. Where a criterion relates to a geographic constraint under Group 2, the constraint is included generically under this group within Map 12, but the specific nature of the constraint is not identified.

7. Following a further information request, and in addition to the separate identification of classes 1 and 2 of the carbon rich soil deep peat and priority peatland habitats, the council has now also provided separate identification of the 2 kilometre buffer zones around settlements, and the remaining Group 2 constraints (together in a single notation) for potential inclusion on Map 12. The council considers this is as far as the Group 2

constraints could reasonably be distinguished on a separate map without making the map incomprehensible. The council in any event considers that the local development plan does not require this level of detail in order to show how the map has been drawn up and this matter would be more appropriately addressed through Supplementary Guidance.

8. I recognise that the primary purpose of Map 12 is to show those areas where any significant effects on the qualities of the area require special consideration and mitigation in terms of the acceptability of the impact on the environmental resource. However, in my view it is important that the spatial framework is sufficiently linked to the criteria listed in Schedule 1, where possible identifying the type of constraint and the relevant criteria that should be addressed in the consideration of a wind energy proposal within a particular area. The nature of the constraint may have implications for the location, number and design of wind turbines, which for example may be quite different for a special protection area, buffer zone around a settlement or carbon rich soil.

9. I also recognise the constraints imposed by a small scale map covering the council's whole administrative area. Some of the information, particularly on gardens and designed landscapes, battlefields and sites of special scientific interest, covers a small geographical area. In addition, I note that the rural area map already separately defines nature conservation sites, historic gardens and designed landscapes, and wild land.

10. I find that Map 12 should identify the key constraints applicable to Group 2. However, I consider that the revised Map 12 which has now been provided on behalf of the council would be sufficient in this regard. This distinguishes class 1 and class 2 carbon and peatland areas, 2 kilometre settlement buffer zones, and the remaining constraints grouped together. Furthermore, a reference to the rural area map should be included on Map 12 to enable nature conservation sites, historic gardens and designed landscapes, and wild land to be further distinguished. Beyond this, it would be necessary to refer to source information to distinguish special protection areas, special areas of conservation and sites of special scientific interest, and to distinguish gardens and designed landscapes and historic battlefields. A note should also be included on Map 12 indicating that the details of these may be obtained from the council on request.

11. Following on from the above, there should also be a slight revision to the content of paragraph 6.1.11 to explain this further. The accuracy of the information contained in the revised Map 12 should not be relied upon other than for identification purposes, with the exact boundary information being verified from the council's database. A note should also be included on Map 12 to explain this. The appropriate revisions required to Map 12 and the associated paragraph 6.1.11 are included within my recommendations below.

12. I have noted the comments from Moscow & Waterside Community Council to the effect that the whole of its administrative area should be identified as a Group 2 area. However, I find that the above constraints, as set out under Group 2 in Scottish Planning Policy, should determine the area which is appropriate for inclusion on Map 12. The administrative area of a community council is not relevant in this context, and so therefore no change to the local development plan is required in this respect.

Content of paragraph 6.1.10

13. Paragraph 6.1.10 includes the following definitions of Group 2 and Group 3 areas:

Group 2: Areas of significant protection. This group contains a number of national

and international designations, other nationally important environmental interests and a separation distance for communities of up to 2km for visual impact purposes. It is recognised that these areas need significant protection and that any wind energy proposal will be required to demonstrate that any significant effects on each of the qualities of such areas can be substantially overcome by siting, design or other mitigation. Proposals within Group 2 areas will be assessed against the criteria listed in Schedule 1 as part of the Development Management Process.

Group 3: Areas with potential for development. Beyond Groups 1 and 2, proposals for wind energy development may be acceptable subject to detailed consideration, at the Development Management stage, against the identified policy criteria listed in Schedule 1.

14. Several representations seek changes to these definitions in the context of Scottish Planning Policy. In the first instance, I would mention that the text here is quite important, in that it should give the appropriate emphasis to the areas of significant protection. These are not “no-go” areas with a prohibition on wind turbine development. They are areas where environmental constraints require special consideration, tailored to the nature of the constraint or constraints identified. Some areas may have more than one constraint. For large scale wind farms it is likely that an environmental impact assessment will be required in any event.

15. The text of paragraph 6.1.10 and the relevant policies for wind energy development (examined under separate issues) have to be read in conjunction with the content of Map 12. With appropriate text, Map 12 does not have to be seen as generally negative towards wind farm development within Group 2 areas. Whilst in some cases such development may be unacceptable for environmental reasons, the purpose of the policy regime is to seek measures where appropriate in order to mitigate the impact of wind farm development.

16. It is suggested within the representations that the relevant Group 2 constraints should be included in paragraph 6.1.10. Owing to my conclusions that these should to some extent be shown on Map 12, this is perhaps less important. Nevertheless, I find that it would be appropriate for the sake of completeness, thus ensuring that the reader is aware of which constraints are relevant to a particular area, as shown on Map 12.

17. Of more importance is whether or not the content of this paragraph sufficiently reflects Scottish Planning Policy. I agree with the council to the extent that it is not necessary for the local development plan to replicate Scottish Planning Policy, because this is an important material consideration in its own right with respect to any wind energy development proposal. However it must be consistent with Scottish Planning Policy.

18. With respect to Group 2, the key difference between the text within Scottish Planning Policy and in paragraph 6.1.10 of the local development plan is that Scottish Planning Policy states that wind farms may be appropriate in some circumstances, but further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Paragraph 6.1.10 states that it is recognised that these areas need significant protection and that any wind energy proposal will be required to demonstrate that any significant effects on each of the qualities of such areas can be substantially overcome by siting, design or other mitigation.

19. The key element missing from the local development plan is the statement that wind farms may be appropriate in some circumstances, and should be added to the text relating to Group 2 to ensure consistency with Scottish Planning Policy.

20. With respect to Group 3, Scottish Planning Policy states that areas with development potential are those areas where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. Paragraph 6.1.10 of the local development plan states that in these areas proposals for wind energy development may be acceptable, subject to detailed consideration at the Development Management stage. There is a significant difference here which in my view amounts to a difference in policy interpretation. The text in Paragraph 6.1.10 should therefore be amended to state that wind energy proposals are “likely to be acceptable” rather than “may be acceptable”, again to ensure consistency with Scottish Planning Policy. The appropriate text changes for paragraph 6.1.10 are provided within my recommendations below.

Community separation for consideration of visual impact

21. The council has identified a 2 kilometre buffer around all settlements identified as such in the local development plan, although I note that it has not undertaken any refinement of those buffer areas (which would be likely to require extensive survey work) to take into account local topography, landscape character and the layout and built form of settlements. In any event, it is not possible for any refinement of the settlement buffer areas to take place through this examination.

22. In this context, a note should be added to Map 12 to explain that this is an indicative area within which special consideration is required with respect to the visual impact on communities within established settlements, and that the actual extent of the area for consideration will depend on local topography, landscape character and the layout and built form of settlements.

Scale of wind energy development and height of turbines

23. Paragraph 6.1.10 states that the local development plan does not use the term wind farm. Instead, the spatial framework applies to all proposals for wind energy development which include turbines of 50 metres and above, irrespective of the number of turbines. I note that the East Ayrshire Landscape Wind Capacity Study uses this height as the lower limit of its medium typology. Since paragraph 161 of Scottish Planning Policy states that development plans should indicate the minimum scale of onshore wind development that their spatial framework is intended to apply to, I find that this approach is in general terms consistent with Scottish Planning Policy.

24. Smaller turbines which do not fall under the umbrella of the spatial framework would still require to be considered under Policy RE6, which sets out relevant criteria for the determination of proposals for smaller wind turbines.

25. When considering any development proposal, cumulative impact is also an important consideration. Single turbines therefore have to be taken into account in addressing cumulative impact, and the effect of single turbines must in this context be relevant to the spatial framework. I therefore find that the inclusion of single turbines in the spatial framework is appropriate.

26. It is however stated within the representation on behalf of RES UK Ltd that it would

be more appropriate to indicate both the height and the number of turbines to which the spatial framework applies. This representation comments that it is unlikely commercial wind farms would be proposed with turbines below 50 metres in height. The proposed plan excludes all turbines under 50 metres in height from the spatial framework. This means that multiple turbines of 40 metres in height (for example) would not be included within the spatial framework or be covered by Policy RE3, although it may also be the case that such proposals are unlikely to come forward. In any event, I find that the provisions of Policy RE6 are sufficient in order to properly assess multiple turbines under 50 metres in height without their incorporation into the spatial framework.

Overall Conclusions

27. In overall terms I conclude that it is appropriate to include classes 1 and 2 of the carbon rich soil deep peat and priority peatland habitats from the draft map published by Scottish Natural Heritage as Group 2 areas for carbon rich soils deep peat and priority peatland habitat on Map 12. I also conclude that Map 12 should identify the key constraints applicable to Group 2, and that the revised Map 12 which has now been provided on behalf of the council would be sufficient in this regard, subject to further notes identifying the source of more detailed information, and explaining the indicative nature of the 2 kilometre settlement buffer zones.

28. I also conclude with respect to paragraph 6.1.10 that:

- the constraints shown on Map 12 should be included
- additional text that proposals for wind energy development may be appropriate in some circumstance should be added relating to Group 2; following the conclusions in Issue 38 there should be a further addition “significant adverse effects”
- revised text to the effect that proposals for wind energy development are “likely to be acceptable” rather than “may be acceptable” should be incorporated relating to Group 3.

29. My recommendations below include the necessary modifications relating to the above matters, and beyond these I conclude that no further changes are required to the local development plan with respect to the representations under this issue.

Reporter’s recommendations:

Modify the plan as follows:

1. Revise Map 12 in accordance with the revised map submitted on behalf of the council in the response to further information request 09.

Include the following in the key:

Group 2 – areas of significant protection:

2km settlement buffer zones

Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest, gardens/ designed landscapes, historic battlefields and wild land (single notation for all)

Carbon and peatland areas – class 1

Carbon and peatland areas – class 2

Areas outwith the above constraints are designated Group 3 – areas with potential for wind energy development

Include the following notes on the map:

1. Nature conservation sites (SAC, SPA and SSSI), historic gardens and designed landscapes and wild land are shown on the local development plan rural area map.
2. Details of Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and historic battlefields are available from the council upon request.
3. The buffer zone around settlements represents an indicative area within which special consideration is required with respect to the visual impact on communities within established settlements. The actual extent of the area for consideration will depend on local topography, landscape character and the layout and built form of settlements.
4. The detailed boundaries for all of the constraints identified should be verified from the factual databases available.

2. Paragraph 6.1.10 - amend the paragraph as follows:

Following the methodology set out in Scottish Planning Policy, the plan contains a spatial framework for wind energy developments of over 50m to tip in height, identifying areas that are likely to be more appropriate for onshore wind development in order to provide guidance to developers and communities. The LDP does not use the term wind farm. Instead, the spatial framework applies to all proposals for wind energy development which include turbines of 50 metres and above, irrespective of the number of turbines. The spatial strategy is formulated by listing constraints to wind energy development in three distinct groups.

Group 1: Areas where development will not be acceptable. These are defined in SPP as National Parks and National Scenic Areas, neither of which is applicable to East Ayrshire.

Group 2: Areas of significant protection. This group contains a number of national and international designations, other nationally important environmental interests and an indicative separation distance for communities of 2km for visual impact purposes. The designations relevant to East Ayrshire are set out below, and shown on Map 12.

National and International designations

Special Protection Areas and Special Areas of Conservation
 Sites of Special Scientific Interest
 Sites in the Inventory of Gardens and Designed Landscapes
 Sites in the Inventory of Historic Battlefields

Other national important mapped environmental interests

Areas of wild land shown on the 2014 SNH map of wild land areas
 Areas of carbon rich soils, deep peat and priority peatland habitat; Classes 1 and 2

shown on the published SNH map relating to these resources

Community separation for visual impact

Indicative buffer area (2 kilometres) around settlements identified in the local development plan with an identified settlement boundary

Whilst recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant adverse effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Proposals will be assessed against the criteria in Schedule 1.

Group 3: Areas with potential for development. Beyond Groups 1 and 2, proposals for wind energy development are likely to be acceptable subject to detailed consideration at the development management stage against the identified policy criteria listed in Schedule 1.

3. Paragraph 6.1.11- amend the paragraph as follows:

Map 12 shows the spatial framework for all wind energy developments of over 50m to tip height, in accord with Scottish Planning Policy (2014). Group 2 constraints are shown on the map with separate notations for 2 kilometre settlement buffer zones, nature conservation sites, gardens and designed landscapes and historic battlefields, carbon and peatland class 1 areas, and carbon and peatland class 2 areas. Nature conservation sites, gardens and designed landscapes and wild land are separately distinguished on the rural area map. Details of Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and historic battlefields are available from the council upon request. All remaining land is Group 3 and is shown unshaded.

Issue 35	Strategic Capacity: Paragraphs 6.1.12 - 6.1.15 & Map 13	
Development plan reference:	Volume 1, Paragraphs 6.1.12 – 6.1.15 and Map 13: Strategic Capacity for Wind Energy, The Status of Whitelee and onshore wind framework and Table 5 – consideration of strategic capacity	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy: PLDP/120/5 E.ON: PLDP/122/2 Scottish Renewables: PLDP/149/8 Natural Power: PLDP/279/5 and PLDP/279/8 Fred Olsen Renewables: PLDP/281/5 and PLDP/281/8 Vattenfall Wind Power: PLDP/285/14 Gamesa Energy: PLDP/287/1 Banks Renewables: PLDP/289/7 Hargreaves: PLDP297/3 RES UK: PLDP/324/11 Scottish Power Renewables: PLDP/330/8 Scottish Government: PLDP/331/3 Moscow and Waterside Community Council: PLDP/296/10</p>		
Provision of the development plan to which the issue relates:	Paragraphs 6.1.12 – 6.1.15, Map 13 and Table 5 provide detail on, and justification for, locations where the Council considers areas of strategic capacity for wind energy to exist within East Ayrshire as required by paragraph 162 of SPP.	
Planning authority’s summary of the representation(s):		
<p>RWE Innogy and Vattenfall are of the view that identifying only one area of strategic capacity is too restrictive an approach and is not in accord with SPP. EAC has the opportunity to identify further areas within Group 3 as areas of strategic capacity. They are of the view that there is merit in identifying an area in southern East Ayrshire which is already host to Harehill, its consented extension and the consented Afton development and where there is a clear wind resource and developer interest. Simply identifying a small area around an existing wind farm is unacceptable and does not meet with the provisions of SPP.</p> <p>Similarly, Map 13 is too restrictive and could easily be misinterpreted. Rather than identifying all areas within Group 3, it only identifies four specific Group 3 areas. It could therefore be concluded that there are only four Group 3 pockets within the whole of East Ayrshire. The requirement for the map is questioned. If the reason for it is to show group 3 areas, it should show them all.</p> <p>The East Ayrshire LWCS is referenced as non-statutory supplementary guidance. However, it would appear that this document has informed Map 13. Whilst it is accepted that the Scottish Government guidance “Onshore Wind – Some Questions Answered, states that the use of landscape capacity studies may assist in identifying areas with additional capacity, it is considered that within the LDP the relationship between areas of strategic capacity and the LWCS should be made clear.</p>		

E.ON request that the strategic capacity of group 3 areas be reassessed following a revision to Group 2 areas to remove the inaccurate mapping of carbon rich soils and deep peat as the extent of Group 2 areas in their proposed format are not in line with SPP due to the inclusion of the 1:250,000 scale Scotland's Soil carbon richness mapping. The removal of this mapping will see large areas of previously Group 2 areas fall into Group 3 and as such there will be enhanced opportunities for the Council to identify strategic capacity areas.

E.ON notes that Paragraph 6.1.12 states that none of the areas shown on Map 13 have adequate capacity on a strategic level to be defined as strategic capacity areas. It is further noted that SPP states that both strategic and local development planning authorities should work together where required, and should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. The plan is therefore clearly at odds to have the land around Enoch Hill and Benty Cowan Hill as an area of significant protection and not assessed as an area of strategic capacity given that its inclusion as an area of strategic capacity would not adversely affect the Afton Valley. Furthermore, the land immediately to the south across the border in Dumfries and Galloway has been designated as an Area of Greatest Potential for Onshore Wind within its recently adopted development plan.

E.ON is of the view that table 5 contains very brief and simplistic reasoning for discounting Group 3 areas and in particular the area to the south of New Cumnock as to why the Council considers that these areas do not have strategic capacity. This goes against the strong support for wind energy development in SPP and does not fully consider the landscape potential and ability of part of LCT20a and LCT20a as shown on the E.ON proposed Map 14.

Scottish Renewables: Paragraph 6.1.12 of the proposed plan notes:

“According to SPP, land falling within Group 3 should be defined as areas of Strategic Capacity for wind energy.” Having identified Group 3 areas in the spatial framework, the proposed plan then goes on to say ‘whilst under the SPP definition, these areas have the potential to be areas of Strategic Capacity, the LDP does not identify them as such for the reasons noted below.’

The entire section seems to be at odds with SPP which does not rule out the inclusion of Group 2 areas within strategic areas. Furthermore, it is not entirely clear why the areas of strategic capacity that have been identified are then limited further to leave just one area of strategic capacity in East Ayrshire. The criteria used should be considered when looking at specific proposals rather than being used to rule out development in Group 3 areas.

Natural Power and Fred Olsen Renewables are of the view that the LDP takes the spatial framework exercise one step further than that suggested by SPP by using the criteria in Schedule 1 to conclude that there is no “adequate capacity on a strategic level to be defined as strategic capacity areas” (paragraph 6.1.12) within group 3 areas (bar one area at the existing Whitelee wind farm).

SPP states that the planning system should “guide development to appropriate locations” and criteria should be used to “advise on the issues that will be taken into account when specific proposals are being assessed” (SPP paragraph 154). Criteria in schedule 1

should not be used to preclude development in group 3 areas and should only be used on a site-by-site basis. The approach used in the LDP is at odds with Outcome 2, Paragraph 17, paragraph 154 and paragraph 155 of SPP.

Natural Power and Fred Olsen Renewables welcome the recognition that “reducing greenhouse gas emissions is a key policy at international, national, regional and local level. As a result, planning authorities are required by legislation to include in their LDP policies to ensure that greenhouse gas emissions from all new buildings are minimised, through the installation and operation of low and zero-carbon generating technologies” (Paragraph 7.1.8). However, the LDP as a whole fails to recognise that wind energy can also help to reduce greenhouse gas emissions. It is considered that a reliance on zero-carbon generating technologies without considering wind energy will limit East Ayrshire’s ability to contribute towards meeting key policy at international, national, regional and local level and is contrary to paragraph 154 of the SPP.

Gamesa

Paragraph 6.1.12 appears to contradict the approach set out in Table 1: Spatial Frameworks of SPP by stating that “none of” the Group 3 areas identified in Map 12 “have adequate capacity on a strategic level to be defined as strategic capacity areas”. This section therefore does not comply with SPP which requires planning authorities to set out a spatial framework identifying areas that are likely to be most appropriate for onshore wind farms. The current LDP text provides no such guidance and would assess applications across the majority of the Council area with a presumption against development (i.e. applications within Areas of Significant Protection and Group 3 areas which the Council argue cannot be defined as strategic capacity areas), contravening both SPP and NPF3 which states that planning must facilitate the transition to a low carbon economy. Given the only ‘Area of Strategic Capacity’ covers the Whitelee area which is already an operational wind farm and a very small area adjacent to it, the Council has failed to identify anywhere across the Council area where there would be a presumption in favour of development.

Table 5: Consideration of strategic capacity

The Table identifies key concentrations of Group 3 land as shown on Map 12 and describes the factors that have been considered in determining that there is no capacity. These key concentrations of Group 3 land are presented on Map 13. However, there are many Group 3 areas as shown on Map 12 which are not represented in Table 5 and Map 13. No further explanation is given as to why there is considered to be no capacity in the numerous smaller areas.

Table 5: Area to the north of Mauchline and area to the south west of Mauchline states that there is not adequate space free from the physical constraints described. However, given the approach provided in Table 1 of the SPP, these constraints are not considered to justify an area of significant protection and therefore all applications within these areas should be taken on a case-by-case basis, and granted planning permission providing the criteria in Schedule 1 of the LDP are met.

Table 5 states that the south west of Mauchline sits within Prestwick Airport’s Controlled Airspace and this presents a ‘significant constraint’. However, a ‘significant’ constraint does not necessarily result in an application being unacceptable once the planning balance, weighing up the material considerations of a development, has been applied. Additionally there are often forms of mitigation which can be applied to developments to ensure that they are acceptable in relation to aviation constraints, and work is presently

underway to provide a mitigation solution at Glasgow Prestwick Airport. Therefore, this reason is not viable in determining that this area has no capacity. The Planning for Wind Energy SG also supports this as paragraph 3.3.1 (ii) states that the Council will take the advice of Prestwick Airport as to any instances where development can be safely accommodated within the controlled airspace, including instances where mitigation should be utilised. This reason for there not being any spatial capacity is therefore inconsistent with the emerging Planning for Wind Energy SPG.

Table 5: Area to the south of New Cumnock is home to the Afton Valley which is described as being a 'particularly scenic part of the authority' and the Southern Uplands, to the east, is within the Sensitive Landscape Area. However, as none of these areas fall within the Group 2 category they cannot be designated as areas of significant protection. The protection afforded to these areas will be covered by the criteria in Schedule 1 of the LDP. Table 5 also states that the Harehill Wind Farm and consented extension also contribute to there being no strategic capacity in this area. However, in relation to cumulative impacts, SPP states that 'consented energy development may limit the capacity for further development' (paragraph 169) but does not state that an area with cumulative issues should be considered to have no strategic capacity and would not fall within Group 2. It is therefore not acceptable to designate these areas as having no strategic capacity.

Table 5: Area to the north east of Stewarton is described as being 'incompatible with strategic scale energy development' due to the small scale features in the landscape. There are no features in the area that fall within Group 2 and therefore this area should remain as Group 3. The landscape features described and the scale of the landscape would be protected via Schedule 1 criteria: 'The appropriate siting and design of turbines and ancillary works' and 'Landscape and visual impacts including the principles set out in the Ayrshire Landscape Wind Capacity Study.' It is therefore not acceptable to designate these areas as having no strategic capacity.

Although Gamesa does not have any direct interests within the areas detailed in Table 5, they believe that it is important to demonstrate within development planning that wind energy can still play a positive role within East Ayrshire in terms of the associated environmental and economic benefits it can bring. In terms of Gamesa's own interests, whilst it is appreciated that this is not the forum to promote individual sites, it is noted that the area around Glenouther Moor is designated as a Group 3 area within Map 12. It is assumed that the reason Glenouther Moor is identified as Group 2 is because of its onsite peat deposits. However, within the most recent SNH consultation on peat, the same site was identified as 'Class X' peat, which is the lowest class of protection suggested by SNH (and this guidance is not yet adopted). It is further noted that the Whitelee 'area of strategic capacity' is also designated within the SNH peat consultation as Class X or higher. There is no justifiable reason why, given East Ayrshire Council's willingness to see development on Glenouther Moor, why this should be excluded as an 'island' within a Group 3 area.

Map 13: Onshore wind framework

This map identifies the only area which East Ayrshire deems to be an area of strategic capacity – the area to the north of Whitelee. However, this area is designated as Group 2 on Map 12 which uses the approach as set out in SPP and therefore this newly defined area of strategic capacity sits within an area defined as an Area of Significant Protection according to SPP. If one Group 2 area is an Area of Strategic Capacity, then there must be, by definition, other areas which are also capable of meeting the criteria.

Extending this, some of the Group 3 areas are marked on the map (only those that are detailed in Table 5) and Group 3 areas are, by definition, areas with potential for wind energy development, however, the map is presenting these areas as areas with no potential for wind energy development and is thus contradictory and confusing.

Banks Renewables

Paragraph 6.1.12 of the Proposed Plan states "... on reviewing the group 3 areas, the Council is of the view that none of these areas have adequate capacity on a strategic level to be defined as strategic capacity areas." The proposed plan then goes on to state "Whilst under the SPP definition, these areas have the potential to be areas of Strategic Capacity, the LDP does not identify them as such for the reasons noted below." This is adding additional constraints to the spatial framework, which is plainly contrary to paragraph 163 of SPP.

Table 5 of the Proposed Plan sets out the reasons why areas identified as Group 3 do not have strategic capacity. Banks Renewables have a number of concerns with this table.

- None of the reasons listed are included in SPP table 1. They are all development management considerations.
- They have not been informed by site specific assessments. Assessment of the reasons provided at the development management stage (which in line with SPP this is when these factors should be assessed) allows for a site specific assessment to be undertaken.
- Not all group 3 areas are covered. Therefore some group 3 areas (for example the area running north to south between Cumnock and New Cumnock) have been ruled out with no explanation. The only assertion that can be drawn from this is that they have been ruled out without any further assessment.

Map 13: Onshore Wind Framework is not compliant with SPP. SPP identifies group 3 as areas where "*wind farms are likely to be acceptable*". It rules out the Group 3 areas. The majority of the Area of Strategic Capacity identified on Map 13 falls within a SPP group 2 area. Table 1 of SPP states that in group 2 areas "*wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.*" It would appear that the area of strategic capacity has been identified without the further consideration required by SPP to demonstrate that any significant effects on the factors that contribute to it being within group 2 can be overcome.

RES UK

Paragraph 6.1.12 : Strategic Capacity for wind energy

The Council considers that SPP requires them to identify areas of strategic capacity for onshore wind energy development. RES disputes this interpretation of paragraph 162 of SPP. This paragraph confirms that both strategic and local development planning authorities should, working together where required, identify where there is strategic capacity for wind farms and areas with the greatest potential for wind development, considering cross boundary constraints and opportunities. SDPA's are expected to take the lead on cross boundary matters and coordinate activity.

Further clarity on what the national policy intends is provided in the SG 'Some Questions Answered' document and in the current draft SNH guidance: Spatial Planning for

Onshore Wind Turbines- natural heritage considerations.

The Q&A document confirms that the use of landscape capacity studies may assist in identifying areas with additional capacity at particular scales and for the management of cumulative impact. Development management considerations will apply within areas of strategic capacity so it is not envisaged that these areas will be fully built out and will provide a supportive policy framework and a steer for the development industry.

RES considers there is a different approach encouraged by SPP to the identification of strategic capacity for larger scale development, possibly across authority boundaries and a separate identification of other areas with additional capacity for particular scales of development. It is identifying these areas and cumulative impact that landscape capacity studies are considered helpful, if they are robust and up-to-date.

It is noted from Map 13 that the strategic areas as identified by the Council all appear to cross their boundary, however, no mention is made of any attempt to coordinate with the adjoining planning authority in identifying such areas of strategic capacity as advocated by SPP. Instead the Council has sought to inappropriately use the additional natural heritage guidance in the form of landscape capacity studies and landscape character assessment to further restrict the potential for development in such areas. This is contrary to national policy aims to provide a supportive framework to onshore wind energy development, such policy and subsequent guidance are clear on the parameters for such a framework directing development through the development plan, and that the development management function is the appropriate level for decisions on the individual merits of such development to be considered. As such RES objects to the Council's further refinement of the areas of strategic capacity as indicated in the proposed LDP.

Paragraphs 6.1.13-6.1.15: The Status of Whitelee

RES welcomes the identification of Whitelee by the Council as a successful scheme located within a suitable landscape for large scale onshore wind energy development. The Council's support for the principle of repowering in this area further welcomed. The Council however, considers that development to the south and southwest would be damaging to the local landscape and nearby communities, although no evidence to support this assertion is included within the justification to this identification of an area which limits further development due to cumulative impact.

The SNH draft guidance in relation to cumulative impacts provides examples of cumulative issues that planning authorities might identify, and confirms that for any such cumulative issues identified, the Planning Authority should provide a clear explanation of why the feature has been included; the policy protection afforded in the development plan and a description of the qualities which are considered important. It is further encouraged that cumulative issues are mapped through factual information on the basis of existing and consent development within Supplementary Guidance due to the continuous change to such a baseline as applications are determined.

As the Council has not provided specific detail as to the feature/s which limit development on a cumulative impact basis other than the generic matters of landscape and community, such an identification of such an area limiting development with the LDP is not consistent with nation policy and this guidance and should be omitted from Map 13.

Scottish Power Renewables

The process for identifying strategic capacity for wind energy does not align with SPP guidance and SPR opposes it on the grounds that it is unduly restrictive. SPP paragraph 162 states that “local development planning authorities ... should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development”.

SPR welcomes the inclusion of Whitelee Wind Farm as an area of strategic capacity, and particularly the recognition that “the principle of repowering in this area will be supported”.

Map 13 illustrates the results of the approach to identifying areas of strategic capacity without alignment to SPP guidance. Development, particularly around the edges of areas of strategic capacity should be considered on their own merits, as it is difficult to appropriately determine the cumulative impacts without an EIA being carried out.

The Scottish Government

Paragraph 6.1.12 of the Plan contains the following statements:

- 1) ‘According to SPP, land falling within Group 3 should be defined as areas of Strategic Capacity for Wind Energy’
- 2) ‘Whilst under the SPP definition, these areas have the potential to be areas of Strategic Capacity, the LDP does not identify them as such for the reasons noted below’

We would highlight that SPP does not provide a definition of areas of strategic capacity. This is a factual error within the Plan.

Paragraph 6.1.12 appears to dismiss the potential of the Group 3 areas to accommodate wind energy development at some scales which appears to be based predominantly on landscape considerations. As with many types of development we believe it would be inappropriate to pre-judge the acceptability of a wind energy proposal within Group 3 areas without more detailed assessment; including but not limited to landscape capacity.

Moscow and Waterside Community Council welcome the purple area in Map 13 limiting further development. However, it is requested that the definition of the green areas at map 13 be changed from being **OF** strategic capacity to **AT** strategic capacity in terms of development within East Ayrshire.

Modifications sought by those submitting representations:

RWE Innogy and Vattenfall

Strategic Capacity for Wind Energy & Map 13:

The Council takes a very restrictive approach to the strategic capacity zoning. This overall approach is considered unacceptable. On this basis the strategic capacity part of the plan requires amendment to include more Group 3 areas.

The established and consented focus of wind energy development to the south of the Council area with evident developer interest should be identified as an area of strategic capacity.

We would question the requirement for Map 13 – if it is to show Group 3 areas it should show them all. Alternatively it could be removed.

East Ayrshire Landscape Wind Capacity Study:

The relationship between areas of strategic capacity and the LWCS should be made clear. A clearer description of how the Spatial Framework interacts with the LWCS should therefore be set out within the finalised LDP. The status of the LWCS document should also be made clear – as a Technical Report which forms non-statutory guidance, but it should be made explicit that there was no consultation carried out on the document or its findings.

E.ON

Paragraph 6.1.12 should be deleted in its entirety and Map 13 should be removed from the plan.

Scottish Renewables recommend that the section on strategic capacity and accompanying Policy RE3: Wind energy proposals over 50 metres in height are changed to ensure the plan aligns with SPP.

Gamesa

Paragraph 6.1.12 and Table 5

For the reasons given above, paragraph 6.1.12 and Table 5 do not accord with SPP and therefore should not be included in the LDP. It is our opinion that this should be deleted and any reference to this within policy should also be discarded e.g. Policy RE3 which states- “The LDP identifies one area at the existing Whitelee wind farm as being East Ayrshire’s only area of strategic capacity”. This conclusion does not accord with SPP and is therefore not appropriate to state within policy.

Map 13 -This map is contradictory to the SPP and confusing. It is recommended that this map is removed from the LDP.

Banks Renewables

Banks Renewables would like to see paragraphs 6.1.12 and 6.1.13, table 5 and map 13 deleted from the LDP.

Banks Renewables would like to see the fourth paragraph of Policy RE3 deleted (“*The LDP identifies one area at the existing Whitelee wind farm as being East Ayrshire’s only area of strategic capacity*”)

Both of these amendments are required to ensure that the wind farm spatial planning policies contained in the LDP are compliant with national policy as set out in SPP.

Hargreaves

The LDP defines the area south west of Mauchline as unsuitable for wind energy developments, contrary to SPP, owing to the Prestwick Airport Controlled Airspace. However, Hargreaves object to a presumption against wind energy developments in this area as there are mitigation and technical options to resolve this issue.

RES UK

RES requires that the Group 3 (Pink) areas identified on Map 13 are identified as Areas of Strategic Capacity and that further cross boundary assessment of these is undertaken with the relevant adjoining authority and updated accordingly in the LDP.

RES require that Paragraph 6.1.12 and Table 5 are omitted from the LDP and that areas of strategic capacity are further identified following a revision/clarification of the spatial framework are requested above.

RES request that the Area where cumulative impact limits further development (Blue) as identified on Map 13 is omitted. The explanatory text within paragraph 6.1.15 should also be omitted.

Scottish Power Renewables

SPP guidance on the identification of Group 2 areas as ‘areas of significant protection’ within which ‘windfarms may be appropriate in some circumstances’ should be followed.

Consideration should also be given to identifying ‘areas of greatest potential’. SPR suggests including within Section 6.1.13 an additional sentence to recognise the socioeconomic benefits from Whitelee, as follows:

“It has proved popular with visitors to the area; it is a major centre of employment in a remote area; it provides significant community benefit via the Renewable Energy Fund”.

Map 13 could be re-drawn to take into account SPR’s comments on the Spatial Framework and Strategic Capacity in order to align with SPP guidance.

SPR supports the inclusion of Whitelee in the area of strategic capacity, however the boundary of this area should not be considered definitive and the cumulative impact of projects on the fringes should be considered on their merits.

Natural Power and Fred Olsen Renewables request that the proposed LDP is reworded with regards to the application of the Schedule 1 Criteria; instead the criteria should be considered when deciding specific proposals and not used to rule out development in group 3 areas. The section on strategic capacity for wind energy (p. 79) which details why group 3 areas do not have strategic capacity should be deleted or reworded to show that there is strategic capacity within group 3 areas, detailing that any potential constraints within these areas will need to be considered on a site-by-site basis. Any mention that the area at the existing Whitelee wind farm is East Ayrshire’s only area of strategic capacity should also be deleted.

Natural Power and Fred Olsen Renewables request the recognition of the contribution that wind energy can play in reducing climate change and request that this is addressed in the final version of the LDP within section 6.1 and by deleting or rewording p.79 which details why group 3 areas do not have strategic capacity.

The Scottish Government

The references to SPP and Strategic Capacity in paragraph 6.1.12 should be amended to reflect the fact that SPP does not provide a definition of areas of Strategic Capacity.

We would request that the following sentence is amended to better reflect the potential of Group 3 areas for wind energy development:

‘The Group 3 areas largely comprise of small pockets of land, spread widely across East Ayrshire incorporating a diverse range of land forms and land uses, parts of which are clearly unsuitable for wind energy development’

We can offer the following recommended wording as an alternative:
Further landscape and visual factors to consider within the identified Group 3 areas have been set out in the East Ayrshire landscape capacity study which will be a material consideration. A more detailed assessment of wind energy proposals within the Group 3 areas must be carried out by developers to identify whether or not they can be accommodated without resulting in unacceptable impacts’.

This wording acknowledges that there may be other factors within the Group 3 areas that could make them unsuitable for development, without ruling out development outright before a more detailed assessment has been carried out.

Moscow and Waterside Community Council requests that the definition of the green areas at map 13 be changed from being **OF** strategic capacity to **AT** strategic capacity.

Summary of responses (including reasons) by planning authority:

The Council is of the view that the approach taken in the Plan in paragraphs 6.1.12-6.1.15 and the accompanying map 13 is a valid approach which is consistent with SPP and with the ‘Onshore Wind – Some Questions Answered’ document published by the Scottish Government in December 2014. The Council met with Scottish Government officials in preparing the proposed plan and it was agreed that the Council’s proposed approach to strategic capacity was a valid one (see letter from Scottish Government dated 4 December 2014 in Council’s supporting information. The fifth paragraph of this letter states ‘we consider that your concerns about landscape and capacity limits can still be addressed in the LDP ...alongside, rather than as part of the spatial framework’. This is the approach the Council has taken).

A recurring theme within the representations received on this issue is that the Council, by stating that Whitelee is the only area of strategic capacity, is ruling out or limiting wind energy development in any Group 3 area. This is not the case. The Spatial Framework shown on Map 12 is separate to the consideration of strategic capacity on Map 13. All group 3 areas are shown as all unshaded areas on Map 12. All proposals for wind energy developments within these areas, regardless of what Map 13 shows, will be assessed on their own merits against policy RE3 and Schedule 1. The Council is, however, aware that the title for Map 13 could be seen as confusing and there may be merit, if agreeable to the Reporter, in changing this to ‘Consideration of Strategic Capacity and Cumulative Impact’. In the key for Map 13, ‘group 3 areas’ could also be changed, if the Reporter is agreeable, to ‘Group 3 areas of a strategic scale’.

The purpose of Map 13 and paragraphs 6.1.12-6.1.15 is to indicate areas where the Council considers strategic capacity to exist. It does not rule out development in all other group 3 areas. Instead, it shows areas considered large enough to be deemed of a ‘strategic’ scale. Smaller areas are therefore not included in this consideration as they could not in the Council’s view be defined as being of strategic scale.

Of those areas that are of a strategic scale, only Whitelee is considered capable of accommodating strategic levels of development. Valid reasons for this are set out in table 5. Some representations state that landscape capacity reasons cannot be given for ruling out strategic capacity as this is a Development Management issue that cannot be considered in the spatial framework. However, the Scottish Government’s Q&A document on Onshore Wind clearly states that landscape wind capacity studies can be used to

assist in the assessment of strategic capacity. Landscape capacity is one of the prime planning considerations in assessing wind energy proposals. The Council considers it would be misleading to identify an area as having strategic capacity where there is clear evidence that the landscape at these locations is unlikely to be able to accommodate large scale development without unacceptable impacts. Individual wind energy proposals may, however, be acceptable and, as stated previously, these would be assessed against the spatial framework at Map 12 and relevant policies as well as Schedule 1 at application stage. The view put forward by **Natural Power and Fred Olsen Renewables** that criteria set out in Schedule 1 (i.e. landscape capacity) should not be used to assess strategic capacity is not accepted. As stated above, it is considered that landscape capacity must be considered when assessing if an area has strategic capacity. Indeed, the Scottish Government's 'Onshore Wind – Some Questions Answered' documents states that landscape capacity studies can be used to assess strategic capacity.

One area has been ruled out in the plan as having strategic capacity because it sits within Prestwick airport's controlled airspace. Again, this does not mean that no wind energy development can take place within controlled airspace areas. On the contrary, individual wind energy proposals may well be able to mitigate against this constraint. The plan is instead stating that development of a strategic scale is not likely to be appropriate due to this constraint. This information came direct from Prestwick Airport officials during the preparation of the plan. The Council is of the view that to identify this as an area of strategic capacity would mislead the public and the development industry.

RWE Innogy and Vattenfall state that if the East Ayrshire Landscape Wind Capacity Study is used to consider strategic capacity then this should be made clear. This is not considered by the Council to be necessary. The statements made in table 5 on page 79 of Volume 1 are related to the nature of the landscape of East Ayrshire regardless of where certain views on landscape capacity have originated. The Council believes these statements to reflect the capacity of the landscape and has included this in the plan. The LWCS forms non statutory guidance to the plan.

E.ON makes the point that the mapping used to define carbon rich soils, deep peat and priority peatland habitat is out of date and that SNH now has more accurate mapping in this regard. Given that this most up to date mapping was not available at the time of the plan's publication, it was not possible to use it. If the Reporter recommends that a more up to date map which more accurately shows this resource is to be included in the plan then clearly the Spatial Framework Map 12 would likely require to be revisited. This in turn could impact on Map 13's consideration of strategic capacity. It is, however, for the Reporter to decide whether the mapping should be updated. This is dealt with under Issue 34 Spatial Framework.

Gamesa points out that Whitelee is a Group 2 area on Map 12 yet is identified as having strategic capacity on Map 13. It is stated that other Group 2 areas may also therefore have strategic capacity. The Council is aware that the Scottish Government's Q&A document on Onshore Wind defines areas of strategic capacity as being group 3 areas from the spatial framework. Whitelee is, however, considered to be an acceptable exception to this rule because it is currently an operational wind farm which could in future have potential for repowering. The assessment of other group 2 areas is not considered necessary because none of these are currently operational wind farms.

RES UK states that the Council has not attempted to coordinate with adjacent authorities in assessing strategic capacity as is advocated by SPP. The Council would respond to

this by pointing out that Ayrshire and Dumfries and Galloway are not covered by a Strategic Development Plan (SDP) whilst the adjacent authorities of East Renfrewshire and South Lanarkshire are covered by the Glasgow and Clyde Valley SDP. Each SDP and Council area operates within its own political decision making processes and work to different timescales and whilst the Council can, and has, commented on adjacent local authority's LDPs and SDPs, coordination is limited by varying timescales and account has to be taken of this. There is limited opportunity for a truly strategic cross boundary approach to planning for wind energy development to be taken in south west Scotland where a significant pressure for development exists.

RES UK states that the Council has not provided sufficient detail as to why cumulative impact has been reached to the south and east of Whitelee. The Council is of the view that valid reasons for this are contained within the East Ayrshire LWCS which have been summarised in the plan. No further clarification is considered necessary in the plan. Further information on this issue is provided in the SG on Planning for Wind Energy.

The **Scottish Government** points out a factual error in the plan at paragraph 6.1.12 where it states that "*according to SPP, land falling within Group 3 should be defined as areas of strategic capacity for Wind Energy.*" The Council would have no objections to the deletion of this statement if the Reporter sees merit in making such a recommendation as it is recognised that it could incorrectly interpret SPP. The Scottish Government further states that the plan appears to dismiss the potential of group 3 areas to accommodate wind energy development at some scales based on predominantly landscape considerations. As stated previously, the Council is not ruling out development of certain areas; it is simply stating that in general terms, some parts of the group 3 areas are not suitable for wind energy development. More area specific detail is then provided to justify why only one area of strategic capacity is identified. This being said, if the Reporter is agreeable and sees merit in removing the following sentence from section 6.1.12:

'The Group 3 areas largely comprise of small pockets of land, spread widely across East Ayrshire incorporating a diverse range of land forms and land uses, parts of which are clearly unsuitable for wind energy development'

and replacing it with the following as an alternative:

'Further landscape and visual factors to consider within the identified Group 3 areas have been set out in the East Ayrshire landscape capacity study which will be a material consideration. A more detailed assessment of wind energy proposals within the Group 3 areas must be carried out by developers to identify whether or not they can be accommodated without resulting in unacceptable impacts'.

The Council is of the view that this would not alter the Council's general approach to strategic capacity.

Moscow and Waterside Community Council is requesting that the area around Whitelee be defined as being 'at strategic capacity' and not 'of strategic capacity'. The Council does not agree with this suggestion as it is not in line with SPP.

With regard to the suggestions that paragraph 6.1.12 and Map 13 are deleted, the Council considers that this is not necessary and would be contrary to the provisions of paragraph 162 of SPP which requires planning authorities to consider where strategic capacity for wind energy might exist within their areas. In terms of those representations which suggest that the approach to strategic capacity needs to be amended to meet with

the terms of SPP, the Council is of the view that the approach set out in paragraphs 6.1.12 - 6.1.15 and map 13 is valid and in line with SPP.

The Council does not agree with the suggestion of **Natural Power and Fred Olsen Renewables** that recognition of the contribution that wind energy can play in reducing climate change is addressed in the final version of the LDP within section 6.1 and by deleting or rewording p.79 which details why group 3 areas do not have strategic capacity. The LDP as it is currently written is considered to adequately cover the role wind energy can play in climate change in the spatial strategy and in paragraph 6.1.8.

Reporter's conclusions:

Context

1. Paragraph 162 of Scottish Planning Policy provides the context for the strategic capacity for wind energy development. It states that strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. In this case there is no strategic planning authority, and it is for East Ayrshire Council to liaise with other planning authorities to identify where strategic capacity extends from East Ayrshire into neighbouring planning authority areas.

2. Paragraph 6.1.12 of the local development plan states that according to Scottish Planning Policy, land falling within Group 3 should be defined as areas of strategic capacity for wind energy, but that following a review of these areas within East Ayrshire none can be defined as areas of strategic capacity. Table 5 appraises the four largest Group 3 areas which are shown on Map 13. The map also however shows the area containing the existing Whitelee Wind Farm, which contains significant Group 2 constraints, as an area of strategic capacity, with an area to the south and south west of this being defined as an area where cumulative impact limits development.

3. The general thrust of the representations is based on concern that the local development plan's approach to strategic capacity is too restrictive and is not consistent with Scottish Planning Policy. Modifications are sought to include further areas of strategic capacity on Map 13. Otherwise, it is considered that paragraph 6.1.12, Table 5 and Map 13 should be deleted from the local development plan. Whilst the identification of Whitelee as an area of strategic capacity is generally supported, the boundary should not be considered definitive. The removal of the area where cumulative impact limits development (shaded purple on Map 13) to the south and south west of Whitelee is also sought within the representations. It is further stated that the contribution that wind energy can make to climate change should be recognised in the text of section 6.1 of the local development plan, and various other modifications are sought.

Climate change

4. On the matter of climate change, I do not consider that it is necessary to specifically refer to the contribution that wind energy can make in the section of the local development plan on delivering wind energy. I find that paragraphs 6.1.1 to 6.1.3 which refer to renewable energy in this context are sufficient.

Assessment of areas of strategic capacity

5. I recognise that areas of strategic capacity will be based upon the spatial framework, and particularly Group 3 areas which in terms of Scottish Planning Policy are areas where there is potential for wind farm development, and where wind farms are likely to be acceptable. However, Scottish Planning Policy does not state that Group 3 areas should be defined as areas of strategic capacity. Indeed, Group 2 areas may provide strategic capacity where significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation (as has happened at Whitelee). The council has not sought to assess Group 2 areas, other than at Whitelee.

6. The council's assessment of potential areas of strategic capacity in the local development plan concentrates on the four largest areas of land falling within Group 3, where an appraisal is undertaken in Table 5 primarily based upon the conclusions of the East Ayrshire Landscape Wind Capacity Study. Those Group 3 areas have now been extended as a result of the SNH mapping of carbon and peatland areas (see Issues 34 and 59). Following on from this, the council has requested that two additional areas be assessed in Table 5 as not having strategic potential, these being in the southern part of East Ayrshire north and south of the B741.

7. However, I refer to comments on paragraph 6.1.12 in the representation on behalf of the Scottish Government, to the effect that it would be inappropriate to dismiss the potential of Group 3 areas at some scales based predominantly on landscape considerations. For this reason, Table 5, including as proposed to be supplemented, should be deleted.

8. Matters of aviation safeguarding, in relation to Prestwick Airport, and the presence of coal resources in certain areas may have a bearing on strategic capacity, but would require further work.

Cross-boundary issues

9. Strategic capacity may be found in areas which straddle planning authority boundaries. Where there may be limited strategic capacity within a particular planning authority area, such as is considered by the council to apply within East Ayrshire, it is important to ensure that in assessing potential strategic capacity, opportunities and constraints extending into adjacent planning authority areas are taken into account.

10. As can be seen on Map 13, the areas that have been assessed for strategic capacity in Table 5, including the southern-most additional area referred to in the supplementary submission, border neighbouring planning authority areas. However, the required joint working has not been carried out to assess the scope for strategic capacity. I therefore find that the local development plan should include an appropriate reference to joint working with neighbouring planning authorities in order to identify areas of strategic capacity.

Whitelee Wind Farm

11. Whitelee is an existing large scale wind farm, which is identified in the proposed local development plan as an area of strategic capacity. Although the area contains significant Group 2 constraints, all of the relevant environmental effects have already been taken into account through the development management process with respect to the existing

wind farm on the site. The council acknowledges that there may be capacity for small scale extensions within the core of the upland area. However, the boundaries of this area would need to be the subject of further assessment.

12. With respect to the change sought on behalf of Moscow and Waterside Community Council, defining the Whitelee area as being “at capacity”, I find that this would not accord with the requirement in Scottish Planning Policy for development plans to seek to ensure that an area’s full potential for electricity and heat from renewable sources is achieved.

Area to the south and south west of Whitelee shown on Map 13

13. Map 13 and paragraph 6.1.15 indicate an area to the south and south west of the existing turbines, where it is considered that further wind energy development would have a damaging impact on the local landscape, nearby communities and views into and within East Ayrshire and that the area should be safeguarded from new wind energy development, to avoid any unacceptable cumulative impacts arising.

14. This is the same approach as that criticised above for dismissing the potential of an area based primarily on landscape considerations without more detailed assessment.

Area south of New Cumnock

15. With respect to the area around the existing Harehill and Afton wind energy developments, and the area around Enoch Hill and Benty Cowan Hill, I have insufficient information with respect to their potential strategic capacity.

Overall conclusions

16. The exercise undertaken by the council to identify strategic capacity has failed to consider cross-boundary constraints and opportunities, as required by SPP, and has not considered the potential of Group 2 areas. It is therefore not appropriate to state that the only area with strategic capacity lies in the vicinity of Whitelee. It has also given undue weight to landscape considerations at this stage.

17. I conclude that Table 5 and Map 13 should be deleted from the local development plan. I further conclude that Paragraphs 6.1.12 to 6.1.15 should be replaced by text identifying Whitelee Wind Farm as an area of strategic capacity (with the boundary requiring further assessment) but otherwise stating that the council will carry out further work to assess the strategic capacity of other parts of East Ayrshire, including joint working with adjacent planning authorities and the assessment of Group 2 as well as Group 3 areas.

Reporter’s recommendations:

Modify the plan as follows:

1. Delete paragraphs 6.1.12 to 6.1.15 and Table 5 and replace with a new paragraph:

The council has identified Whitelee Wind Farm and adjacent areas within the core of the upland area as having strategic capacity for wind energy development, although the boundary of this area requires further assessment. Appropriate extensions to the existing development and the principle of re-powering will be supported. The council will carry out

further work to assess the strategic capacity of other parts of East Ayrshire. This will include assessment of Group 2 and Group 3 areas, and cross-boundary assessment through joint working with adjacent planning authorities. It is intended that the outcome of this work would be incorporated into the next review of the local development plan.

2. Delete Map 13.

Issue 36	Community Benefits: Paragraphs 6.1.16 – 6.1.18 and Policy RE8	
Development plan reference:	Volume 1: Paragraphs 6.1.16 - 6.1.18 and Policy RE8	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy UK Ltd (PLDP/120/9) E.ON: (PLDP/122/3 PLDP/122/10) Scottish Renewables:(PLDP/149/9) Vattenfall Wind Power Ltd (PLDP/285/13) Gamesa Energy (PLDP/287/6) Banks Renewables (PLDP/289/4) Hargreaves Surface Mining Ltd (PLDP/297/1) Sportscotland (PLDP/319/7) RES UK Ltd: (PLDP/324/8 PLDP324/11) ScottishPower Renewables (PLDP/330/13)</p>		
Provision of the development plan to which the issue relates:	Paragraphs 6.1.16 – 6.1.18 and Policy RE8 provide guidance relating to community benefits from wind energy development.	
Planning authority’s summary of the representation(s):		
<p><u>Inclusion of Policy RE8 in PLDP</u></p> <p>120/9, 285/13, 324/8, 324/11</p> <p>Object to the inclusion of policy RE8 and its mandatory and restrictive nature. Given that community benefit payments are a voluntary commitment between a developer and the local community, it should not be governed or managed by the Council or set out in the Development Plan. Financial benefit payments are not material planning matters. If the policy is retained, flexibility is required to allow developers to work directly with communities and provide benefits. While the policy appears to give encouragement to developers to provide payments, this could be misinterpreted. Given its policy status, it could be seen as mandatory rather than voluntary.</p> <p>The community benefit should be provided to the local community as a share of their local renewable energy resource and it should be for each community to consider how best to apportion such benefit. It is not for the Council as planning authority to provide development plan policy, or indeed any other policy relating to this matter. It is not the role of a local council to set any minimum thresholds or dictate where and how community benefit should be spent.</p> <p><u>Material Considerations</u></p> <p>120/9, 285/13, 324/11</p> <p>Financial benefit payments are not material planning matters. The Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy</p>		

Developments is clear that community benefit of the type referred to in Policy RE8 is not a material planning consideration and clearly cannot be used for the assessment of proposals and should be entirely separate from planning decisions. Accordingly planning policy or any supporting justification relating to community benefit has no place in a development plan.

Community Benefits Direct to Communities

122/3, 122/10, 297/1

Community benefit payments should be made directly to the community that is affected by development. This would provide and empower the community and award them the full community benefit package rather than provide a benefit fund to the Council. It would support communities in managing local funds as they see fit; either using local constituted organisations or third party organisations that are appointed by communities. In addition, there is support for communities to decide whether they want to put their funds into the Council's Renewable Energy Fund. It is appreciated that there is a need for a strategic approach for community benefit funds but affected communities have a right to decide on how best to spend the funds allocated to them.

The use of a framework is proposed (**122/3**) which involves local funds being available to those living within 15km proximity to a site and then apportioning the pot based on the proximity to the site. As part of this framework a 'collective fund' would be implemented that can be accessed by all communities across the whole 15km area to fund specific projects and will be made up of 20% of the overall wind farm fund. It gives guidance and structure to the fund provision but still allows the community to be in control of the fund. The framework is currently being applied to projects in Dumfries and Galloway.

Although there is developer/operator commitment to £5000 per MW of installed capacity, there are instances when it may not be honoured as community benefit is based on the economics of the project. It is clear that the Scottish Government (Scottish Government Good Practice Principles for Onshore Renewable Energy Developments, paragraphs 6.2.4 & 9.2) consider community benefits to be for the community and administered by the community, and only in the case of large schemes, or for regional collective funds may be administered by the local authority. It must be in situations where the developer and community consider this to be appropriate. Local authorities should be aware that guidelines cannot be enforced through the planning system and must remain as optional guidance.

Community benefit monies should be paid direct from the developer to relevant communities and not be compensation for perceived impacts from the wind farm but be a joint developer/community initiative to identify and address local social/environmental issues in need of addressing.

Communities and Decision Making/Spending of Community Benefits

287/6

The importance of regional funds is recognised, however, communities should only be eligible to draw from the Renewable Energy Fund if they feel it is appropriate. A decentralised format for community benefit should be in place where communities directly, if the communities wish to take ownership of funds.

10km Boundary

287/6, 289/4

The use of the 10km buffer as a ‘ring fence’ as opposed to those communities that are affected is questioned. This could lead to situations where communities that are unaffected by the development benefit over those who are affected.

The requirement that after 10 years, 50% of the contributions are to be reserved for use in the wider East Ayrshire area should be targeted at communities within the vicinity of the development, not distributed throughout the local authority area.

Index Linking

287/6, 330/13

The policy should state that the package is index linked to the date it was agreed and not 1 January 2015.

For any project supported by the UK Government’s Contracts for Difference regime, community benefit should be index linked to CPI (Consumer Price Index). The UK Government confirmed in the EMR Spending Review Announcement (June 2013) that the Contracts for Difference (CfD) would be fully indexed to CPI throughout the term of the CfD. This decision was made on the basis that it is the preferred government measure of general inflation; is governed by international legislation; and therefore is arguably more robust and durable than alternative indexation measures. It is therefore appropriate and consistent that community benefit arrangements pertaining to those projects in receipt of a CfD should be indexed to CPI.

Using Community Benefits for Sports and Recreational Uses

319/7

It is important to make reference within policy RE8 to the potential to use any such community benefit payments for the provision for sport and recreation interests. Such a provision is currently made at Whitelee and Sportscotland suggest that this should be a key consideration as part of the proposed Renewable Energy Fund.

PLDP, Volume 1, Paragraph 6.1.16

289/4, 297/1, 324/11

The rationale for community benefits is much more positive than the statement contained in paragraph 6.1.16 “recompense communities for the disturbance experienced during the construction, operation and decommissioning”. Community Benefits offer the opportunity for communities to share the benefits that arise from the wind farm and allow them to facilitate lasting change in their area.

The emerging LDP and SG provide a local dimension to SPP (paragraph 173) and provide positive opportunities to realise all forms of wind turbine development. Paragraph 6.1.16 of the PLDP does not appear to follow a logical line of reasoning in so far as, in the first case, stating that wind energy developments can have a significant effect on local

communities and then, due to that, imposing a financial liability on all wind energy developments. However the Environmental Impact Assessment (EIA) would identify significant impacts and address these by either siting, design or mitigation rendering the reason for requesting the community benefit monies through the LDP as flawed.

The statement contained in paragraph 6.1.16 “*Wind Energy Developments can have a significant impact on local communities. The Council expects wind energy operators to offer community benefits to recompense communities for the disturbance experienced during their construction, operation and decommissioning*” is unwarranted, shows lack of understanding of the relevant planning and compensation legislative context and of the planning process in general. The statement is not supported by national policy and is refuted by national guidance. The planning system and decision making process generally safeguards communities from adverse or significantly detrimental development, including onshore wind energy development. Most development plans would contain relevant policy to prevent this. In the absence of any such policies, any decision maker would give significant weight to such matters as material considerations, supported by Scottish Planning Policy. The community benefits package paid to communities voluntarily by developers are not paid in any compensatory basis, relating to potential planning blight or disturbance during construction or decommissioning. These packages provide communities with a share in the rewards from their local energy resource and bring opportunities, significant local investment and empowerment to communities.

Payment of Community Benefits

149/9, 287/6, 289/4

Policy RE8 is at odds with good practice guidance developed by the Scottish Government which recommends a community package for onshore wind developments with a value to the equivalent of at least £5,000 per installed megawatt per annum, index linked for the operational lifetime of the project. Policy RE8 requests that “community benefit payment of no less than £5,000 per mw of installed capacity per annum, index linked to 1 January 2015 and payable from the date on which the first turbine is fully erect.”

Community benefit should only be paid on the date of first electricity generation and not the date of erection, as the community benefit would be paid for a non-operational wind farm.

In terms of community benefits to be payable from “the date on which the first turbine is fully erect”, the erection of a turbine does not mean the operation of a turbine. It is not until the first generation that the developer/operator will receive any income from the wind farm. Therefore it is unreasonable to expect the developer/operator to pay the community prior to first operation, at the earliest.

Renewable Energy Fund Applications

289/4

Communities should be involved in the decision making on REF applications to ensure the money is being spent on delivering the communities aspirations.

Community Benefits and Community Action Plans**289/4**

Where community action plans exist, projects related to the delivery of these should be favoured in the distribution of the REF.

Modifications sought by those submitting representations:**120/9, 285/13**

Remove policy RE8 from the finalised Local Development Plan. However, if it should be retained, flexibility is required to allow developers to work directly with communities and provide benefits to best fit the needs of particular communities affected given local circumstances.

122/3, 122/10

- Reword first sentence of the first paragraph of policy RE8 to read: “The Council will, if mindful to grant planning permission for a wind energy development, strongly encourage, (but will not require) applicants to provide a community benefit payment of no less than £5,000 per mw of installed capacity per annum, index linked to 1 January 2015 and payable from the date on which the first turbine is fully erect.”
- Amend second sentence prior to criterion (i) to read: “Applicants will be requested, but not required, to provide the community benefit in two ways:”
- Reword paragraph after criterion (i) to read: “For a period of 10 years, all contributions will be directed exclusively to local projects within 15 kilometres of the boundary of the wind energy development. Thereafter, 50% of the contributions received will be directed towards local projects with 50% being reserved for use in the wider East Ayrshire area.
- Add the following paragraph to policy RE8 after criterion (ii): “If alternative Community Benefit proposals are proposed by applicants these will be supported by the Council under Policy RE8 if they are also supported by the Community and accord with the Scottish Government’s guidance set out in the document “Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments”.

149/9

Reword policy RE8 in line with Scottish Government Good Practice guidance, noting payments should be made only during the operational lifetime of the project, rather than when one turbine has been erected.

287/6

- Remove the reference to ‘1st January 2015’ from Policy RE8 and change to “the date the wind farm is commissioned”.

- Delete wording “date of erection” and change to “the first date of electricity generation”.

289/4

Amend the following in policy RE8 :

- The payable date to be changed from “*the first turbine fully erect*” to “*the first turbine operational.*”
- The second paragraph of point (i) (requirement for 50% of the contribution to be reserved for use East Ayrshire wide) to be deleted from the policy. Paragraph 6.1.17 should also be amended to reflect this.

Amend paragraph 6.1.16 to reflect the positive role that community benefits can play in sharing the benefits of the wind farm with local communities.

Incorporate the following into paragraphs 6.1.17:

- The requirement for local communities to be involved in the decision making on REF applications
- The priority that should be given to projects associated with delivery of Community Action Plans when determining REF applications.

319/7

Amend the wording of policy RE8 to include specific reference to the potential to use community benefit payments for the provision of sport and recreation interests.

324/8, 324/11

- Omit policy RE8 from the plan.
- Omit paragraphs 6.1.16 – 6.1.18 from the plan. This should be replaced with text stating that developers are encouraged to provide community benefit in accordance with the “Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments. (April 2014)”

330/13

Community benefit arrangements pertaining to those projects in receipt of CfD should be indexed to CPI.

Summary of responses (including reasons) by planning authority:

Community benefits present an unprecedented opportunity for communities to share in the benefits of local energy resources. They are a voluntary contribution given to local communities affected by wind energy developments by renewable energy developers and policy RE8 reflects this. East Ayrshire Council currently manages community benefits from wind energy developments through the Renewable Energy Fund (REF). This has been successful and has ensured that the monies are invested in the appropriate projects

benefiting local communities. It also gives the Council the ability to work in partnership with communities and offer free advice and guidance to them. For these reasons the Council is keen to retain such an approach.

Policy RE8 provides a positive approach to community benefits and fully conforms to Scottish Planning Policy and Good Practice Guidance in that it encourages, on a voluntary basis, community benefit contributions to be made. In addition, policy RE8 seeks half of the funds to go direct to communities and half to the REF which is considered to be an appropriate split. Having the Local Authority administer, distribute and manage community benefit funds can be advantageous to communities as local communities can lean on the skills and expertise of a variety of council officers at different stages in the community benefits process. The involvement of the Local Authority can maximise local gains, by directing funds to more strategic projects and by assisting communities in leveraging match funding. The Council will particularly encourage community benefit funds being used in support of Community Led Action Plans which set out the priority projects for each community in East Ayrshire.

Emerging supplementary guidance will provide detailed guidance on the Council's proposed two stage approach as outlined in policy RE8 to community benefits; detailed advice on eligibility and how strategic projects will be identified and delivered; and guidance on best practice for the management and governance of funds, particularly for communities, and the role that the Council could play in this.

Addressing the Issues Raised:

Inclusion of Policy RE8 in PLDP

The Council is firmly of the view that policy RE8 should remain in the plan in its current form. Policy RE8 is in line with the Scottish Government's Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments and recognises that community benefits are a voluntary contribution. The policy states that the Council 'encourages' applicants to provide a community benefit payment and provides a framework for the administration and management of any community benefit monies. The Scottish Government's Good Practice Principles (paragraph 6.2.4) states that local authorities should be aware that guidelines cannot be enforced through the planning system and must remain as optional guidance. This is clearly understood by East Ayrshire Council and is fully reflected in the proposed plan.

Scottish Planning Policy (Para 173) states that where a proposal is acceptable in land terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles. This document states that 'some local authorities have policies or guidelines to aid regional consistency in the administration and distribution of funds and to ensure the benefits of renewables reach people and groups in the wider area...these policies represent one possible route and developers and communities are not obliged to adhere to these'. There is therefore no objection at the national level of including such a policy in a Local Development Plan.

Policy RE8 is flexible in that it encourages 50% of the minimum contribution fund to be paid directly to communities, through an appropriate community fund specifically established to manage the funds received from the wind energy development. The remaining 50% of the minimum contribution is encouraged to be paid into the REF which

is managed and administered by the Council. Minimum thresholds for community benefit payments are set out in Scottish Government guidance. Similar thresholds are currently used by developers themselves.

Having the local authority administer, distribute and manage community benefit funds can be advantageous to communities, principally in being able to access the skills and expertise of a variety of council officials at different stages in the community benefits process free of charge. The involvement of the local authority can maximise local gains, in terms of community benefits. The eligibility criteria for the REF is wide ranging and focuses the funds on the types of projects that would give maximum benefit to communities, particularly in the long term. To date, all eligible projects have been approved by the Council's Grants Committee. The Council is therefore of the view that the inclusion of a voluntary community benefits policy within the LDP is fully justified.

Material Considerations

In terms of financial benefit payments not being material planning matters, the Council has a clear understanding of this. The first sentence of RE8 reiterates this in stating 'The Council will, if mindful to grant planning permission for a wind energy development, **encourage** applicants to provide a community benefit payment'. The REF holds 50% of the monies for the affected communities to ensure that the right projects are funded with the remaining 50% of funds going direct to communities to spend as they see fit. As stated previously, there is no objection at the national level of including such a policy in a Local Development Plan. The Council is therefore not of the view that the wording of policy RE8 needs to be changed to emphasise the voluntary nature of the policy when its status is already clear.

Community Benefits Direct to Communities

Whilst noting frameworks in place in other areas, the Council is of the opinion that having the Local Authority administer, distribute and manage community benefit funds can be advantageous to communities and is of the view that this approach should be taken forward for 50% of the funds through policy RE8 on a voluntary basis. In this way, local communities can access the skills and expertise of a variety of council officials at different stages in the community benefits process. The involvement of the local authority can maximise local gains by, for example, assisting in leveraging in match funding.

The eligibility criteria of the REF are wide ranging but focus spending on more strategic projects that will benefit communities in the long term. The remaining 50% of community benefits is encouraged to be paid directly to communities where there is a community fund established. Policy RE8 ensures that community benefits are directed towards those communities within 10km of the development boundary for the first 10 years.

The Council is of the view that the approach of encouraging 50% of funds to be paid into a fund administered by the Council should remain within policy RE8.

Communities and Decision Making/Spending of Community Benefits

In terms of communities only being eligible to draw from the REF if they feel it is appropriate. The Council would point out that this is currently the case. Community groups apply to obtain funds from the REF as they see appropriate. Monies managed by the REF belong to the affected communities. Policy RE8 encourages 50% of community

benefit funds to be paid directly to communities. This will be encouraged to be done through an appropriate community fund where communities can obtain funds when necessary.

10km Boundary

Having a 10km boundary area ensures that those communities likely to be most affected from the early phases of a development benefit most from the funds. In the long term a wind energy development can have impacts on the wider area i.e. visual impacts, therefore this boundary threshold justifies community benefits being made available to the wider East Ayrshire area after 10 years. The Council remains firmly of the view that this element of policy RE8 is required and should be retained.

Index Linking

Community benefit payments are index linked to ensure that annual payment levels are increased in line with inflation. Detailed information in relation to index linking of community benefits will be contained in the emerging supplementary guidance. The Council considers that no change to the index linked element of the policy is required.

Using Community Benefits for Sports and Recreational Uses

The current REF eligibility criteria outlines a wide range of the types of projects suitable for community benefit funding specifically referring to 'community led sports and leisure' e.g. capital projects to improve sports/community land or buildings, pitch improvements, floodlighting, new sports related initiatives. Support will generally be for projects supporting the development of community led sports and leisure facilities and programmes on condition that they are located within the eligible areas and are accessible by all members of the local community. Such sports and recreational projects will be carried over to the new eligibility criteria. Emerging supplementary guidance will support policy RE8 and will provide more detailed guidance on the identification and delivery of strategic projects. It is considered that this level of detail within policy RE8 is not required and no change to the policy is required in this regard.

PLDP, Volume 1, Paragraph 6.1.16

The Council stands by its view that community benefits are in place to recompense local communities for disturbance and other impacts including visual. Whilst EIAs can provide mitigation against unacceptable impacts, all wind energy development has the potential to have a significant impact on the local area. However, as pointed out in the representations, the Council accepts that it is also a way of communities sharing in the rewards of their local energy resource. In this regard the Council would have no objections, the reporter is agreeable and considers an amendment appropriate and necessary in this regard, to the rewording of paragraph 6.1.16 by deleting the first two sentences and inserting in their place the following:-

'Community benefits from wind energy developments provide an opportunity for communities to benefit from their local energy resource and also act to recompense them for any disturbance or impacts they may experience from such development'.

It is considered that this change will not significantly change any underlying aims of the plan.

Payment of Community Benefits

As soon as a wind turbine is erect it has an impact on local communities. For this reason, the potential output should be charged at £5,000 per megawatt of installed capacity per annum from the date on which the first turbine is fully erect. The policy wording of RE8 should remain unchanged in this regard.

Renewable Energy Fund Applications

The Council's Grants Committee considers any applications seeking funding from the REF. During a review of the REF in 2014, it had been noted that REF assessment procedures at the time pre-dated the establishment of the Council's Grants Committee and required to be updated to reflect the role of the Committee in representing the views and interests of local communities. A more streamlined assessment process has since been adopted, with no requirement for formal consultation. The responsibility for ensuring that the interests of relevant communities are represented within the decision making process will, for REF as with all other grants, sit with members of the Grants Committee.

In terms of maximising community benefit from the existing REF and offering support to community led regeneration in our local communities, the Council support the future delivery of the strategic priorities identified within the Community Led Action Plans. Consideration is being given to a range of operating models and funding opportunities, including REF for eligible areas.

Community Benefits and Community Action Plans

Paragraph 6.1.18 of Volume 1 of the PLDP states that the Council will particularly encourage contributions distributed direct to affected communities to be used in support of community led action plans which set out priority projects for local communities. The role of windfarm developers within action plan preparation processes, including the development and implementation of projects will be explored in the near future. There is therefore no need to amend paragraph 6.1.17 to specifically mention community action plans.

Conclusion

As stated previously, policy RE8 is in line with the Scottish Government's Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments and recognises that community benefits are a voluntary contribution. The Council is aware that guidelines in relation to community benefits cannot be enforced through the planning system and must remain as optional guidance. Policy RE8 ensures that communities are able to maximise any community benefits applicable to them and recognises that wind energy developments can have significant impacts on local communities. It also provides a framework for the administration, governance and management of community benefit funds. Emerging supplementary guidance will support policy RE8 and offer advice and detailed information to communities and developer/operators in terms of the management and administration of community benefit monies. In terms of the Renewable Energy Fund, the involvement of the Local Authority can maximise local gains, by directing funds to more strategic projects and by assisting communities in leveraging match funding.

With the exception of the recommended change to paragraph 6.1.16, the Council is of the view that, for the reasons given above, no other changes to paragraphs 6.1.16 - 6.1.18 or

policy RE8 are required.

Reporter's conclusions:

Context

1. Paragraph 173 of Scottish Planning Policy states that where a proposal is acceptable in land use terms and consent is being granted local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments. Wind energy development within East Ayrshire falls under the scope of this guidance. The key principles of the national guidance are contained in paragraph 2 of the guidance, and these are to promote a national rate for onshore wind community benefits packages equivalent to at least £5,000 per megawatt per year, index linked for the operational lifetime of the development, together with the consideration by developers of the scope for community investment.
2. Paragraph 3.1 of the guidance defines the community benefits to which the above promoted national rate applies, and emphasises that the provision of such community benefits is a voluntary undertaking and is not a material consideration in the planning process; planning permission will be assessed against the provisions in the local authority's development plan and any other material considerations.
3. Furthermore, under section 6 of the guidance, which is about identifying the communities which should benefit, paragraph 6.2.3 states that some local authorities have policies or guidelines to aid regional consistency in the administration and distribution of funds and to ensure the benefits of renewables reach people and groups in the wider area. These policies represent one possible route, and developers and communities are not obliged to adhere to these.
4. Paragraph 6.2.3 also states that developers and communities should discuss the relevant local authority approach and arrive at a mutual agreement on whether this is the most suitable pathway to follow. Local authorities should be aware that their policies on community benefit from renewables cannot be enforced through the planning system and must remain as optional guidance.
5. Policy RE8 of the local development plan states that the council will, if mindful to grant planning permission for a wind energy development, encourage applicants to provide a community benefit payment of no less than £5,000 per megawatt of installed capacity per annum, index linked to 1 January 2015 and payable from the date on which the first turbine is fully erect. The policy sets out how the community benefits should be provided, which includes 50% to the council managed renewable energy fund, to be used by communities to finance a range of community, environmental and employability projects, and 50% direct to the affected communities, through an appropriate community fund. The policy also states that (with respect to the council's renewable energy fund) for a period of 10 years, all contributions will be directed exclusively to local projects within 10 kilometres of the boundary of the wind energy development. Thereafter, 50% of the contributions received will be directed towards local projects with 50% being reserved for use in the wider East Ayrshire area. The policy further states that Supplementary Guidance on community benefits from wind energy supports policy RE8 by providing detail on the Council's proposed two stage approach to community benefits.

6. The council's guidance on community benefits is already operational, with an established renewable energy fund, although I note that currently only Whitelee Wind Farm monies are available for distribution.

Principle of Policy RE8

7. There is no dispute among the parties, and the council has agreed, that community benefits are not a material consideration in determining the acceptability or otherwise of renewable energy development proposals, including wind energy development. This means that they play no part in determining whether or not planning permission should be granted for individual development proposals through the development management process.

8. The inclusion of a formal policy on community benefits within the local development plan gives it a status which is not justified in the context of paragraph 173 of Scottish Planning Policy and Circular 6/2013. The weight to be given to a policy which is discretionary and cannot be enforced could cause significant confusion in the context of Section 25 of the Act. I consider that a statement about the purpose and status of the council's scheme would be sufficient, and that this would also remove any possible perception about the mandatory or restrictive nature of the policy held by some wind energy developers.

9. For the same reasons as set out in the foregoing paragraph, guidance on the details of the scheme should be non-statutory. Those details are for the council to set out, especially given that the scheme is voluntary and developers are at liberty to propose different arrangements.

10. Concerns are expressed in the representations with respect to the first two sentences of paragraph 6.1.16, which state that wind energy developments can have a significant impact on local communities, and that the council expects wind energy operators to offer community benefits to recompense communities for the disturbance experienced during their construction, operation and decommissioning. This negative stance and the concept of recompense are not consistent with the government's position, which is that renewable energy in Scotland presents an unprecedented opportunity for communities to share in the benefits of their local energy resources. It therefore encourages the negotiation of voluntary community benefits packages. This should be made clear in the text of the plan.

Reporter's recommendations:

Modify the plan as follows:

1. Delete Policy RE 8.
2. Delete paragraphs 6.1.16 to 6.1.18 and insert new paragraphs as follows:

6.1.16 Renewable energy in Scotland presents an unprecedented opportunity for communities to share in the benefits of their local energy resources. In this context, paragraph 173 of Scottish Planning Policy states that, where a proposal is acceptable in land use terms and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy

Developments.

6.1.17 In accordance with the above, the council has an established framework for community benefits through a two tier approach; with £2,500 per megawatt of installed capacity per annum to be contributed to the Renewable Energy Fund, managed by the council, and with a further £2,500 per megawatt of installed capacity being paid per annum directly to the community/communities affected by the development. This is not a matter for consideration with respect to any application for planning permission, and applies only in the event that the council is minded to grant planning permission for wind energy development. Furthermore, whilst the council encourages all wind energy developers and communities to use the established framework for the purpose of securing the most appropriate community benefits, where wind energy developers propose alternative arrangements which have the support of the community, and are in line with the Scottish Government's good practice principles, this would be an acceptable alternative approach.

6.1.18 Non-statutory guidance on community benefits from wind energy will provide more detailed advice for developers and the community on the council's preferred scheme.

Issue 37	Policy RE 1: Renewable Energy Developments	
Development plan reference:	Volume 1, Page 82: Policy RE1	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Loudoun Valley Trust PLDP/115/6 RWE Innogy PLDP/120/4 Natural Power PLDP/279/6 Fred Olsen Renewables PLDP/281/6 Vattenfall Wind Power PLDP/285/9</p>		
Provision of the development plan to which the issue relates:	Policy RE1 sets out the Council's approach for assessing renewable energy developments.	
Planning authority's summary of the representation(s):		
<p>Loudoun Valley Trust states that East Ayrshire's natural resources of coal and wind are well covered in the Plan each having detailed dedicated reports. There is, however, no mention of the third resource, water.</p> <p>It is further stated that whilst the regression of Feed in Tariffs is making small hydro schemes less economically viable, such schemes are less contentious than wind turbines and tend to have a much longer life span. The current economics suggest that the payback period for small schemes can be as long as 20 years and this is not commercially acceptable without some financial support from the Council or other funder such as the Renewable Energy Fund,</p> <p>We have the rivers and the technology and a longer term view should be taken with support and assistance from the Council.</p> <p>RWE Innogy and Vattenfall Wind Power states that Policy RE1 advises that proposals will be supported where it can be demonstrated that there will be no unacceptable significant adverse impacts on applicable criteria that are set out in Schedule 1 of the proposed Local Development Plan (page 89). The criteria listed generally reflect those within paragraph 169 of SPP. There is one significant exception in this list to the content of SPP and that is the criterion which states "the ability of the proposed location to support the efficient operation of wind energy technology". SPP does not require a Planning Authority when considering renewable energy development to assess how efficient a proposed location would be in terms of the operation of wind energy technology. It is therefore recommended that this criterion is removed from Schedule 1.</p> <p>Natural Power and Fred Olsen Renewables welcome the LDP inclusion that "proposals for the generation and utilisation of renewable energy in the form of new build development, infrastructure or retrofit projects will be supported in standalone locations and as integral parts of new and existing developments" (Policy RE1, p. 82) and "will support developments associated with the renewable generation of heat" (Policy RE2, p.82). However, the LDP as a whole fails to recognise that wind energy developments</p>		

can also help to reduce greenhouse gas emissions. It is considered that a reliance on developments discussed in Policy RE1 and 2 without considering wind energy developments will limit East Ayrshire’s ability to contribute towards meeting key policy at international, national, regional and local level and is contrary to paragraph 154 of the SPP.

Modifications sought by those submitting representations:

No specific modifications are sought by the **Loudoun Valley Trust**.

RWE Innogy and **Vattenfall Wind Power** recommend that the following criterion is removed from Schedule 1: “the ability of the proposed location to support the efficient operation of wind energy technology”

Natural Power and **Fred Olsen Renewables** requests recognition of the contribution that wind energy developments can play in reducing climate change and request that this is addressed in the final version of the LDP within section 6.1 and by deleting or rewording p.79 which details why group 3 areas do not have strategic capacity.

Summary of responses (including reasons) by planning authority:

With regard to **Loudoun Valley Trust’s** representation, the Council would clarify that the plan under examination does not cover coal or mineral extraction issues as these policy areas are the subject of a separate Minerals LDP. It is acknowledged by the Council that policy RE1 does not refer specifically to hydro schemes. The reason for this is that there has been little demand for such projects until now and it was not seen as necessary at this time to break policy RE1 down into separate policies on different sources of renewable energy. It was therefore seen as appropriate to group all renewable energy projects with the exception of wind and waste into policy RE1 with the wind energy policies following in policy RE3 –RE8 and energy from waste policies being contained in policy WM6. Any non-wind, non-waste renewable energy proposals will therefore be assessed against policy RE1 which is considered by the Council to be an acceptable approach. This does not mean to say that the Council would not encourage alternative renewable energy proposals as the Council would actively encourage such development to be brought forward to assist in meeting the Scottish Government’s renewable energy targets. Should there be a rise in demand for hydro schemes during the period of this LDP, the Council will consider the inclusion of more specific policies and guidance in a future review of the plan.

The Council does not agree with **RWE Innogy** and **Vattenfall Wind Power’s** view that the criterion of Schedule 1 which states “the ability of the proposed location to support the efficient operation of wind energy technology” should be removed from the plan. The LDP is required to reflect the provisions of SPP. However, it is not required to exactly replicate it. There may be certain issues that apply at an East Ayrshire level that the Scottish Government may not have considered as part of SPP. The Council is therefore within its rights to add to the list of criteria that renewable energy projects will be assessed against if it considers this appropriate. In this instance the Council considers that this criterion should remain in Schedule 1 because there have been instances where wind energy developments by different developers have been proposed immediately adjacent to each other and that issues of efficiency have arisen. The Council is of the view that developers should be required to demonstrate that such issues will not arise or can be overcome in order to give the Council comfort that a development will not have the ability to

compromise the efficiency of a neighbouring wind farm. This is considered a reasonable approach.

The Council does not agree with **Natural Power** and **Fred Olsen Renewables**' view that the plan as a whole fails to recognise that wind energy developments can help to reduce greenhouse gas emissions and that it instead relies on other forms of renewable energy discussed in policies RE1 and RE2. On the contrary, wind energy matters are considered in significant depth from policy RE3 - RE7 and the plan does recognise the contribution that wind energy makes to Scotland's renewable energy output at paragraph 6.1.8. The purpose of policies RE1 and RE2 are to cover all types of renewable energy development other than wind and then policy RE3-RE7 follows which provides the full policy framework for wind energy to meet with the terms of SPP. It is not agreed that a change to section 6.1 is required as this section sets out the Scottish Government's ambitions for renewable energy and is clear that wind energy makes a significant contribution towards these. However, given that there seems to be confusion over the fact that wind energy is excluded from policy RE1, the Reporter may consider it appropriate to add a further note to policy RE1 to state: '*applications for wind energy will be assessed against policies RE3-RE7*'. This would provide clarity that policy RE1 is to be used to assess renewable energy proposals with the exception of heat (policy RE2), Energy from waste (policy WM6) and wind energy (policies RE3-RE7). The Council does not agree with the viewpoint that page 79 needs rewording or deletion for the reasons set out in Issue 35 Strategic Capacity.

Reporter's conclusions:

Scope

1. In its summary of responses, the council has explained that this policy is intended to cover all types of renewable energy other than heat, energy from waste and wind. That requires to be clarified in the note to the policy.
2. Representations above which relate to aspects of wind energy policy are examined under other issues.

Hydro electric schemes

3. I accept the council's position that policies should concentrate on those renewable technologies for which there has been significant demand. That has not, to date, been the case for hydro-electric schemes within East Ayrshire. In the meantime, the support for renewable energy development in Policy RE1 would apply to hydro-electric schemes.

Reporter's recommendations:

Modify the plan by replacing the existing note to Policy RE1 with the following:

Note: This policy applies to all types of renewable energy development proposals other than heat (see Policy RE2), energy from waste (see Policy WM6) and wind energy (see Policies [insert relevant RE policies with modified references]).

Issue 38	Policy RE 3: Wind Energy Proposals over 50m in height	
Development plan reference:	Volume 1, Page 83: Policy RE3	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy: PLDP/120/6 E.ON: PLDP/122/4 Vattenfall Wind Power: PLDP/285/10 Banks Renewables: PLDP/289/7 RES UK: PLDP/324/3 SPR: PLDP/330/11</p>		
Provision of the development plan to which the issue relates:	Policy RE3 sets out the Council's approach for assessing wind energy proposals over 50m in height.	
Planning authority's summary of the representation(s):		
<p>RWE Innogy and Vattenfall: Policy RE3 specifically states that one area at the existing Whitelee Wind Farm is East Ayrshire's only identified area of strategic capacity. On the basis of the reasoning set out elsewhere in RWE Innogy's and Vattenfall's representations, it is considered that this is a flawed and an overly restrictive approach and requires amendment.</p> <p>Policy RE3 also states that wind energy proposals will be assessed using the Spatial Framework for wind energy development shown on Map 12 and all relevant renewable energy and LDP policies. RWE Innogy and Vattenfall have made representations on the Spatial Framework (Issue 34).</p> <p>On the basis of the reference to Schedule 1 and the approach taken within the Spatial Framework and strategic capacity, Policy RE3 of the pLDP is objected to.</p> <p>E.ON It is recommended that Policy RE3 is modified so that it is clear what the term 'qualities' means, and that this is put into context and is extended to include a requirement for wind energy developers to provide sufficient environmental and design related information (e.g. peat probing surveys and design statements) to demonstrate that potential impacts on deep peat or carbon rich soils can be satisfactorily mitigated through appropriate siting, design or other mitigation, and that reference to the only strategic area of capacity is removed given the fact that it is E.ON's strong contention that the Group 3 – 'Areas with potential for wind energy development' be changed so as not to included inaccurate and out-of-date mapping on carbon rich soils, deep peat and peatlands.</p> <p>Banks Renewables state that with regard to policy RE3, Banks Renewables welcomes the recognition that wind energy proposals should be assessed using the SPP compliant spatial framework. However, they object to the inclusion of the following line within this policy "The LDP identifies one area at the existing Whitelee wind farm as being East Ayrshire's only area of strategic capacity" (fourth paragraph). This is adding additional constraints to the spatial framework which is plainly contrary to SPP.</p>		

RES UK objects to the requirement within the policy for proposals for repowering and extensions to be based upon the spatial framework. The spatial framework is to direct new onshore wind farms to the most appropriate locations, with further guidance contained within policy, or supplementary guidance and refinement through the development management process. Existing wind farms will have been directed under spatial frameworks advocated in the previous version of SPP (2010), which contained very different criteria to that now listed within Table 1 of SPP. Accordingly many existing large scale wind farms may be located within Group 2 Areas, proposals for repowering and extension will have slightly differing criteria for considerations, based on the merits of the proposal and as such will have little relevance to the spatial framework as contained in the emerging LDP.

In terms of Group 2 Areas as identified in the Council’s spatial framework, RES would request that the wording is changed to any “ unacceptable adverse” significant effects of the qualities of these areas can be substantially overcome by siting, design or other mitigation. In terms of most applications for development over 50m in height where an EIA is required, significant effects and the mitigation of such would be identified. In planning terms it is only where such effects result in an unacceptable adverse impact on amenity that such effects need careful assessment and consideration and to be balanced in the decision making process.

Following on from our previous response in respect of paragraph 6.1.12 on strategic capacity, RES consider that the additional areas identified on Map 13 as Group 3 areas and that identified as a cumulative sensitive area should be considered as areas of strategic capacity and accordingly the wording relating to Whitelee being the only identified area within policy RE3 requires to be modified.

It is noted that the policy provides the sufficient hook to the ancillary Supplementary Guidance (SG) which would provide further detailed advice, and this is welcomed. RES contends, however, that the spatial framework does not require any further elaboration within SG. SPP is quite clear on what criteria a spatial framework should be prepared and that this should be contained in the development plan. Accordingly the Council should have the spatial framework with the main body of the LDP, or within SG, not within both documents.

SPR opposes policy RE3: Wind energy proposals over 50 metres in height. The Proposed Plan identifies one area at the existing Whitelee wind farm as being East Ayrshire’s only area of strategic capacity. We do not believe that this approach aligns with SPP. For example, SPP does not rule out the inclusion of Group 2 areas within strategic areas, rather states that while there is a “need for significant protection”, nevertheless “in these areas wind farms may be appropriate in some circumstances.”

Modifications sought by those submitting representations:

RWE Innogy The following recommendations are suggested:
 - The approach to areas of strategic capacity is flawed and requires amendment
 - The approach to the Spatial Framework is flawed and requires amendment

E.ON Change Policy RE3 to read:-

‘Policy RE3

All wind energy proposals over 50m in height, including extensions and proposals for

repowering, will be assessed using the spatial framework for wind development shown on Map 12 and all relevant Renewable Energy and other LDP policies.

The Council will afford significant protection to Group 2 areas shown on Map 12. Such development will only be permitted within these Areas of Significant Protection in cases where it can be demonstrated that any significant effects on the qualities (i.e. the specific reason(s) why land is identified as a Group 2 area rather than a Group 3 area) of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable Renewable Energy criteria set out in Schedule 1. Wind energy developers should provide sufficient environmental and design related information (e.g. peat probing surveys and design statements) to demonstrate that potential impacts on deep peat or carbon rich soils can have been satisfactorily mitigated through appropriate siting, design or other mitigation.

Within those areas shown on the Spatial Framework (Map 12) as Group 3 - Areas with Potential for Wind Energy Development, proposals for wind energy over 50m in height will be supported where it can be demonstrated that they are acceptable in terms of all applicable Renewable Energy Assessment Criteria set out in Schedule 1. Supplementary Guidance on Planning for Wind Energy supports policy RE3 by providing more information on:

- *the spatial framework*
- *the considerations that will apply to wind energy development of 50 metres or higher.'*

Vattenfall Policy RE3: We ask that the criterion stating “the ability of the proposed location to support the efficient operation of wind energy technology” be removed from Schedule 1. We also consider that the text supporting this policy be amended as at present it identifies only one area of strategic capacity.

Banks Renewables would like to see paragraphs 6.1.12 and 6.1.13, table 5 and map 13 deleted from the LDP.

Banks Renewables would like to see the fourth paragraph of Policy RE3 deleted (“The LDP identifies one area at the existing Whitelee wind farm as being East Ayrshire’s only area of strategic capacity”).

Both of these amendments are required to ensure that the wind farm spatial planning policies contained in the LDP are compliant with national policy as set out in SPP.

RES UK objects to the inclusion of extensions and proposals for repowering being assessed against the spatial framework and requests that both references are omitted from Policy RE3.

RES requests that the words “unacceptable adverse” is inserted before “significant effects” within the policy to ensure the proper weighting is applied in terms of decision making.

RES objects to the wording relating to the Supplementary Guidance containing more information on the spatial framework and request this reference is omitted.

SPR Policy RE3 should be re-considered in order to align with SPP guidance on identifying areas of strategic capacity.

Summary of responses (including reasons) by planning authority:

With regard to **Vattenfall**, **RWE Innogy** and **Banks Renewables** representations, they object to policy RE3 on the basis that it refers directly to the Spatial Framework and the Council's assessment of Strategic Capacity which they consider to be flawed. Their reasoning behind this is contained in detail within issues 34 and 35 on the Spatial Framework and Strategic Capacity respectively. The Council disagrees with Vattenfall, RWE Innogy and Banks Renewables in this respect and is of the view that the approach taken is entirely reasonable and SPP compliant. No changes to the plan are considered necessary in this regard.

E.ON The Council does not agree that the term 'qualities' within policy RE3 requires to be put into context. The Council is of the view that the term 'qualities' clearly refers to those aspects of Group 2 constraints that make them worthy of protection. There is no need to expand on this. With regard to including a requirement for wind energy developers to provide sufficient environmental and design related information, the Council is of the view that such detail should be contained within Supplementary Guidance as opposed to policy. The split that the Council has achieved through policy and SG is considered appropriate and no changes to the policy are considered necessary. The issue of the out of date soil maps is dealt with under Issue 34 Spatial Framework.

In terms of **RES UK's** representation, SPP requires that all wind energy proposals over a certain threshold will require to be assessed against the spatial framework. To exclude repowering and extension proposals over 50m in height from being assessed against the spatial framework is contrary to the requirements of SPP and the Council is therefore of the view that policy RE3 should not change in this regard even though it is noted that some existing wind farms will be located in Group 2 areas. This can be taken into account in the assessment of any application for development.

The Council does not agree that 'unacceptable adverse' should be inserted into the second paragraph of policy RE3 before the words 'significant effects' because the Council is trying to replicate as closely as possible the wording of SPP within its Table 1: Spatial Frameworks. Adding the words 'unacceptable adverse' would represent a departure from SPP which the Council considers is not appropriate. The Council also does not agree that the statement within policy RE3 relating to the Supplementary Guidance containing more information on the spatial framework should be removed. It is considered that the reader should be made aware that more information on the spatial framework is available within SG. It is also considered appropriate that the SG can contain more detail on the spatial framework.

With regard to RES UK's request that the wording of policy RE3 is expanded to state that all shaded areas on map 13 have strategic capacity, the Council does not agree that this is appropriate for the reasons set out in paragraph 6.1.12 and table 5. **Vattenfall** also request that paragraph 6.1.12 is expanded to include more areas of strategic capacity. It is the view of the Council that Whitelee is the only area of strategic capacity again for the reasons set out in paragraph 6.1.12. No change to the policy is considered necessary.

With regard to **SPR's** representation, it objects to policy RE3 on the basis that it refers directly to the Council's assessment of Strategic Capacity which it considers to be flawed. The reasoning behind this is contained in detail within issue 35 Strategic Capacity. The Council disagrees with SPR in this respect and is of the view that the approach taken is entirely reasonable and SPP compliant. No changes to the plan are considered

necessary in this regard.

Reporter's conclusions:

1. Policy RE3 relates to all wind energy proposals over 50 metres in height.

Strategic capacity

2. Matters relating to strategic capacity in the context of Scottish Planning Policy are examined in Issue 35. To be consistent with the conclusions and recommendations in Issue 35, I find that the fourth paragraph of Policy RE3 should be deleted.

Re-powering and extensions

3. RES UK question whether re-powering and extensions of existing wind energy developments should be assessed against the spatial framework. Paragraph 161 of Scottish Planning Policy states that planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out in Table 1 of SPP. The extension of a wind farm would occupy land not previously assessed for such development, and there is no basis in SPP for excluding its assessment against the spatial framework. Similarly, re-powering could involve the erection of turbines in different locations within the site and of different heights and other characteristics. As such, its environmental impact could be different from the existing turbines. The erection of other wind farms in the locality could also affect the cumulative impact of an extension or re-powering proposals. For all these reasons, such proposals require to be assessed against the current spatial framework. The existence of the current wind energy scheme would, of course, be a material consideration in such cases.

Group 2 areas

4. With respect to the use of the term "qualities" in Policy RE3, I consider that this relates to environmental characteristics including the designations which generate the need for the area to be designated within Group 2 in terms of the spatial framework. On this matter, I refer to my conclusions and recommendations within Issue 34, and particularly the recommendations that paragraph 6.1.10 should specify the relevant environmental designations, and that they should be differentiated on Map 12 where this is appropriate. For the avoidance of doubt, the expression "environmental characteristics" should be used in place of "qualities".

5. RES UK contend that the wording of the policy should change to refer to "unacceptable adverse" significant effects because only such effects would require careful assessment and to be balanced in the decision making process. However, use of the term "unacceptable" would require prejudging the effects, and the test in the proposed plan already includes an appropriate balancing process. As it is only significant "adverse" effects that require to be overcome through mitigation, that word should be added.

6. The phrase "such development will only be permitted within these areas of significant protection" is more restrictive than the terminology in SPP. As there has been no justification for this stance, wording consistent with SPP should be substituted.

Supplementary Guidance

7. I refer to the conclusions in Issue 34 relating to further information that should be included within the proposed plan in order to further justify and explain the nature of the spatial framework. Beyond this the council may provide further information within Supplementary Guidance on the spatial framework in so far as this is consistent with the provisions of paragraphs 35 to 38 of Circular 6/2013.

8. There is no requirement for the plan itself to set out the type of information to be submitted at development management stage, as E.ON have suggested.

9. The reference in the policy to Supplementary Guidance requires to state that this will be prepared, given that the existing guidance has not yet been approved and does not cover the spatial framework.

Reporter's recommendations:

Modify the plan as follows:

1. Amend the second sentence of the second paragraph of Policy RE3 as follows:

Development may be appropriate in some circumstances within these areas in cases where it can be demonstrated that any significant adverse effects on the environmental characteristics of these areas can be substantially overcome by siting, design or other mitigation and where the proposal is acceptable in terms of all applicable renewable energy criteria set out in Schedule 1.

2. Delete the fourth paragraph of Policy RE3.

3. Amend the paragraph relating to Supplementary Guidance as follows:

Supplementary Guidance on Planning for Wind Energy will be prepared in order to provide more information on:

the spatial framework

the considerations that will apply to wind energy development of 50 metres or higher.

Issue 39	Policy RE 4: The Cumulative Impact of wind energy proposals	
Development plan reference:	Volume 1, Page 83: Policy RE4	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy: PLDP/120/7 E.ON: PLDP/122/5 Vattenfall Wind Power: PLDP/285/11 Gamesa Energy: PLDP/287/3 RES UK: PLDP/324/5</p>		
Provision of the development plan to which the issue relates:	Policy RE4 sets out the Council’s approach for assessing cumulative impact for wind energy developments.	
Planning authority’s summary of the representation(s):		
<p>RWE Innogy and Vattenfall Wind Power: The East Ayrshire Landscape Wind Capacity Study (LWCS) is referred to under Policy RE4. The policy text provides information relating to potential landscape capacity for wind energy development within East Ayrshire. The purpose and status of this capacity study should be expressly recognised within the emerging LDP under Policy RE4. It should be made explicitly clear that there was no consultation carried out on the document. Furthermore, reference is made within Policy RE4 with regard to Schedule 1. We object to Schedule 1 as currently proposed and in turn object to Policy RE4.</p> <p>E.ON objects to Policy RE4 of Volume 1 of the LDP for the following reasons. Policy RE4 includes a monitoring proposal on land in the southern part of East Ayrshire and other areas which is an inappropriate statement to make in the LDP. It goes without saying that if circumstances change the local authority can propose to update supplementary guidance as it can with supplementary guidance on all manners and forms of development, and not just those relating to wind energy. E.ON does not see similar statement on other forms of development.</p> <p>The capacity of the landscape to accommodate wind energy is also open to interpretation and judgement on the landscape character and whether the landscape can accommodate further wind energy is best considered through cumulative landscape assessments as part of an individual wind farm’s environmental statement. Given the support within Scottish Planning Policy which from paragraph 152 sets out a strong basis for encouraging renewable energy developments and expects that local authority development plans should seek to ensure an area’s full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations, it seems at odds to seek at this stage an advance warning that the Council will monitor landscape capacity and be the sole judge on when a landscape capacity has been reached.</p> <p>Gamesa: Policy RE4 appears to be contradictory as it refers to the use of guidance</p>		

provided within the Capacity Study which highlights various areas which are suitable for wind energy development over 50m. This is in direct conflict with the LDP, which states that the only capacity available, in reality, is the area to the north of Whitelee. Therefore, to use the Capacity Study as guidance for policies within the LDP is contradictory and confusing given the inconsistent guidance provided the documents.

RES UK Within policy RE4 the Council confirms the assessment of cumulative impact is included as a criteria for assessment within Schedule 1 ancillary to Policy RE3 for the assessment of wind energy proposals over 50m in height.

SPP in paragraph 169 confirms that planning authorities should be clear of the cumulative impacts arising from all of the considerations listed below as relevant criteria, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development. SPP does not however support the consideration of live planning applications and Section 36 applications. It would be for the decision maker within the development management process to give due consideration, and assessment of the potential cumulative impacts of other relevant applications within the system and to determine what weight to attach to each based upon the merits of the proposal and any such potential identified cumulative impacts.

The Council appear confused as to the objectives of Policy RE4. It appears to relate to the assessment of cumulative impact, however Map 14 as referenced appears to relate to landscape sensitivity of turbines over 70m in height. Is this cumulative landscape sensitivity? Reference is further made to the Ayrshire Landscape Wind Capacity Study and the Supplementary Guidance, The LCS is out of date and not of particular benefit in providing a baseline for cumulative assessment of a landscape's ability to accommodate further development/capacity.

Policy RE3 contains a sufficient hook to the SG, and criteria in accordance with national guidance for the assessment of cumulative impacts, accordingly there is no requirement for a further separate policy duplicating such policy objectives.

Circular 6/2013 requires development plans to be succinct and map based, with emphasis on the written material explaining the spatial strategy and the policies and proposals shown on the maps. LDP's should be concise, map based documents, making use of plain language and a range of graphical techniques to convey the strategy and individual policies and proposals in an accessible way. Minor proposals and detailed policies may be removed to SG, provided the plan itself contains a context. In cognisance of such advice RES would contend that the reiteration of policy objectives already contained in Policy RE3 is inappropriate and as such would request that Policy RE4 is omitted completely from the LDP.

Modifications sought by those submitting representations:

RWE Innogy: The purpose and status of the Landscape Wind Capacity Study should be expressly recognised within the emerging LDP under Policy RE4.

It is recommended that it should be made explicitly clear within Policy RE4 that there was no consultation carried out on the Landscape Wind Capacity Study

EO.N wants Policy RE4 changed to read:-

'Policy RE4: The cumulative impact of wind energy proposals

The cumulative impact of wind energy proposals is included within Schedule 1, as a policy criterion that must be considered in the assessment of all wind energy proposals. The assessment of cumulative impact should include consideration of all operational and consented wind energy developments, as well as proposals which are the subject of live planning or Section 36 applications.

With specific regard to cumulative landscape impacts, the level of development that has taken place at Whitelee limits the capacity of this landscape area to accommodate further development. Whilst there may be limited scope for small additions developed in line with the advice contained within the East Ayrshire Landscape Wind Capacity Study, development over and above this, particularly to the south and south west of the existing turbines as shown in map 14, will result in unacceptable cumulative landscape impacts. Non statutory guidance titled the East Ayrshire Landscape Wind Capacity Study, provides detailed guidance on the capacity of East Ayrshire’s landscape to accommodate wind energy development.

Its findings have also been used to inform Supplementary Guidance on Planning for Wind Energy.’

Vattenfall considers that the status of the Capacity Study should be made clear in policy RE4.

Gamesa The reference to the Landscape Wind Capacity Study in Policy RE4 should be reconsidered as the Capacity Study directly contradicts the LDP in relation to amount of capacity available.

RES UK objects to the inclusion of Policy RE4 for the reasons outlined above and request that this policy is omitted from the LDP.

Summary of responses (including reasons) by planning authority:

The Council does not agree with the view of **RWE Innogy** and **Vattenfall** that the purpose and status of this capacity study needs to be expressly recognised within Policy RE4 more than it already is. Its status as non-statutory guidance is set out at the end of policy RE4. The status of the study can also be found within the document itself and in Schedule 9 of the plan. Similarly, the Council considers there is no need to state that no formal consultation carried out on the document. The Council consulted with the Scottish Government on the status of the Landscape Wind Capacity study and the level of consultation that was carried out on the study was deemed acceptable. It is noted that because both organisations have objected to Schedule 1 of the plan that they in turn object to Policy RE4.

With regard to the **E.ON**, the Council is of the view that it is entirely reasonable for the Council to raise the issue of wind energy proposals in the southern part of the district through policy RE4 as it is such a major planning issue for the Council.

The Council does not consider that it is attempting to be the sole judge on landscape capacity. However, it is important that the Council provides its view on the capacity of the landscape to accommodate future development. This ensures that developers and communities are clear on the Council’s view on this issue and this can be used as a guide for future development and/or developers can put forward views on why they don’t agree as part of their proposals. The Council is fully aware that cumulative impact will be

assessed separately through environmental statements. This does not prevent the Council from expressing its own view. The Council considers that the approach taken in the plan fully accords with SPP and that it will ensure that the area's full potential for electricity and heat from renewable sources will be achieved without compromising East Ayrshire's landscape. It is not considered necessary for the Council to change policy RE4 as E.ON requests.

With regard to **Gamesa's** representation, the Council is firmly of the view that policy RE4 is not contradictory. The Council would like to point out to the reporter that there is a typographical error in policy RE4. The reference to Map 14 within the second paragraph of the policy should read Map 13. Map 13 shows where the Council believes cumulative impact has been reached (shaded blue). The general principle of using the landscape wind capacity study as guidance for policies is, however, considered acceptable. The wrong map reference may have caused confusion in this respect.

RES UK states that SPP does not however support the consideration of live planning applications and Section 36 applications in its assessment of cumulative impact. The Council is not using live applications to state that cumulative impacts have been reached; it is instead flagging the potential for the southern part of East Ayrshire to eventually have cumulative impact arising. The Council is fully aware that it would be for the decision maker within the development management process to give due consideration to potential cumulative impacts of other relevant applications within the system and to determine what weight to attached to each based upon the merits of the proposal.

With regard to the reference to Map 14 within the second paragraph of policy RE4, this is a typographical error and the reporter may wish to recommend that this is changed to Map 13. This has understandably caused confusion within the representations. The Council would point out that the Landscape Wind Capacity study is not out of date. It contains a valuable assessment of the capacity of the landscape to accommodate development.

The Council does not agree that policy RE3 contains sufficient policy guidance for the consideration of cumulative impact of wind energy proposals. It is becoming such an important planning issue in East Ayrshire that the Council is of the view that a separate policy on this matter is required within the plan. It is not agreed that it should be deleted.

Reporter's conclusions:

Provisions of Policy RE4

1. Policy RE4 sets out the requirements for the assessment of cumulative impact through the development management process. In general terms, this is already covered by Policy RE3 and Schedule 1.

2. The policy then highlights cumulative impact issues with respect to the existing Whitelee Wind Farm area of strategic capacity. I refer to the recommendations within Issue 35 to the effect that an additional safeguarded area to the south and south west of Whitelee should be deleted. Furthermore, in stating that there may be limited scope for small additions developed in line with the advice contained within the East Ayrshire Landscape Wind Capacity Study, but that development over and above this particularly to the south and south west of the existing turbines will result in unacceptable cumulative landscape impacts, I find that the policy pre-empts the assessment of wind energy

proposals in the vicinity of Whitelee on the basis of potential cumulative impact by adding constraints which are for assessment in the development management process.

3. The policy also sets out the provisions for monitoring the effect of cumulative impact as wind energy development is consented in the southern part of East Ayrshire. I accept that the council may wish to monitor consented development in relation to cumulative impact but this is not a policy consideration.

4. It would not be appropriate to use Supplementary Guidance to determine that the capacity has been reached in particular areas as this would continue to depend upon the cumulative assessment (particularly in landscape terms) of individual development proposals, normally through an environmental impact assessment.

5. Such use of Supplementary Guidance would in fact alter the spatial framework, because it would introduce a presumption against wind energy development in particular areas, and in my view is not a matter for Supplementary Guidance. In addition, I consider that the approach to cumulative impact should apply equally to all parts of East Ayrshire, not just within the southern part.

Ayrshire Landscape Wind Capacity Study

6. The role of this non-statutory guidance is examined through Issues 35 and 40.

Reporter's recommendations:

Modify the plan as follows:

1. Delete Policy RE4.

Issue 40	Policy RE 5: Wind Energy and the Landscape and Maps 14 & 15	
Development plan reference:	Volume 1, Page 84: Policy RE5 and Maps 14 & 15	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy: PLDP/120/8 E.ON: PLDP/122/6 and 7 Vattenfall Wind Power: PLDP/285/12 Banks Renewables: PLDP/289/3 RES UK: PLDP/324/6 Scottish Power Renewables (SPR): PLDP/330/12</p>		
Provision of the development plan to which the issue relates:	Policy RE5 sets out the Council’s approach for assessing the landscape impacts of wind energy developments. Maps 14 and 15 show landscape sensitivities of East Ayrshire to turbines of over 70m and of between 50-70m respectively.	
Planning authority’s summary of the representation(s):		
<p>RWE Innogy and Vattenfall Wind Power: Policy RE5 relies on findings contained within the Landscape Wind Capacity Study. It is stated that sensitivity Maps 14 and 15 are provided to “assist in the detailed consideration of this criterion and to help inform wind energy applications”. Under this policy there has been no reference to the status of the Landscape Wind Capacity Study. It is recommended that text is added to explicitly state the status of the study.</p> <p>E.ON objects to Policy RE5 of Volume 1 of the LDP for the following reasons.</p> <p>As currently worded policy RE5 focuses on ensuring the conformity of proposed developments with the East Ayrshire Landscape Wind Capacity Study, but does not set out other specific assessment criteria regarding landscape and visual impacts. To enhance proposed policy RE5 it is therefore recommended that the policy wording should be modified (i.e. extended) to also state that “landscapes must be capable of accommodating proposed wind energy developments without resulting in any unacceptable significant adverse impacts on landscape character or visual amenity”.</p> <p>In this regard the term “acceptable” should be defined according to the definition contained within the recently adopted Policy IN1 of the Dumfries & Council Local Development Plan which states that:-</p> <p>“Policy IN1 The Council will support development proposals for all renewable energy provided they do not individually or in combination have a unacceptable* significant adverse impact on:</p> <ul style="list-style-type: none"> • landscape; • the cultural and natural heritage; • areas and routes important for tourism or recreational use in the countryside; • water and fishing interests; • air quality; and 		

- the amenity of the surrounding area.

To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- any associated infrastructure requirements including road and grid connections (where subject to planning consent)
- environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues.
- relevant provisions for the restoration of the site
- the extent to which the proposal helps to meet the current government targets for energy generation and consumption.

* Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.”

The recommended modifications to proposed policy RE5 would mirror the use of the wording “unacceptable significant adverse impact” in proposed policy RE1 and would provide a clear and objective policy test against which proposed wind energy developments of all scales could be considered.

E.ON also objects to Map 14 of Volume 1 of the LDP for the following reasons.

On review of Map 14 within the LDP Proposed Plan against the equivalent landscape sensitivity mapping within the East Ayrshire Landscape Wind Capacity Study (EALWCS), Final Main Report 2013 it appears that East Ayrshire Council have re-classified an area around Benty Cowan Hill as High Sensitivity.

This is landscape character type 20a – East Ayrshire Southern Uplands as set out in section 13, pages 59 to 62 of the East Ayrshire Landscape Wind Capacity Study, Final Main Report 2013. In this study it states that this landscape would have a High-Medium sensitivity to the large typology (turbines >70m) and a Medium sensitivity to the medium typology (50-70m). Map 14 shows the area around Benty Cowan Hill as being of High Sensitivity, when the other three areas of this landscape character type 20a – East Ayrshire Southern Uplands are classed as High-Medium Sensitivity.

This is of very significant concern, as neither proposed policy RE5, nor the draft Planning for Wind Supplementary Guidance document contains any acknowledgement, or justification for this re-classification. It is assumed that this is a simple GIS mistake. A minor change to Map 14 for turbines of 70 metres and above. E.ON would wish to see the land around Windy Standard, Benbrack, Prickeny Hill and Enoch Hill classed as Medium Sensitivity.

Within their representation E.ON sets out detailed reasons as to why they are of the view that certain parts of map 14 should be changed to medium sensitivity. These comments are set out in full in E.ON’s representation form and they relate to the detailed content of the Ayrshire Landscape Wind Capacity Study.

Banks Renewables objects to this policy as it is contrary to Scottish Planning Policy (SPP). Table 1 of SPP clearly sets out the approach that should be taken to the development of wind farm spatial frameworks. The table does not include any reference

to landscape capacity. This is a consideration for the development management stage.

Paragraph 163 of SPP clearly sets out that additional constraints should not be applied at the spatial framework stage. Inclusion of policy RE5 applies an additional constraint to the spatial framework; it is adding an additional wind farm spatial policy to the LDP, an approach which is contrary to SPP. With regards to wind farms, the LDP should only contain one spatial policy which is based on SPP table 1.

As set out in paragraph 169 of SPP, landscape and visual impacts are a development management consideration. This implies that the assessment of the landscape and visual impacts should be based on a site-specific assessment; not an authority wide study which is the basis for policy RE5.

RES UK: The Council within policy RE5 confirms the assessment of landscape and visual impact is included as a criteria for assessment within Schedule 1 ancillary to Policy RE3 for the assessment of wind energy proposals over 50m in height. Scottish Planning Policy does not advocate directly the use of Landscape Capacity Studies as a policy criteria, but para. 162 recognises they can be useful in providing further detailed guidance. Further clarification of this advises that such studies should be up-to-date and robust to be useful.

Maps 14 and 15, based upon the outdated East Ayrshire Landscape Capacity Study, illustrate landscape sensitivity to turbine height typology of 50-70m and over 70m. This appears to relate to sensitivity rather than capacity, but clarification of this would be helpful. The maps provide little further guidance and are outdated in terms of the current height typologies for large scale commercial wind farms. RES would consider similarly to their response to Policy RE4 that as the criteria for assessment is already contained in Policy RE3, as such it is not necessary to duplicate this with a separate policy. The additional guidance provided by Maps 14 & 15 is outdated, unclear in its intention and therefore unhelpful. It would be more appropriate to update and clarify this guidance in accordance with the further SNH guidance on the consideration of natural heritage matters for spatial planning and place it within the Supplementary Guidance.

As highlighted in the previous response and in support of RES' request, Circular 6/2013 requires development plans to be succinct and map based, with emphasis on the written material explaining the spatial strategy and the policies and proposals shown on the maps. LDP's should be concise, map based documents, making use of plain language and a range of graphical techniques to convey the strategy and individual policies and proposals in an accessible way. Minor proposals and detailed policies may be removed to SG, provided the plan itself contains a context.

In cognisance of such advice, RES would contend that the reiteration of policy objectives already contained in Policy RE3 is inappropriate and as such would request that Policy RE5 is omitted completely from the LDP.

SPR opposes the use of landscape sensitivity maps within Policy RE5: Wind Energy and the Landscape. Their inclusion is an additional spatial constraint which does not align with SPP. SPP (paragraph 163) states that "the approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage."

Modifications sought by those submitting representations:

RWE Innogy and Vattenfall: It is recommended that text is added to Policy RE5 to explicitly state the status of the Landscape Wind Capacity Study – as a Technical Report

- The purpose of the Landscape Wind Capacity Study should be expressly recognised within the emerging LDP under Policy RE5
- It is recommended that it should be made explicitly clear within Policy RE5 that there was no consultation carried out on the Landscape Wind Capacity Study

EO.N: Change Policy RE5 to read:

'RE5: Wind Energy and the Landscape

The Council will support development proposals for all renewable energy provided they do not individually or in combination have a unacceptable significant adverse impact on:*

- *landscape;*
- *the cultural and natural heritage;*
- *areas and routes important for tourism or recreational use in the countryside;*
- *water and fishing interests;*
- *air quality; and*
- *the amenity of the surrounding area.*

To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- *any associated infrastructure requirements including road and grid connections (where subject to planning consent)*
- *environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues.*
- *relevant provisions for the restoration of the site*
- *the extent to which the proposal helps to meet the current government targets for energy generation and consumption.*

** Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed, and where it can be demonstrated that there will be no unacceptable significant adverse impacts on all of the relevant Renewable Energy Assessment Criteria set out in Schedule 1 of the LDP.*

To assist in this detailed consideration of this criterion and to help inform wind energy applications, Maps 14 and 15 have been prepared, making use of the East Ayrshire Landscape Wind Capacity Study, to illustrate the landscape sensitivities to wind turbines over 70 metres and between 50 and 70 metres respectively. Due regard should be had to the mapping and guidance contained in the East Ayrshire Landscape Wind Capacity Study whilst noting that caution should be exercised in interpreting the combined sensitivity scores in the capacity Study as these represent an average across landscape character types. This is because considerable variation can occur within these landscape and the detailed sensitivity assessments should therefore be read and fully reviewed in terms of specific constraints and opportunities when considering individual development proposals. The assessment identifies constraints in analysis at a strategic scale and developers would need to demonstrate how they have dealt with potential effects on the constraints identified in the sensitivity assessment when preparing proposals.

The landscape sensitivity maps and the associated detailed guidance within the landscape study will be used by the Council to assess all relevant wind energy applications, alongside all other policy criteria.'

Landscape sensitivity for turbines of 70 metres and above should be replaced with E.ONs proposed Map 14 attached in PDF document titled “E.ON Map 14.”

Vattenfall consider that the status of the Capacity Study should be made clear in policy RE5.

Banks Renewables would like to see policy RE5 and maps 14 and 15 deleted from the LDP.

RES UK objects to the inclusion of Policy RE5 for the reasons outlined above and request that this policy is omitted from the LDP.

SPR The use of landscape sensitivity maps within renewable energy policies and in Map 14 should be removed.

Summary of responses (including reasons) by planning authority:

The Council does not agree with the view of **RWE Innogy** and **Vattenfall** that the purpose and status of this capacity study needs to be expressly recognised within Policy RE5 more than it already is. Its status as non-statutory guidance is set out at the end of policy RE4 and its status can also found within the landscape wind capacity study itself and in Schedule 9 of the plan.

With regard to **E.ON's** representation, they are suggesting that policy RE5 is expanded to state there should be no unacceptable adverse impact on wider landscape and visual impacts and also on a wide range of other constraints. The Council considers that this is the role of policy RE3 and Schedule 1 which accompanies policy RE3. The purpose of policy RE5 is to make clear how important the landscape character of East Ayrshire is and to show in map form the landscape sensitivities in East Ayrshire to wind turbines of certain heights. It is intended that this will assist developers in preparing applications and it makes it clear that the East Ayrshire Landscape Wind Capacity Study will be used to assess any proposals alongside all other policy criteria. Policy RE5 expands upon and provides further policy guidance to developers over and above policy RE3. The changes that E.ON is proposing would mean that Policy RE5 would significantly overlap with policy RE3. No changes to policy RE5 are therefore considered necessary.

E.ON also points out a potential error in Map 14. Map 14 takes the findings of the EALWCS and shows the landscape sensitivities of each landscape character type in map form, that is, whether the landscape type is of Medium, High-Medium or High sensitivity to wind turbines over 70m in height. E.ON states that the area around Benty Cowan Hill (the western portion of landscape character type 20a in the EALWCS) has been shown as being of high sensitivity on Map 14 yet the EALWCS classifies this as being of high-medium sensitivity. E.ON is correct to state that there has been an error in the mapping. In this regard, should the reporter see merit in amending the Map 14 to reflect the status of this landscape type as being of High-Medium sensitivity status, the Council would have no objection to this. The Council has included supporting information to show where the change should be. The first map shows the existing Map 14 as it appears in Proposed Plan and the second map highlights in red where the error has been made. The third map shows the corrected Map 14 as it should appear in the plan.

Both **Banks Renewables** and **SPR** object to policy RE5 on the grounds that it introduces landscape considerations to the spatial framework for wind energy which is contrary to

the provision of SPP. The Council is very clear that the spatial framework as shown on Map 12 and referred to in RE3, is completely separate to policy RE5 and Map 14. The approach taken in preparing the Spatial Framework is entirely consistent with SPP. The Council has simply taken the view that landscape considerations are of such high importance that they should be contained within LDP policy RE5. However, this policy is not part of the spatial framework. There is nothing within SPP which states that LDPs cannot contain policies on landscape sensitivity. Their purpose is to make clear to developers how applications for wind energy will be assessed, that is, using the findings of the EALWCS as well as all other documentation submitted as part of the application. The Council is clear that policy RE5 does not add another spatial constraint onto the spatial framework and considers that no changes to the plan are required.

RES UK is of the view that the LWCS which was used to inform policy RE5 and Map 14 is outdated. The Council would strongly disagree with this. The study was completed in June 2013 and it is considered that its in-depth analysis of the sensitivity of East Ayrshire's landscape and its ability to accommodate wind energy development is fully relevant today. The view that the height typologies used are outdated is also not accepted. Whilst a significant proportion of wind energy proposals are now of the 70 metres and above typology, the LWCS has detailed guidance for this. The Council does not agree with RES UK's view that it is not necessary to duplicate criteria already listed as part of policy RE3. The purpose of policy RE5 is not to replicate policy RE3 but to give landscape sensitivity prominence in the plan because this is of key importance in planning terms. It is not agreed that this should be removed from the plan and placed in Supplementary Guidance.

Reporter's conclusions:

Need for a landscape policy

1. At paragraph 163, SPP states that "the approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community and cumulative impacts (see paragraph 169)." Paragraph 169 lists the considerations which are likely to be included in that development management process. It includes landscape and visual impacts.
2. I therefore consider that the SPP has in mind that landscape and visual impacts will be assessed at the development management stage and not within the policy framework of the local development plan.
3. The wording of Policy RE5 does not indicate a policy stance as such. It simply makes reference to landscape sensitivity maps (14 and 15) which are published alongside the policy and states that they will be used in the assessment of all relevant wind energy applications. To include in the plan something which is termed a policy but has no policy content would be confusing to the decision maker. The relevant material should therefore be left to the council's proposed supplementary guidance.

Other matters

4. E.ON suggest an alternative approach, whereby they provide text for an expanded

policy. That text derives from Policy IN1 of the Dumfries and Galloway Local Development Plan, which actually refers to all renewable energy proposals. There is also a separate Policy IN2 for wind energy proposals. In my view these taken together provide an equivalent policy framework to Policy RE3 and Schedule 1 in the East Ayrshire Local Development Plan, which together require proposals be to acceptable under the criteria set out in Schedule 1, including landscape and visual impact. The suggested text would essentially duplicate the provisions of Policy RE3, and I therefore agree with the council that such changes are unnecessary, and in addition could actually cause confusion in having to address similar matters under two separate policies.

5. Following on from the above, it is not necessary for me to examine the other representations, including those seeking changes to Map 14.

Reporter’s recommendations:

Modify the plan as follows:

1. Delete Policy RE5.
2. Delete Maps 14 and 15.

Issue 41	Policy RE 6: Smaller Scale Wind Energy Proposals	
Development plan reference:	Volume 1, Page 87: Policy RE6	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RSPB Scotland: PLDP/272/11 Gamesa Energy: PLDP/287/4 Moscow and Waterside Community Council: PLDP/296/11</p>		
Provision of the development plan to which the issue relates:	Policy RE6 sets out the Council's approach for assessing wind energy proposals for turbines under 50m in height.	
Planning authority's summary of the representation(s):		
<p>RSPB Scotland: Policy RE6 (iii) should be re-worded to take into account the fact that there is a need to protect the built and natural environment outside designated sites. For example, it would be unacceptable to have a significant adverse impact on protected species.</p> <p>Gamesa Energy: Policy RE6 refers to smaller scale wind energy proposals and states that proposals will be supported:</p> <p>“where it can be demonstrated that they will not create significant adverse impacts”. However, a ‘significant’ adverse impact does not necessarily result in an application being unacceptable once the planning balance, weighing up all material considerations of a development have been applied. Therefore, it would be more suitable to state “where it can be demonstrated that they will not create unacceptable significant adverse impacts”.</p> <p>Moscow and Waterside Community Council: Policy RE6 refers to turbines less than 50m in height: We submit that some turbines under 50m still have considerable landscape impact, such as the 48.5m high turbine at Moorfield and that near Bargower, near the A76, both of which are visible and visually intrusive over an extensive rural area.</p>		
Modifications sought by those submitting representations:		
<p>RSPB Scotland Reword policy RE6 (iii) so that it reads ‘Do not result in unacceptable impacts on the built and natural environment’.</p> <p>Gamesa Energy: It is recommended that an additional word is inserted into policy RE6 so that it reads: ‘where it can be demonstrated that they will not create unacceptable significant adverse impacts’.</p> <p>Moscow and Waterside Community Council has not requested any specific modifications.</p>		

Summary of responses (including reasons) by planning authority:

With regard to the representation from **RSPB**, the Council is of the view that there are other LDP policies in place to protect the built and natural environment within Section 7 of Volume 1 of the plan which is why the policy currently refers only to built and natural environmental designations. However, if the Reporter considers that an amendment to the policy is required, the Council is of the view that the wording suggested by the RSPB is generally acceptable, that is the wording of policy RE6 (iii) being changed to read: *Do not result in unacceptable impacts on the built and natural environment*. This would widen the remit of the policy out slightly without changing its underlying aims.

Gamesa Energy points out that the introductory paragraph of policy RE6 requires developers to ensure that wind energy proposals under 50m do not create '*significant adverse impacts*' on the local area and wider landscape and that the word '*unacceptable*' should be inserted before this phrase. As can be seen, criteria (ii) – (v) of policy RE6 contain the word '*unacceptable*' which would largely cover the concerns of Gamesa Energy. However, if the Reporter is of the view that a change to the introductory paragraph in this regard is necessary and appropriate, the Council is of the view that inserting the word '*unacceptable*' before the words '*significant adverse impacts*' would make policy RE6 more consistent in its wording without changing its underlying aim and would therefore support such an amendment.

Moscow and Waterside Community Council point out that turbines just under 50m in height can have considerable landscape impacts. The Council would agree that in the wrong location, turbines of this height could potentially be visually intrusive and inappropriate. Policy RE6 has been written to ensure that proposals up to 50m in height are assessed in an effective manner to ensure that they are located on sites where the landscape can accommodate them, where they would not be visually intrusive and where there are no other unacceptable impacts.

Reporter's conclusions:

1. Two issues have been raised with respect to the content of Policy RE6. The first of these relates to criterion (iii), and I find that it would be appropriate to ensure that this criterion relates to the natural environment as a whole, not just designations. The criterion is worded in general terms, and it would in any event be necessary to refer to other policies in the local development plan to assess what is necessary with respect to particular elements of the natural environment.
2. The second issue relates to the introductory paragraph. I note that the council has accepted in its response that the introductory paragraph should refer to "unacceptable significant adverse impacts" so that it is more consistent with the criteria in the policy which refer to "unacceptable impacts" I agree with the council that this change would make the introductory paragraph more consistent with the criteria, and that the paragraph should therefore be amended accordingly.
3. Moscow and Waterside Community Council has expressed concern about the landscape effects of turbines under 50 metres in height. I agree with the council's stated position to the extent that the criteria set out in Policy RE6 are intended ensure that such effects are not unacceptable, and that this is the appropriate test. However, the content of the first criterion is inappropriate because the local development plan should not require development to comply with Supplementary Guidance, particularly before this has

been adopted.

4. The appropriate means of reflecting the concerns expressed in the representation relating to landscape impact would be to replace this with a criterion requiring development not to have unacceptable landscape impacts. This more appropriately meets the concerns expressed on behalf of the community council. A minor amendment to the final paragraph is also required; so that this provides the appropriate hook for the Supplementary Guidance in Policy RE6.

Reporter’s recommendations:

Modify the plan as follows:

1. Amend the first sentence of the introductory paragraph as follows:

Wind energy proposals for turbines under 50 metres in height will be supported where it can be demonstrated that they will not create unacceptable significant adverse impacts on the local area and wider landscape.

2. Amend criterion (i) of Policy RE6 as follows:

(i) Do not result in unacceptable landscape or visual impacts

3. Amend criterion (iii) of Policy RE6 as follows:

(iii) Do not result in unacceptable impacts on the built and natural environment

4. Amend the final paragraph of Policy RE6 as follows:

Supplementary Guidance on Planning for Wind Energy will be prepared in order to provide design guidance on smaller scale wind energy proposals. This will assist developers in the siting and design of their proposals

Issue 42	Policy RE 7: Removal of Wind Turbines	
Development plan reference:	Volume 1, page 87: Policy RE7	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>E.ON: PLDP/122/9 Gamesa Energy: PLDP/287/5 RES UK: PLDP/324/7</p>		
Provision of the development plan to which the issue relates:	Policy RE7 sets out the Council's approach for the removal of wind turbines which have not been in operation for a continuous period of 6 months.	
Planning authority's summary of the representation(s):		
<p>E.ON: Policy RE7 gives no recognition that, other than the repair or replacement of a turbine, there could be other sound reasons why a turbine is not exporting electricity, for example, disruptions in the wider grid network requiring repair and maintenance work on the wider distribution or transmission network. It is therefore recommend that this policy be amended to reflect this.</p> <p>Gamesa Energy does not believe that restoring the land "to its original condition" is always an appropriate measure to take, given that for example, this may involve the replanting of trees on peat. Restoration should take place on a site-by-site basis.</p> <p>RES UK: RES strongly objects to the inclusion of Policy RE7 within the LDP. Section 25 of the Act states "Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."</p> <p>Policy RE7 relates to a potential situation that might, or might not occur within an operational context of a wind turbine, or a turbine contained within a wind farm. This is not a matter that can therefore be assessed as part of the consideration of the application's merits, accordingly it should not be relevant within a development plan. As highlighted in Circular 6/2013 which explains the current development planning system, development plans should be more up-to-date, concise, relevant and readable. For the Council to take a "belt and braces" approach to this matter which it rightly asserts as relevant as a planning condition is unreasonable and contrary to the aims and objectives of the development planning system.</p> <p>The policy further confirms that a condition would be attached to any planning permission relating to redundant turbines, and this would be the relevant course of action for the Council to pursue in accordance with Circular 4/1998 on the Use Conditions in Planning Permissions.</p> <p>In terms of development plans, Circular 4/1998 advises that where appropriate plans should specify policies which the authority propose to implement regularly by means of planning conditions, in order that applicants can incorporate details in their submissions,</p>		

thus reducing delays in decision making and the need to impose a specific condition. As Policy RE 7 refers to a condition relating to the operational nature of turbines and possibility of redundancy during their consented period, this is not a matter on which an applicant could produce further detail, thereby negating the need to impose such a condition on a planning permission. Accordingly this is not such an occasion whereby a policy relating to a planning condition has any merit for inclusion within the development plan.

The Council would have the powers to enforce such a condition through relevant procedures provided in the Act and secondary legislation. No such powers of enforcement exist through the development planning legislative framework and as such the inclusion of this policy within the development plan is unnecessary.

RES would further contend that developers are aware and expect such a standard condition relating to redundant turbines to be imposed on any planning permission, however the standard redundant period specified is normally 12 months and not 6 months as intended by Policy RE7.

Modifications sought by those submitting representations:

E.ON: Change Policy RE7 to read:-

Policy RE7: Removal of wind turbines

Where a wind turbine is not in operation producing electricity for a continuous period of 6 months, the operator will be required to provide evidence to the Council that the apparatus is in the process of being repaired or replaced, or evidence that wider distribution / transmission problems other technical problems persist which justify the turbine remaining in-situ for a further 3 months beyond the 6 month period. If this is not provided, the Council will deem the turbine to be surplus to requirements and will, through an appropriate planning condition or where deemed necessary by a legal obligation, require its removal, with the land restored to its original condition within an appropriate period to be agreed with the Council.

Gamesa Energy: Remove “land restored to its original condition” and replace with “land restored to a condition agreed between the Developer and the Council”.

RES UK: strongly objects to the inclusion of Policy RE7 within the LDP and requests that it is omitted from the plan.

Summary of responses (including reasons) by planning authority:

With regard to **E.ON's** representation, the Council has not experienced circumstances where a turbine has stopped producing electricity for a continuous period of 6 months due to disruptions in the wider grid network which require repair and maintenance work on the wider distribution or transmission network. This is why this is not included within the policy. The Council does not agree that policy RE7 requires to go into the level of detail being proposed by E.ON. However, in order to cover eventualities other than repair or replacement, and if the Reporter considers that a change is necessary in this regard, the Council would recommend that the phrase *‘or that there is an alternative valid justification, which is acceptable to the Council, for the non-operation of turbines’* could be inserted at the end of the first sentence of policy RE7. This would allow for a wider range

of acceptable circumstances without being too detailed.

The Council notes **Gamesa's** point that a site may not always be restored to its original condition after a turbine is approved as there may be an agreed restoration plan in place which differs from the original state of the land. In this regard the Council can see merit in expanding the policy slightly to insert the phrase '*or to that agreed as part of an approved restoration plan*' after the words '*restored to its original condition*' if the Reporter considers that an amendment is required.

RES UK's view that policy RE7 is unnecessary is noted. Whilst the Council accepts that the removal of inoperative turbines and site restoration could be secured as part of a planning consent without policy RE7 being included in the plan, the Council is of the view that it should nevertheless remain as policy because this makes the Council's expectations on these matters clear to developers at an early stage in the development process. It is also considered that Circular 6/2013 does not prevent such a policy being included in the plan.

Reporter's conclusions:

1. Wind turbines may cease to operate for a variety of reasons. Bearing in mind the environmental impact of wind turbines, there would be no justification for retaining a turbine in the landscape which could not become operational within a reasonable period of time. In this respect, the approach should be similar to the decommissioning of turbines once they have reached the end of their operational life. I note that there is no specific policy on decommissioning in the local development plan, which, for turbines over 50 metres in height, is left to a criterion in Schedule 1. For smaller turbines it would be a matter for the development management process.

3. The terms of this policy describe a matter which is customarily implemented by means of a planning condition. Consequently, confusion could be caused among Policy RE7, Schedule 1 and Circular 4/1998 when considering the need for conditions at the development management stage (which may depend on the circumstances of the case) applying to decommissioning and turbines which fail for technical reasons.

4. More fundamentally, the policy does not enable an assessment of the merits of a proposal, as is appropriate for policies in a development plan.

5. I note that Policy RE3 provides an appropriate hook for Supplementary Guidance with respect to the considerations that will apply to wind energy development of 50 metres or higher. The council can therefore set out more details of the approach to decommissioning, including turbines which fail to operate for technical reasons, should this be considered appropriate.

6. I have noted the suggested modifications to Policy RE7 but in view of my findings above I do not need to consider this matter further.

Reporter's recommendations:

Modify the plan by deleting Policy RE7.

Issue 43	Policy RE 9: Financial Guarantees	
Development plan reference:	Volume 1, page 88: Policy RE9	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Greta Roberts: PLDP/123/9 Scottish Renewables: PLDP/149/10 Natural Power: PLDP/279/7 Fred Olsen Renewables: PLDP/281/7 Banks Renewables: PLDP/289/5 RES UK: PLDP/324/9 RSPB: PLDP/272/12 (letter of support)</p>		
Provision of the development plan to which the issue relates:	Policy RE9 sets out the circumstances under which the Council will require a financial guarantee to be secured as part of a development proposal.	
Planning authority's summary of the representation(s):		
<p>Greta Roberts: Notes that the Council seeks financial guarantees for open-cast coal, landfill and quarry developments and seeks clarification on whether any consideration has been given to the possibility of a loophole in control whereby a developer, once planning permission has been granted for a windfarm, could sell on the site with consent to another developer?</p> <p>Scottish Renewables: The current wording of policy RE9 requires an appropriately worded condition and/or subject to a section 75. Based on circular 4/1998 it should be one or other, not both as currently stands. It is recommended that this policy is changed to reflect circular 4/1998.</p> <p>Natural Power: Policy RE9 of the LDP states that “all new wind energy, waste management, landfill and electrical infrastructure proposals will require to provide an appropriate financial guarantee, acceptable to the Council, supported with payments for the cost of compliance monitoring, to ensure that all decommissioning, restoration, aftercare and mitigation attached to planning consents can be met in full”. However, the SPP does not mention financial guarantees with regards to wind energy or electrical infrastructure, the SPP only discusses financial guarantees with regards to landfill consents (paragraph 192) and with regards to promoting responsible extraction of resources (paragraph 247).</p> <p>Fred Olsen Renewables: Policy RE9 of the LDP states that “all new wind energy, waste management, landfill and electrical infrastructure proposals will require to provide an appropriate financial guarantee, acceptable to the Council, supported with payments for the cost of compliance monitoring, to ensure that all decommissioning, restoration, aftercare and mitigation attached to planning consents can be met in full”. Natural Power on behalf of FORL would like to add that where financial guarantees are required for wind energy then the somewhat unique nature of wind energy should be taken into consideration.</p>		

Banks Renewables does not object to the principle of policy RE9 as it is recognised that there is a need for financial guarantees to be put in place. However we do object to some of the detail set out in the condition. Our concerns with policy RE9 are as follows:

Policy RE9 requires the applicants/developers to cover the costs of a planning monitoring officer. Banks Renewables object to this requirement. It is a statutory function of the planning authority to consider whether planning controls are being met. Applicants/developers should not be required to fund a statutory function of planning departments.

Policy RE9 seeks to secure an appropriate financial guarantee is put in place via an appropriate condition and/or section 75 obligation. Scottish Government guidance (Circular 4/1998) makes it clear that where a commitment is required in order to make a development acceptable in planning terms, this should be solved either by imposing a condition or by concluding a section 75 planning agreement.

It goes on to set out that planning authorities should normally seek to regulate a development by way of a condition rather than through an agreement and that conditions imposed on a grant of planning permission should not be duplicated in a planning agreement.

Banks Renewables therefore object to the use of the phrase and/or with reference to the requirement for planning conditions and planning obligations to ensure provision of an appropriate financial guarantee. Based on Circular 4/1998 it should be one or another, not both, and the preference should be for a planning condition.

RES UK questions Policy RE9's inclusion within Section 6.1 relating to Delivering renewable energy within Chapter 6, Energy & Infrastructure of the LDP. Policy RE9 specifically relates to wind energy, waste management, landfill and electrical infrastructure proposals, all of which are accepted may require some form of decommissioning, site remediation and restoration including possible on-going maintenance. RES maintain that other forms of development may have similar requirements and as such the policy should not specify certain types of development, but should relate to all development whereby there would be a requirement for decommissioning, site remediation or restoration. Accordingly this policy would be better placed within section 6.3 Delivering Infrastructure and reworded to include all such development.

RES would further question the wording within the policy "acceptable to the Council, supported with payments for the cost of compliance monitoring". Circular 4/1998 on the Use of Conditions in Planning Permissions requires planning conditions to meet the 6 tests, including that of being reasonable and enforceable. This circular further advises that conditions can enable many development proposals to proceed where it would be otherwise be necessary to refuse planning permission. The power to impose conditions is very wide, but needs to be exercised in a manner which is fair, reasonable and practicable. Conditions must not be applied slavishly or unthinkingly and a clear and precise reason for a condition must be given.

RES would be concerned relating to the reasonableness of conditions imposed under the provision of this policy, but accept that the right to vary the terms, or revoke such conditions exists in terms of development management procedure.

The monitoring of the compliance of planning conditions would normally be a matter for the planning authority. Whilst RES appreciates that Council resources may be limited, to expect the development industry to pay to monitor compliance with such conditions would appear unreasonable. If the Council considers a condition is necessary and meets the required tests, then the Council should be willing to ensure such a condition is complied with and to take any subsequent enforcement procedures deemed relevant to ensure compliance, otherwise what would be the point in applying such a condition, if it were not necessary and enforceable.

RSPB supports policy RE9

Modifications sought by those submitting representations:

Greta Roberts has not requested any specific modifications.

Scottish Renewables recommend that policy RE9 is changed to reflect circular 4/1998.

Natural Power would argue that the requirement for all wind energy and electrical infrastructure to comply within Policy RE9 goes beyond what is intended in the SPP, is disproportionate to the nature scale of potential impacts and request that specific reference to wind energy and electrical infrastructure is deleted from Policy RE9.

Fred Olsen Renewables requests that the LDP recognise that with regards to wind energy, regular review of financial guarantees is more relevant than compliance monitoring. In addition, it is requested that the positive and proportionately large re-use values of onshore wind energy developments are taken into account when considering appropriate financial guarantees.

Banks Renewables would like to see the following amendments made to policy RE9:

- The phrase “supported with payments for the cost of compliance monitoring” deleted from the first paragraph of policy RE9.
- The phrase “and/or” in the first line of paragraph 2 to be replaced with “or” and the “and” at the end of the second last line of paragraph 2 to be replaced with “or”
- Wording inserted into the second paragraph to reflect Circular 4/1998 preference for conditions to be used to the secure delivery of appropriate financial guarantees.

RES UK would suggest that Policy RE9 is renamed and reworded to include any development requiring decommissioning, site remediation or restoration and better placed within Section 6.1.13 of Chapter 6. RES would further suggest the wording “acceptable to the Council, supported with payments for the cost of compliance monitoring” is removed from the policy for the reasons outlined above.

Summary of responses (including reasons) by planning authority:

In terms of the point that **Greta Roberts** makes regarding a potential ‘loophole’, the Council would confirm that in terms of securing a financial guarantee as part of a proposed development there would be no such loophole as the Council would secure the financial guarantee through a section 75 obligation which runs with the land. This means that if the consented land is sold on to another developer, the financial guarantee obligation would remain in place.

Scottish Renewables and **Banks Renewables** both make the point that Circular 4/1998

does not make provision for the use of both conditions and planning agreements which cover the same issue. The Council is of the view that the implications of not securing a financial guarantee for the types of development mentioned in policy RE9 are so serious that it needs as many methods for securing funds available as possible to avoid significant environmental damage. Whilst such an approach may not be appropriate for smaller scale development, the Council considers that this is entirely justified for the types of development covered by policy RE9. No change to the policy is considered necessary in this regard. The Council also does not agree that preference for conditions over a legal agreement should be stated. The Council want to retain flexibility in using both.

The Council does not agree with **Natural Power and RES UK's** assertion that seeking financial guarantees for wind and electrical infrastructure developments is disproportionate, unnecessary, unreasonable and that this would normally be a matter for the planning authority. The fact that SPP does not specifically mention financial guarantees in the context of wind and electrical infrastructure developments does not mean that the Council cannot require these through policy. These types of development have the potential to cause significant environmental damage if abandoned at construction or operational phases and the Council is firmly of the view that seeking financial guarantees for these types of development is entirely appropriate and necessary. No change to the policy is required in this regard. The Council is of the view that, with regard to requesting financial guarantees, the plan is not at odds with the provisions of Circular 4/1998

With regard to **Fred Olsen Renewables'** representation, it is noted that they wish the unique situation of wind energy developments to be taken into consideration in setting up financial guarantees. The Council will ensure that financial guarantees take full account of all aspects of individual developments including elements unique to that particular development.

With regard to **Banks Renewables** request that reference to compliance monitoring payments is removed from policy RE9, the Council does not consider that this is appropriate. The types of development listed in policy RE9 are of such a scale and significance that if certain measures set out in the planning consent are not followed through, this could have significant environmental consequences. The element of specialism that the monitoring of such development has is not covered by a regular planning fee. The Council does not have such specialists in post and is therefore required to consult with external specialists. This is the element of the development that compliance monitoring covers and it is considered that this is appropriate to ensure that planning consents are implemented correctly and that the environment is adequately protected.

The Council does not agree with **RES UK's** suggestion that the policy is made more general, without stating the particular uses to which the policy will apply and that it is placed in the delivering infrastructure section. It is considered essential that the LDP is clear on which types of development will be required to provide a financial guarantee. This gives developers the certainty they need in drawing up proposals and testing the viability of these types of development. With regard to moving the policy to another section of the plan, this is not considered necessary as the plan provides cross referencing where necessary. For example, the last paragraph of policy INF3 states that a financial guarantee in line with policy RE9 and Supplementary Guidance may be required.

RSPB's support for policy RE9 is welcomed.

Reporter's conclusions

Conditions and planning obligations

1. Circular 4/1998 supports the appropriate use of conditions or planning obligations in order to resolve issues raised by development. There is a clear preference for matters to be resolved by conditions where this is possible. However, in seeking financial guarantees for aftercare (including decommissioning and restoration) and mitigation requirements, I find that it may well be necessary for a planning obligation to be entered into. This is particularly the case where the developer does not have full control over mitigation measures or restoration proposals, or where significant financial provisions are required which cannot be competently secured through a planning condition. I note that the council has clarified that it will seek financial guarantees through planning obligations where appropriate, in order to ensure that the obligation is transferred to any subsequent owner of the land.

2. Circular 4/1998 makes it clear that planning conditions should not be duplicated within a planning obligation. I therefore do not agree with the council's position to the extent that it seeks as many methods for securing funds as possible. In my view, the method should be appropriate to the circumstances of the case, and duplication should be avoided.

The scope of financial guarantees

3. This policy seeks financial guarantees in relation to wind energy, waste management, landfill and electrical infrastructure proposals. Whilst I acknowledge that Scottish Planning Policy does not refer to financial guarantees with respect to wind energy development, there is nothing to suggest that seeking such guarantees would not be appropriate. I therefore have no basis to recommend modifications to the specified type of development covered by the policy.

4. However, I am concerned that the policy requires an appropriate financial guarantee for all proposals. I consider that there may be exceptions to this dependent upon the scale and complexity of the development and the consequences of any failure to restore the site. For wind energy development the policy would for example apply to a small single turbine where such a requirement might be considered burdensome and therefore unreasonable in the context of Circular 4/1998. I therefore find that the policy should be qualified to take this into account.

5. Whilst it may have been more helpful if a general policy had been included within section 6.3 of the proposed plan on delivering infrastructure, I note that there is an appropriate reference to Policy RE9 within the policies on telecommunications infrastructure (Policy INF 3) and sustainable waste management (Policy WM 5) to ensure that those with an interest in those subjects are aware of Policy RE9.

6. The extent to which the positive re-use values of onshore wind energy should be taken into account in considering the need for financial guarantees is a matter for negotiation on a case-by-case basis.

Compliance monitoring

7. Compliance monitoring is a statutory function of the planning authority. Whilst the nature of renewable energy development, and particularly wind energy development, and its aftercare, is such that it may require extensive monitoring to ensure compliance with the details approved and conditions, I am not convinced that the degree of monitoring is significantly different from other types of major development. It clearly depends on the circumstances of the case, and particularly the scale and number of turbines.

8. In any event, it does not appear to me to be appropriate to include such a provision in a policy in the local development plan, although I recognise that the council is free to seek such contributions through the development management process. I therefore find that the phrase in the first paragraph of the policy “supported with payments for the cost of compliance monitoring” should be deleted from the policy.

Reporter’s recommendations:

Modify the plan by amending the first paragraph of Policy RE9 as follows:

Where necessary in terms of the scale and complexity of the proposal, and the consequences of any failure to restore the site, the council will require an appropriate financial guarantee in respect of wind energy, waste management, landfill and electrical infrastructure proposals, to ensure that all decommissioning, restoration, aftercare and mitigation requirements attached to planning consents can be met in full.

Issue 44	Policy RE 10: Compliance Monitoring	
Development plan reference:	Volume 1, Page 88: Policy RE10	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gamesa: PLDP/287/7 Banks Renewables: PLDP/289/6 RES UK: PLDP/324/10 RSPB: PLDP/272/13 (letter of support)</p>		
Provision of the development plan to which the issue relates:	Policy RE10 sets out where the Council will seek financial contributions to cover the cost of external consultants employed by the Council to undertake a compliance monitoring role.	
Planning authority's summary of the representation(s):		
<p>Gamesa: Wishes to see the term “full cost” in terms of financial contributions to cover compliance monitoring changed to “reasonable and proper costs incurred”.</p> <p>Banks Renewables Object to Policy RE10. It is a statutory function of the planning authority to consider whether planning controls are being met which includes monitoring of planning permissions. Therefore by requiring developers/operators to provide funding for a compliance monitoring officer it is perceived that there will be duplication of funding received by the Council in this regard. With this in mind developers/operators should not be required to pay for compliance monitoring.</p> <p>RES UK: Circular 4/1998 on the Use of Conditions in Planning Permissions requires planning conditions to meet the 6 tests, including that of being reasonable and enforceable. This circular further advises that conditions can enable many development proposals to proceed where it would be otherwise be necessary to refuse planning permission. The power to impose conditions is very wide, but needs to be exercised in a manner which is fair, reasonable and practicable. Conditions must not be applied slavishly or unthinkingly and a clear and precise reason for a condition must be given.</p> <p>RES would be concerned relating to the reasonableness of conditions imposed requiring developers within the wind energy, landfill and electrical infrastructure having to provide a financial contribution towards the monitoring and compliance by external consultants of any planning conditions imposed on a planning permission, or indeed and terms of a planning obligation. RES accept that the right to vary the terms, or revoke such conditions exists in terms of development management procedure, however a development plan policy requiring such financial contributions to be made and an assessment of proposals against such a commitment by developers would appear to be unreasonable. In the event that such a commitment is not agreed by a developer, does this make the development otherwise unacceptable and therefore contrary to the development plan? Accordingly the provisions of this policy are not directly relevant to the merits of development and as such the policy should not comprise part of the development plan.</p> <p>The monitoring of the compliance of planning conditions would normally be a matter for</p>		

the planning authority. Whilst RES appreciates that Council resources may be limited, to expect the development industry to pay to monitor compliance with such conditions would appear unreasonable. If the Council consider a condition is necessary and meets the required tests, then the Council should be willing to ensure such a condition is complied with and to take any subsequent enforcement procedures deemed relevant to ensure compliance, otherwise what would be the point in applying such a condition, if it were not necessary and enforceable.

RSPB supports policy RE10.

Modifications sought by those submitting representations:

Gamesa: Policy RE10 Remove the term “full cost” in terms of financial contributions to cover compliance monitoring and change to “reasonable and proper costs incurred”.

Banks Renewables wish to see policy RE10 deleted from the plan.

RES UK: Objects to the inclusion of Policy R10 within the LDP and requests that it is omitted for the reasons outlined above.

Summary of responses (including reasons) by planning authority:

With regard to **Gamesa’s** representation, the Council would point out that policy RE10 is clear that financial contributions will be sought only to cover the cost of external consultants employed by the Council to undertake a compliance monitoring role. Such consultants are not on the Council’s payroll and their services in this respect are not covered by the standard planning application fee. Given that the policy is clear on exactly what financial contributions are being sought for and that this is considered to be fully justifiable, there is no need to change the policy as per Gamesa’s recommendation.

In terms of the representation from **Banks Renewables** requesting that policy RE10 is deleted from the plan, the Council does not consider that this is appropriate. There is no duplication of funding as the cost of employing external consultants to carry out a compliance monitoring role is not covered by the standard planning application fee. The Council does not have in house expertise necessary to carry out this role and it is considered fully justified that if the Council is required to do this over and above its normal service in order to ensure that a consent for such a complex development is implemented properly, then this additional cost should be met by developers. This is considered to be a fair, transparent and reasonable approach.

RES UK is of the view that policy RE 10 does not meet the test of reasonableness as set out in Circular 4/1998. The Council does not agree with this viewpoint. As stated above, the financial contributions would be used to fund costs of external consultants whose fees would not be met by the standard planning application fee. The types of development listed in policy RE9 are of such a scale and significance that if certain measures set out in the planning consent are not followed through, this could have significant environmental consequences. This is the element of the development that compliance monitoring covers and it is considered that this is appropriate to ensure that planning consents are implemented correctly and that the environment is adequately protected. In response to RES UK’s question as to whether the development would be unacceptable if the terms of this policy were not met, the answer is yes, it would be unacceptable because the Council would not be able to adequately monitor the development in the way that is required to

avoid significant environmental damage. The Council is of the view that the provisions of this policy are directly relevant to the merits of development as it must be ensured that the development takes place in the manner set out in the consent. The planning application fee does not cover this level of expertise and specialism therefore it is reasonable for the Council to ask developers to make financial contributions for this service. The Council would also enforce this condition and ensure that payments are made at the correct time intervals.

RSPB's support for policy RE10 is noted and welcomed.

Reporter's conclusions:

1. This policy is a further provision to that contained within Policy RE9, which includes the costs of compliance monitoring as part of financial guarantees relating to the decommissioning, restoration, aftercare and mitigation requirements for renewable energy development. It adds a further provision requiring the full cost of external consultants employed by the council to be met by the developer.
2. Representations under this issue express concern that developers are being expected to pay for compliance monitoring undertaken by external consultants employed by the council. Whilst I recognise that the council is entitled to use external consultants, this is directly related to the issue of compliance monitoring examined within Issue 43, and I refer to the conclusions and recommendations there. I conclude that it is not appropriate to include a policy relating to this matter within the local development plan. The council is free to pursue the matter, but outwith the context of the local development plan.

Reporter's recommendations:

Modify the plan by deleting Policy RE10.

Issue 45	Schedule 1: Renewable Energy Assessment Criteria	
Development plan reference:	Volume 1, Page 89, Schedule 1	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Water: PLDP/182/2 RSPB: PLDP/272/14 Moscow and Waterside Community Council: PLDP/296/13 RES UK: 324/4 SEPA: PLDP/309/4 Scottish Power Renewables PLDP/330/14</p>		
Provision of the development plan to which the issue relates:	Schedule 1 of the LDP sets out the criteria that Renewable Energy developments will be assessed against.	
Planning authority's summary of the representation(s):		
<p>Scottish Water: with regards to the Wind Energy section, Scottish Water's main objective is to ensure that their surface water or groundwater sources are protected from the construction, operation and decommissioning of wind turbines. Scottish Water would advise that any wind energy proposals must not have an unacceptable adverse impact on the water environment or water resources used for purposes such as drinking water as required by the Water Framework Directive and related regulations. Also, turbines must not be located where they could interfere with Scottish Water's telemetry assets. All individual planning applications for wind energy developments should be submitted to Scottish Water's Customer Connections for them to review on a site-by-site basis.</p> <p>RSPB: The third paragraph should be amended to add deep peat.</p> <p>Moscow and Waterside Community Council: ask that local Wildlife Sites, Nature Reserves, Core Paths, Rights of Way and protection of Public & Private Water Supplies are included in Schedule 1, when assessing development impacts.</p> <p>RES UK Schedule 1: RES UK considers that most of the criteria listed within the schedule are in accordance with that identified in the list within paragraph 169 of SPP and as such have support in terms of national policy. The list in SPP is not exhaustive, and it is noted that considerations will vary relative to the scale of the proposal and area characteristics.</p> <p>RES would consider however that following criteria relating to the ability of the location to support the efficient operation of wind energy technology and the scale of contribution to renewable energy generation targets are irrelevant criteria for listing within the policy.</p> <p>RES would question the use of the "principles outlined in the Ayrshire Landscape Wind Capacity Study (2013) as criteria for Development Management decisions. Consented and operational sites used as a baseline in the study were as of July 2012 and therefore, the assessment is out of date and not fit for purpose. SNH draft guidance (Appendix 2)</p>		

considers that landscape capacity studies can provide an additional context for Landscape and Visual Impact Assessment at the Development management stage, provided that they are kept up to date (every 2-3 years) due to the rapidly evolving pattern of development. The absence of a completed or up to date LCS should not be used to delay decision making. In this respect it would be better not to include the specific landscape capacity study, but either to remove the reference from the policy criteria and place it within SG once updated, or to make a generic reference to such a study.

SPP does not advise that a developer requires to produce technical information in support of the need for their development on any site. It is for the developer to make such a decision based upon the commercial viability of any development and not for Council's to question such reasoning. It is very unlikely that any developer would propose a development within an area that does not have the requisite wind speeds to support their development. Furthermore the Council does not have the technical ability to asses this information and make any judgement on its credibility, therefore they should not include this as a criteria for assessment within the policy.

Likewise SPP does not support that different scales of contribution to renewable energy targets are a matter for assessment within the development plan. Rather this is a matter for the decision maker during the development management process in considering the weight to attach to such a contribution in balancing competing material considerations.

SEPA: support the inclusion of the use of a spatial framework and renewable energy criteria set out in Schedule 1 to assess wind energy proposals. However, schedule 1 should also make reference to the re-use of excavated peat, forest removal and forest waste. It is also requested that the reference to the water environment is expanded to include reference to groundwater dependent terrestrial ecosystems (GWDTE).

Scottish Power Renewables opposes the criterion regarding landscape and visual impacts including the principles set out in the Ayrshire Landscape Wind Capacity Study. This study has not been subject to public consultation, does not follow an agreed methodology, and is therefore an inappropriate measure to include.

The criterion on net economic impact should also include national benefits such as import substitution, reduction in emissions, and the economic value of the electricity generated. The criterion 'opportunities for energy storage' requires further guidance.

It is not possible to determine the future baseline at decommissioning and hence assess it under EIA for the criterion on road traffic during construction and decommissioning. For example, road layout and usage may be quite different in 25-30 years.

SPR is unclear how the Council will be able to determine whether a proposal is acceptable in terms of the ability of the proposed location to support the efficient operation of wind energy technology.

Modifications sought by those submitting representations:

Scottish Water would request that an addition is made to the section on Wind Energy to include reference to no adverse impacts on the water environment, water resources and also that Wind Energy developments have no adverse impacts on Scottish Water telemetry systems.

RSPB: The third paragraph should be amended to add deep peat.

Moscow and Waterside Community Council: ask that local Wildlife Sites, Nature Reserves, Core Paths, Rights of Way and protection of Public & Private Water Supplies are included in Schedule 1, when assessing development impacts.

RES UK: requests that the reference to the Ayrshire Landscape Wind Capacity Study is omitted from Schedule 1 or is replaced with the wording “including the guidance contained within the Supplementary Guidance.” A reference to an updated LCS can then be included within subsequent SG.

RES request that the following criteria are omitted from Schedule 1:
 “The ability of the proposed location to support the efficient operation of wind energy technology;
 The scale of contribution to renewable energy generation targets.”

SEPA: We support the inclusion of the use of a spatial framework and renewable energy criteria set out in Schedule 1 to assess wind energy proposals. It is noted that Supplementary Guidance (SG) on Planning for Wind Energy supports policy RE3 and we have commented on this in a separate response. As highlighted in our response to the SG and our response to the draft proposed plan schedule 1 should also make reference to re-use of excavated peat, forest removal and forest waste. We also request that the reference to the water environment is expanded to include reference to groundwater dependent terrestrial ecosystems (GWDTE).

Scottish Power Renewables: The criterion relating to the use of the Ayrshire Landscape Wind Capacity study should be removed.

The criterion on net economic benefit should include recognition of national benefits such as import substitution, reduction in emissions, and the economic value of the electricity generated.

The criterion on opportunities for energy storage should recognise the need for further guidance in order to produce an assessment, given the immature status of the energy storage industry.

Reference to decommissioning should be removed from the criterion on impacts on road traffic.

Further clarity is required on how the Council will determine if a proposal is acceptable in terms of the ability of the proposed location to support the efficient operation of wind energy technology.

Summary of responses (including reasons) by planning authority:

With regard to **Scottish Water’s** representation, the Council considers it unnecessary to include reference to there being no adverse impacts on the water environment, water resources and that Wind Energy developments have no adverse impacts on Scottish Water telemetry systems within the main body of the text of Section 6.1 as Schedule 1 already contains a bullet point (7th bullet point) relating to ‘Effects on hydrology, the water environment and flood risk’ meaning that developers will need to take these into account in the assessment of all renewable energy developments. In order to ensure that this

bullet point covers all of Scottish Water's concerns, however, it may be appropriate to expand this bullet point if the reporter considers this to be appropriate and necessary.

The new expanded 7th bullet point should read:

'Effects on hydrology, the water environment and water resources, flood risk and potential impacts on Scottish Water telemetry systems'

The Council does not agree with **RSPB's** suggestion that the third bullet point of Schedule 1 be changed to add deep peat as the term 'Carbon Rich soils' which the bullet point currently states would already include deep peat.

With regard to **Moscow and Waterside Community Council's** request that local Wildlife Sites, Nature Reserves, Core Paths, Rights of Way and protection of Public & Private Water Supplies are included in Schedule 1, the Council does not agree that this is necessary as there are policies elsewhere in the plan that provide policy protection for all of these assets. Schedule 1 does not need to cover every aspect that will be considered as part of a planning application.

The Council does not agree with **RES UK's** assertion that there is no need to refer to the scale of contribution to renewable energy targets as this was taken directly from paragraph 169 of SPP. In terms of the bullet point in Schedule 1 which relates to efficient operation of wind energy technology, the Council does not agree that this should be removed. The Council considers that this criterion should remain in Schedule 1 because there have been instances where wind energy developments by different developers have been proposed immediately adjacent to each other and that issues of efficiency have arisen. The Council is of the view that developers should be required to demonstrate that such issues will not arise or can be overcome in order to give the Council comfort that a development will not have the ability to compromise the efficiency of a neighbouring wind farm. Scottish Power Renewables questioned how the Council will determine efficiency. The efficiency of a proposed development is something that operators will consider as part of the design of their proposal particularly if their proposal is located adjacent to an existing wind farm. This information could therefore easily be incorporated into the Environmental Statement.

The Council also does not agree with RES UK and **Scottish Power Renewables** that reference to the Ayrshire Landscape Wind Capacity study should be removed from Schedule 1. This study is not out of date. It provides detailed relevant guidance about the landscape's ability to accommodate wind energy development of different scales and this will be a key tool in the assessment of applications.

With regard to **SEPA's** request that additional criteria be added to Schedule 1, the Council would have no objection to these being added to Schedule 1 if the Reporter considers this to be necessary and appropriate as it would better cover SEPA's statutory role in protection of the environment. An additional bullet point under existing 7th bullet could therefore be added to Schedule 1 to read, *'re-use of excavated peat, forest removal and forest waste. We also request that the reference to the water environment is expanded to include reference to groundwater dependent terrestrial ecosystems (GWDTE).'*

Scottish Power Renewables is requesting that the criteria on net economic benefit and opportunities for energy storage within Schedule 1 should be expanded upon. The Council does not consider this is necessary or appropriate. It would be for Supplementary Guidance to expand upon Schedule 1 in order to keep the LDP succinct.

The Council also does not agree that reference to decommissioning should be removed from the criterion on impacts on road traffic in order to avoid transportation issues during the decommissioning phase.

Reporter’s conclusions:

1. Schedule 1 is referred to in paragraph 6.1.10 in connection with the spatial framework, and in Policies RE1, RE3, RE4 and RE5 of the proposed plan. In each instance, proposals are to be assessed against the relevant criteria in the schedule.

2. I find that its criteria should relate to matters that are likely to be relevant to the acceptability of the impacts of wind energy development as it applies to East Ayrshire. The starting point for the criteria is clearly the list of matters contained in paragraph 169 of Scottish Planning Policy. These are development management criteria, and I note that paragraph 169 states that considerations will vary relative to the scale of the proposal and area characteristics.

Landscape and visual impacts

3. The East Ayrshire Landscape Wind Capacity Study is criticised as using baseline data from 2012, not following an agreed methodology, not having been subject to public consultation and using turbine typologies which are out of date in relation to current commercial schemes. The council has responded simply that the study is not out of date and that it provides relevant guidance about the landscape’s capacity to accommodate wind energy development. That does not address all of the criticisms. Therefore, in the circumstances, I consider that it would not be appropriate (or necessary) to single out this study for mention in the first criterion. This does not prevent the council using the study in its assessments, but leaves scope for consideration of this and any other studies on their merits.

Carbon rich soils

4. I recognise that the reference to carbon rich soils would include deep peat, but since Table 1 of Scottish Planning Policy refers to “carbon rich soils, deep peat and priority peatland habitat”, I find that it would appropriate to use the same terminology in Schedule 1. I am not aware why this has been abridged to carbon rich soils in paragraph 169, but I consider that the reference in Table 1 to this resource as a Group 2 constraint justifies the full description of the constraint in Schedule 1.

Natural heritage

5. Moscow and Waterside Community Council seeks a reference to local wildlife sites and nature reserves within the criteria on natural heritage. However, these resources are covered under the term natural heritage, which must by definition include international, national and local resources.

Water environment

6. The council has used the wording in SPP for its criterion on water-related matters. I consider that this adequately covers the more detailed matters raised by Scottish Water and the Moscow and Waterside Community Council. To be consistent, references should be simply to the criteria; not to the avoidance of any adverse impact.

7. SEPA has requested that this criterion is expanded to include reference to groundwater dependent terrestrial ecosystems. The council has no objection to this and, as it appears to go beyond the items listed, the criterion should be adjusted.

Excavated peat, forest removal and forest waste

8. SEPA has requested a reference to the re-use of excavated peat, forest removal and forest waste. The council has no objection to this and I have recommended this as a new criterion.

Public access, walking and cycling

9. Moscow and Waterside Community Council has requested an addition to the criterion on public access to refer to core paths and public rights of way. I agree that these are important footpath and cycling resources, but I find that there is no doubt that the criterion with its existing wording would include these resources.

Economic impact and community benefits

10. With respect to the representation to the effect that net economic impact should include national benefits such as import substitution, reduction in emissions and the economic value of the electricity generated, I find that these matters are already in effect covered by the criteria in Schedule 1.

Impacts on road traffic

11. I find that there is likely to be very little impact on road traffic during the operational life of wind energy development; only that requiring the maintenance of the wind turbines and associated infrastructure. The most significant impact is likely to be at the construction and decommissioning stages. I accept that the road layout and demands on the trunk and local roads network may be significantly different at the decommissioning stage, to that which exists when the development is constructed. However, I do not agree that this justifies removing the effect of the decommissioning process from the criterion. It would be a matter of making the best judgement about the impact of decommissioning on the road network from the information that is available, taking into account any known road improvements or predictions about future traffic flow.

Efficient operation of wind energy technology

12. I note that this is an additional bullet point to the ones set out in paragraph 169 of Scottish Planning Policy. I do not consider that the council intends to make technical judgements about this matter, but simply to use whatever information is available as an input to the consideration of the contribution of proposals to renewable energy targets, which is a criterion suggested through paragraph 160 of Scottish Planning Policy. However, I am not convinced that this justifies a completely new criterion. To the extent that there is evidence relating to any constraints on the efficient operation of wind energy technology, with respect to any particular location, this can be addressed through the requirement for information on the contribution of the proposal to wind energy targets. I therefore find that this criterion is unnecessary and should be deleted.

Energy storage

13. I accept that there appears to be no or limited information currently available on this matter, but this is a criterion suggested in paragraph 169 of Scottish Planning Policy. I therefore expect that more information will become available about the opportunities for this, and how this can be addressed through the local development plan. I agree that Supplementary Guidance may be an appropriate means of addressing this matter, and the hook for this is already provided through Policy RE3 of the local development plan.

Reporter's recommendations:

Modify the plan as follows:

1. Amend the first criterion as follows:

- Landscape and visual impacts

2. Amend the third criterion as follows:

- Impacts on carbon rich soils, deep peat and peatland habitats; using the carbon calculator

3. Amend the seventh criterion as follows:

- Effects on hydrology, the water environment, flood risk and groundwater dependent terrestrial ecosystems

4. Add a new criterion after the seventh criterion as follows:

- Re-use of excavated peat, forest removal and forest waste

5. Delete the following criterion:

- The ability of the proposed location to support the efficient operation of wind energy technology

Issue 46	Promoting Sustainable Transport	
Development plan reference:	Paragraph's 6.2.4 (2); 6.2.4 (4) and 6.2.6 Volume 2: Prop 20 - Mauchline	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SPT (PLDP/328/2); (PLDP/328/3); (PLDP/328/4) and (PLDP/328/5); Network Rail (PLDP/313/3)		
Provision of the development plan to which the issue relates:	Paragraph 6.2.4 sets out the priorities for improvement to travel in East Ayrshire. Paragraph 6.2.6 highlights the improvements to the Rail Network that the Council are keen to see. Prop 20 states that the Council in partnership with relevant parties, will investigate the potential funding mechanisms to enable the construction of a by-pass for Mauchline and investigate the feasibility of a rail halt at Mauchline.	
Planning authority's summary of the representation(s):		
<p>In relation to Paragraph 6.2.4 (2) SPT (PLDP/328/2) state that a further multi –modal study is currently being undertaken to review the A76 five point Plan and consider interventions across all transport modes. This is due to report over the next few months. We would suggest that to specifically set out an intervention within the LDP from an Action Plan currently under review, is pre-empting the outcome of the multi-modal study.</p> <p>With regard to Paragraph 6.2.4 (4), SPT (PLDP/328/3) are of the view that the strategic importance of the Bellfield Interchange is underplayed in this section.</p> <p>With reference to Paragraph 6.2.6, SPT (PLDP/328/4) states that any new station would be required to meet rail industry standards and the term “halt” is not a recognised rail industry term. Furthermore, SPT (PLDP/328/5) state that a full multi modal assessment, as well as demand and technical feasibility assessments would require to be undertaken into the potential to provide a rail station at Mauchline. The Council would be required to undertake these studies.</p> <p>As noted above a multi modal study is currently being undertaken for the A76 corridor and a rail station at Mauchline is being examined as part of this. Should a station at Mauchline emerge from this study as a potential option to improve transport connections on this corridor, further detailed multi modal appraisal assessments would require to be undertaken.</p> <p>Network Rail (PLDP/313/3) state Paragraph 6.2.6 of Volume 1 and PROP 20 within Volume 2 of the Proposed LDP proposes the creation of a rail halt at Mauchline. SPT state that this has not been proposed formally. Furthermore, Paragraph 6.2.6 of the proposed plan indicates that the Council is keen to see improvements where possible to the passenger rail network in East Ayrshire. Network Rail point out that as part of the longer term Scotland Route Study they are reviewing whether there would be the opportunity to improve the service from Kilmarnock to New Cumnock.</p>		

Modifications sought by those submitting representations:

SPT (PLDP/328/2) do not specify any proposed modifications to paragraph 6.2.4 (2) but it is inherent in their representation that they wish the paragraph amended to reflect their representation.

SPT (PLDP/328/3) request that an additional sentence between the first and second sentences is required and suggest the following text:

... (e.g. Crosshouse University Hospital). The Bellfield Interchange not only provides access to Kilmarnock and immediate vicinity, it is also a strategic node that enables arterial movements across East Ayrshire and facilitates (or currently constrains) cross boundary connections affecting all road users and especially bus and freight movements. However, the Council has concerns...

SPT (PLDP/328/4) request that references to “rail halt” should be replaced with “rail station”.

SPT (PLDP/328/5) request that the second sentence of this paragraph 6.2.6 should read as follows:

Additionally, should the outcomes of the A76 corridor multi-modal study support the requirement for a rail station at Mauchline, the Council will undertake further STAG compliant appraisal and carry out a study to understand the potential demand and technical feasibility of providing a station at Mauchline.

Network Rail (PLDP/313/3) does not propose any modifications and the Council consider their representations to be general statements of fact and further information.

Summary of responses (including reasons) by planning authority:

The approach to sustainable transportation within the Local Development Plan has been developed to meet the requirements of SPP and Paragraphs 6.2.1 to 6.2.6 clearly explain the Council's approach in this regard. Paragraph 6.2.4 sets out where the Council is of the opinion improvements to the transport network are required, what locations they relate to and what the improvements would involve. Proposal 20 relates directly to the approach outlined in Paragraph 6.2.6 in relation to the provision of new rail station in Mauchline.

With regard to the representation from **SPT (PLDP/328/2)**, the Council disagrees that the Local Development Plan is pre-empting the outcome of this review by including reference to the interventions for the A76. The Council is of the opinion that reference to the A76 5 point action plan and the need for a Mauchline by-pass are required to keep the action plan and the need for the by-pass on the Council's list of priorities for improvement. Therefore, the Council is of the view that no changes to this paragraph are required nor should the paragraph be deleted.

In relation to the representation **SPT (PLDP/328/3)**; the Council is of the view that the paragraph does not underplay the strategic significance of the Bellfield Interchange and the Council is of the opinion that the suggested additional text by SPT would not improve the effectiveness of the paragraph. Therefore, no changes to this paragraph are required.

In light of the representation from **SPT (PLDP/328/4)**, the Council is of the view that a minor amendment to Paragraph 6.2.6 may be appropriate in order to replace the term ‘**rail halt**’ with ‘**rail station**’ in order to ensure that the paragraph clearly states the Council’s intention to investigate the potential for a new railway station within Mauchline. The Council would therefore have no objection if the Reporter is agreeable to this amendment and considers that a change to Paragraph 6.2.6 is required in this regard.

With regard to the representation from **SPT (PLDP/328/5)**, the Council is aware that a STAG appraisal would be required should a need for a new station in Mauchline be identified, either through the Council’s own investigation or the study that SPT refer to. The Council are therefore of the view that the second sentence accurately reflects the Council’s intentions and does not require to be amended as suggested by SPT.

As **Network Rail (PLDP/313/3)** have not objected to or suggested modifications to paragraph 6.2.6 and Proposal 20, the Council can only note the points made and information provided within the representation.

Reporter’s conclusions:

A76 Trunk Road

1. The representation is suggesting that as the multi-modal study is currently underway, the text at paragraph 6.2.4 should not set out the specific interventions as that pre-empt the outcome of the study.
2. The council is of the opinion that the A76 Five-Point Action Plan and the need for a by-pass at Mauchline should be retained in the Action Plan as they are on the council’s list of priorities for Improvement.
3. I find that paragraph 6.2.4 does not actually pre-empt the multi-modal study, rather it sets out the actions arising from the priorities identified in the A76 Five Point Action Plan. It does not exclude any further interventions that may be required on the A76 or that might arise from the multi-modal study.
4. The paragraph relating to the Bellfield Interchange has been the subject of submissions and discussion at the hearing into Issue 5 of this examination. There are consequential changes to the paragraph which are set out in detail at Issue 5.
5. I agree that the use of the term “rail station” is more appropriate than “rail halt” as it is the most common term used in the industry, and am recommending that paragraph 6.2.6 be modified with the replacement at sentence 3 of the term “rail halt” with “rail station”. This modification will also ensure consistence with terminology across the plan where “rail station” is used.
6. I find that the reference to “studies” in the second sentence of paragraph 6.2.6 does cover the need for a STAG appraisal and any other required studies to facilitate the development of rail services in East Ayrshire, and do not see the need to specify which studies those might be. It would not add to the understanding of the intentions of the council in relation to rail services.
7. The submissions of Network Rail are noted.

Reporter's recommendations:

Modify the plan by replacing the term "rail halt" with the term "rail station" at paragraph 6.2.6, sentence 3, page 92.

Issue 47	Policy T3: Transportation of Freight	
Development plan reference:	Policy T3: Transportation of Freight	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Strathclyde Partnership for Transport (SPT) (PLDP/328/6)		
Provision of the development plan to which the issue relates:	Policy T3 sets out the Council's requirements for the transportation of bulk freight.	
Planning authority's summary of the representation(s):		
SPT seek clarification with regard to the aspiration for "off road" haulage routes.		
Modifications sought by those submitting representations:		
SPT has not requested any specific modifications.		
Summary of responses (including reasons) by planning authority:		
<p>With regard to SPT's representation, the Council's aspiration for off-road haulage routes is to avoid the transportation of bulk freight through the area settlements, which is fully in accordance with the provisions of SPP. Off-road haulage routes can be defined as existing or new forestry tracks; existing mineral routes etc.</p> <p>In light of this representation, the Council consider that an amendment to the glossary, contained within Page 118 of Volume 1 of the Local Development Plan, may be appropriate to provide a definition of off-road haulage routes in order to clearly explain what off-road haulage routes are. The Council would therefore have no objection if the Reporter is agreeable to this amendment and considers that a change to glossary is required. Should this be the case then the Council suggests that the following definition is added to the glossary:</p> <p>Off-Road Haulage Routes: Routes utilising existing or new forestry, minerals and quarry tracks/routes and any other suitable routes which are not on the public road network.</p>		
Reporter's conclusions:		
<p>1. "Off Road" haulage routes are referred to in Policy T3 : Transportation of Freight as being supported to avoid the transportation of bulk freight through the area settlements. At present, the plan does not contain a definition of what an "off road" haulage route is, and concern has been expressed regarding the lack of definition.</p> <p>2. I agree that a definition would provide a fuller picture of the intention of Policy T3, it would provide clarity and would assist those who are making decisions based on the plan</p>		

and its policies.

3. The council have suggested a definition to be included in the Glossary to the plan at page 118, and that definition was circulated to the parties for comment in Further Information Request number 14. I conclude that the suggested modification would add clarity to the plan, and recommend that the Glossary at page 119 be amended accordingly.

Reporter's recommendations:

Modify the plan by adding the following definition to the Glossary, page 119:

“Off-Road Haulage Routes: *Routes utilising existing or new forestry, minerals and quarry tracks/routes and any other suitable routes which are not on the public road network.”*

Issue 48	Policy INF3: Installation of Communications Infrastructure	
Development plan reference:	Policy INF 3	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mobile Operators Association (PLDP/56)		
Provision of the development plan to which the issue relates:	Policy INF 3 sets out the requirements that providers of communications equipment will require to demonstrate have been considered in the selection of sites and in the design of base stations.	
Planning authority's summary of the representation(s):		
Mobile Operators Association (PLDP/56) suggests that within the Local Development Plan there should be a concise and flexible telecommunications policy.		
Modifications sought by those submitting representations:		
<p>Mobile Operators Association (PLDP/56) suggest that Policy INF 3 is amended as follows:</p> <p>Proposals for telecommunications development will be permitted provided that the following criteria are met: -</p> <ul style="list-style-type: none"> (i) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area; (ii) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building; (iii) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority. (iv) If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest. <p>When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.</p> <p>The Mobile Operators Association further suggest that the Policy should be introduced by the following sentence:</p> <p>Mobile communications are now considered an integral part of the success of most business operations and individual lifestyles. With the growth of services such as mobile internet access, demand for new telecommunications infrastructure is continuing to grow. The authority is keen to facilitate this expansion whilst at the same time minimising any</p>		

environmental impacts. It is our policy to reduce the proliferation of new masts by encouraging mast sharing and siting equipment on existing tall structures and buildings.

Summary of responses (including reasons) by planning authority:

Policy INF 3 sets out the requirements of the Council in relation to installation of communications infrastructure and is fully in accordance with the provisions of SPP.

The modifications sought by the Mobile Operators Association are considered not to be in accordance with SPP as they would lead to some of the provisions of SPP being omitted from a planning policy. The Council is of the view that no changes are required to be made to Policy in this regard.

The Council is further of the view that the introductory sentence that the Mobile Operators Association suggests is not required as Paragraphs 6.3.3 and 6.3.7 adequately state the Council's position on digital infrastructure and the potential impact on telecommunications apparatus.

Reporter's conclusions:

1. Paragraphs 6.3.3 and 6.37 and Policy INF3 : Installation of Communications Infrastructure of the plan all reflect the council's position on communications infrastructure. It has been suggested that the policy be replaced with a shorter version, which includes a presumption in favour of development provided the suggested revised policy criteria are met.
2. Scottish Planning Policy (SPP) at paragraphs 292 to 300 addresses digital connectivity, and supports infrastructure which keeps environmental impacts to a minimum. Planning Advice Note (PAN) 62 Radio Telecommunications provides detailed advice on siting and design. Paragraph 295 of SPP requires LDPs to set out the criteria for decision-making when determining applications for communications equipment, and I find that Policy INF 3 fulfils that requirement.
3. I find that the current version of Policy INF 3 reflects the policy and advice contained in SPP and the PAN. The detailed criteria as set out in the policy provide a comprehensive base for assessing the potential impact of such proposals, which could be diluted if replaced with the suggested alternative. Paragraph 296 of SPP sets out the matters to be addressed in LDPs, and I find that Policy INF 3 fairly reflects those matters. The suggested alternative to Policy INF 3 would not provide such a comprehensive basis for assessing infrastructure proposals.
4. The intent of proposed new introductory paragraph to Policy INF 3, is, I find, already reflected in the section of the plan headed "Digital Infrastructure" beginning on page 95, and I conclude that adding the proposed text to the beginning of the policy would result in repetition.

Reporter's recommendations:

No modification to the plan.

Issue 49	Policy INF 5: Developer Contributions	
Development plan reference:	Volume 1, Paragraphs 6.3.14 and 6.3.15 and page 100, Policy INF5	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RSPB: PLDP/272/15 Loudoun Woods Homes: PLDP/302/9 The Scottish Government: PLDP/331/1 Sportscotland: PLDP/319/8 SPT: PLDP/328/7, PLDP/328/8, PLDP/328/9</p>		
Provision of the development plan to which the issue relates:	Paragraphs 6.3.14 - 6.3.17 and Policy INF 5 set out the Council's approach to Developer Contributions including specific projects for which funds will be sought from residential developers.	
Planning authority's summary of the representation(s):		
<p>RSPB: We wish to see an amendment to the policy to ensure developer contributions to off-site environmental enhancement, where issues cannot be addressed within the development site.</p> <p>Loudoun Woods Homes: The Policy needs further clarification. In particular, reference should be made, as within the adopted East Ayrshire Local Plan 2010, to development contributions not being required from enabling development, subject to the appropriate assessment.</p> <p>The Scottish Government: The last sentence of paragraph 6.3.15 states that: 'As new placemaking maps are produced and adopted as Supplementary Guidance, further developer contributions projects will be identified as appropriate and included in the Action Programme'.</p> <p>Circular 3/2012: Planning obligations and Good Neighbour Agreements states: 'Broad principles, including the items for which contributions will be sought and the occasions when they will be sought should be set out in the SDP or LDP, where they will have been subject to scrutiny at examination. Methods and exact levels of contributions should be included in statutory supplementary guidance'.</p> <p>In addition Circular 6/2013 sets out what should be included in the Plan itself: 'items for which financial or other contributions...will be sought, and the circumstances (locations, types of development) where they will be sought'. It also identifies what is suitable for inclusion in Supplementary Guidance (provided there is an appropriate context in the plan).</p> <p>Taking the above into account, the intention of the Proposed Plan is that additional developer contributions projects will be brought forward in the Action Programme, as new placemaking maps are produced and adopted as Supplementary Guidance. This would not be consistent with relevant sections of Circular 3/2012 and 6/2013 highlighted above.</p>		

Sportscotland notes the Council’s acknowledgement of the pressures that new housing development can place on existing facilities and amenities.

Sportscotland welcomes the inclusion of policy mechanisms set out in INF 5 to secure contributions from proposed development that could be assigned to provide for new community facilities, open space and sports facilities. It is recommended that any development of a locally derived standard for new provision/developer contributions for outdoor sports provision should be informed by the findings of an open space strategy and audit, as well as an up to date pitches and facilities strategy. Facility and pitch strategies take account of a wide range of issues in determining the need for such investment, such as survey information from local sports clubs, current usage numbers, the condition and capacity of existing facilities etc. and make recommendations on the type of new provision required, such as grass or synthetic surfaces in relation to pitches, and appropriate locations for new facilities. As such, these should accurately reflect the local issues and context, i.e. the level of existing provision, where new provision is required, and where improvements or upgrades could be made.

SPT: Additional or extended bus routes are often required to improve accessibility to public transport services for new development that is outwith the acceptable walking distance from existing services. The commercial nature of the bus market means that a financial contribution is likely to be required in the short to medium term to support the introduction of such services. This would also reflect Policy T1.

Clarification is also sought in relation to policy INF 5. While it is understood that further Supplementary Guidance on Developer Contributions is to come forward, and the context section suggests that contributions will be sought towards a wider range of initiatives, the reference to Table 6 suggest that it is only these projects that will be funded by developer contributions. Para 6.3.14 identifies a range of circumstances where Developer contributions will be required and 6.3.15 identifies these projects as interventions which support placemaking in the 5 towns.

Modifications sought by those submitting representations:

RSPB: amend policy INF5 to ensure developer contributions to off-site environmental enhancement, where issues cannot be addressed within the development site.

Loudoun Woods Homes: Insert the words ‘it is enabling development, or’ after ‘for example’ in the last sentence so that it now reads;

“Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, it is enabling development, or where a developer demonstrates that a development would have exceptional development costs, overriding economic, social or other benefits, and where there is no adverse impact on essential services or infrastructure.”

The Scottish Government: We would recommend that the last sentence of paragraph 6.3.15 be removed or modified to reflect that the broad principles, including the items for which contributions will be sought (and circumstances) will be set out in the Local Development Plan.

Sportscotland recommends that the Council considers and makes reference within this policy to the findings of an up to date Sports Facility and Pitches Strategy in relation to

the consideration of new or improved provision when seeking developer contributions.

SPT: 6.3.14 Add "...and services" after transportation infrastructure.

INF5 Amend first sentence to include "services" to read:

...will place additional demands on facilities, infrastructure or services that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute...

INF5 We would suggest that the text "A list of projects to be funded by Developer Contributions can be found in Table 6 of the LDP and the Action Programme" is amended as follows

"A list of specific projects which support place making to be funded by Developer Contributions can be found in Table 6 of the LDP and the Action Programme."

Summary of responses (including reasons) by planning authority:

The Council is of the view that a minor amendment to policy INF 5 could be made to take into account **RSPB's** representation as it is considered to be a valid point that should be covered in policy INF 5. In this regard, and if the reporter considers such a change necessary and appropriate, the following could be added after the first sentence of policy INF 5, to read '*This could include off site environmental or other enhancements where issues cannot be addressed within the development site.*' This would not change the underlying aims of the policy.

With regard to **Loudoun Woods Homes** representation, the Council agrees that enabling development should be added to the list of circumstances where developer contributions will not be sought because requesting developer contributions could add to the number of houses requiring to be built which could have impacts on any associated listed building or built heritage resource. If the Reporter is agreeable and considers that a change in this regard is necessary and appropriate, the Council would have no objection to the fourth sentence of policy INF5 being changed to read:

'Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, if it is enabling development, or where a developer demonstrates that a development would have exceptional development costs, overriding economic, social or other benefits, and where there is no adverse impact on essential services or infrastructure.'

Such a change would not change the underlying aims of the policy. It would simply provide clarification for this type of development.

The **Scottish Government** has pointed out where the plan fails to meet with the provisions of Circular 3/2012: Planning Obligations and Good Neighbour Agreements and Circular 6/2013: Development Planning in its approach to identifying projects that will be part funded using developer contributions. In this regard and if the reporter agrees that such a change is necessary, the Council would have no objection to amending the last sentence of paragraph 6.3.15 to read: '*As new placemaking maps are produced and adopted as Supplementary Guidance, further developer contributions projects will be identified as appropriate and included in future reviews of the LDP and in the Action Programme.*'

This would ensure that the Council’s approach to Developer Contributions is in line with Circular 3/2012 and 6/2013 but would not change the underlying aims of the policy.

Sportscotland: The Council is of the view that referring to the findings of an up to date Sports Facility and Pitches Strategy in relation to the consideration of new or improved provision within policy INF5 is not necessary or appropriate. This is considered to be too much of a detailed point to include within policy and is best referred to in supplementary guidance in the context of particular projects. With regard to the provision of open space as part of any new development, schedule 8 of the plan sets out in detail the standards that will apply.

The Council agrees with **SPT** that provision should be made for transportation services within policy INF 5 and supporting text. This would improve the plan by reflecting the fact that developers may be required, for example, to provide bus services as part of their developments.

In this regard, the Council would have no objection if the reporter considers such a change is necessary and appropriate to adding ‘*and services*’ after ‘transportation infrastructure’ within paragraph 6.1.14.

And amending the first sentence of policy INF 5 to include “services” to read:

...’will place additional demands on facilities, infrastructure or services that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute’...

With regard to SPT’s point that not a clear enough distinction is made within policy INF 5 between general contributions that developers will require to make towards their developments and place making projects, the Council agrees that the plan might be clearer if the last sentence of policy INF 5 is amended to read:

“A list of specific projects which support place making to be funded by Developer Contributions can be found in Table 6 of the LDP and the Action Programme.”

The Council would have no objection to the above change being made to the plan if the reporter considers it necessary and appropriate. The underlying aim of the policy would not be affected.

Reporter’s conclusions:

Off-site Enhancements

1. Policy INF 5: Developer Contributions, as currently worded, does not make reference to the potential for contributions to fund enhancements or mitigations off-site. I find that in accordance with Circular 3/ 2012 Planning Obligations and Good Neighbour Agreements, it would be appropriate to amend the policy to reflect the need to ensure that where issues cannot be addressed within the site itself, provision is made for contributions to fund any required off-site measures.

2. The council has suggested a new second sentence to the policy as follows: *“This could include off-site environmental or other enhancements where issues cannot be addressed within the development site.”* A Further Information Request (FIR) number 14

was sent to the parties, and no comments were received regarding this proposed amendment. I am content that the suggested modification will address the matter.

Enabling Development

3. An amendment to Policy INF 5 is sought, to include enabling development in the circumstances where developer contributions will not be sought. I find that in principle, enabling development should be assessed on its merits and in the context of the policies of the relevant plan.

4. I acknowledge that seeking developer contributions from enabling development may increase the overall extent of development to be built to generate the same capital or income stream as a scenario where no contributions are sought, but that scenario has to be balanced against the potential impacts on services and infrastructure that the enabling development might generate.

5. The council has suggested an amendment to the policy as follows “*Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, **if it is enabling development, or** where a developer demonstrates that a development would have exceptional development costs, overriding economic, social or other benefits, and where there is no adverse impact on essential services or infrastructure.*” The suggested change is in bold. That suggested amendment was circulated to the parties as part of Further Information Request (FIR) number 14. No comments were received on this proposed amendment.

6. I consider that the suggested amendment may have the effect of permitting development for a valid planning purpose, such as enabling the restoration of a listed building for example, but which then may have an adverse impact on essential services, facilities and/or infrastructure. The adverse impact may then not be capable of being overcome or mitigated, potentially creating situations where securing contributions from subsequent developments on other sites which generate an impact on the same services, facilities and infrastructure may be problematic, as paragraph 20 of the Circular clearly states that planning authorities should not seek to resolve existing deficiencies through contributions.

7. I also consider that the suggested amendment would not ensure that the proposed enabling development is assessed thoroughly through the development management process, as it assumes an exception from the outset and without the requirement to demonstrate exceptional circumstances. I find that such exceptional circumstances would need to be demonstrated to the satisfaction of the planning authority, and to that end I am recommending that the policy be amended as follows : “*Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, where a developer demonstrates that **an enabling development or a** development would have exceptional development costs, overriding economic, social or other benefits, and where there is no adverse impact on essential services or infrastructure.*” . My recommendation would permit the waiver or reduction of developer contributions for enabling development where appropriate, but only after the exceptional circumstances have been demonstrated to the satisfaction of the planning authority by the developer.

Sports and Facilities Strategy

8. Specific references to an open space strategy and audit, and an up to date pitches and facilities strategy are sought to be included in Policy INF 5. I find that the policy already makes reference to facilities, under which I would expect open space, pitches and sports facilities to be considered. I consider that the policy provides sufficient clarity without having to refer to specific types of services, facilities etc., as such a list may not be exhaustive. In addition, Schedule 8: Public and Private Green Infrastructure / Open Space Standards of the plan makes specific provision for appropriate developer contributions in the penultimate sentence of the text.

Public Transport Services

9. SPT seeks to have contributions towards bus services identified in the policy. I find that as currently worded, Policy INF 5 does not make reference to “services”, which would include, but not be limited to, bus services. Adding the word “services” to the first sentence of the policy would provide a clearer picture of what the Council intends to seek contributions for in this plan. I conclude that adding the word “services” would make provision for not just bus services but any other services that may require contributions but which are not facilities and / or infrastructure. I recommend that the plan be modified as suggested by the council, with an additional modification to include the word “services” at the end of the same sentence, for consistency.

Consistency with Circular 3/ 2012 Planning Obligations and Good Neighbour Agreements and with Circular 6/2013 Development Planning

10. Representations suggest that the current level of detail in Policy INF 5 and the intention to produce new placemaking maps which would be adopted as Supplementary Guidance and contain developer contribution projects to be included in the Action Programme, may not be consistent with Circular 3/2012 and Circular 6/2013 (the Circulars).

11. In response, the council has suggested amending the last sentence of paragraph 6.3.15, page 98 of Volume 1 of the plan to address the issue of failing to meet the provisions of the Circulars. The amendment reads as follows: *‘As new placemaking maps are produced and adopted as Supplementary Guidance, further developer contributions projects will be identified as appropriate and included in future reviews of the LDP and in the Action Programme.’* The proposed amendment was circulated to the parties as part of FIR 14, and although Scottish Government responded, it did not add any further comments or comments on the council’s proposed amendment.

12. I consider that while the amendment suggested by the council is useful, and would add clarity to paragraph 6.3.15, it does not fully address the matter raised in the representation, which stated that Scottish Government considers that the circumstances in which contributions would be sought should be set out in the plan, and that Supplementary Guidance and the Action Programme should not expand on the list of developments as set out in Table 6 page 98 of the plan, in accordance with the Circulars.

13. Circular 6/2013 Development Planning set out at paragraph 139 the difference in the role of the development plan and that of Supplementary Guidance. Here it clearly states that Supplementary Guidance should not include “items for which financial or other contributions, including affordable housing, will be sought and the circumstances,

locations and types of development where they will be sought.” These matters should be addressed in the plan itself, which is subject to examination.

14. Part 130 to part 134 of Circular 6/2013 describes the role of Action Programmes in setting out a list of actions to deliver each of the plan’s policies and proposals, the name of the person who is to carry out the action and the timescale for carrying out each action. The first of these is to be submitted to Ministers within three months of adoption of the plan and following this they should be updated and republished at least every two years. I consider that the Circular does not envisage the introduction of new matters through the Action Programme or adding items of infrastructure or the means through which they are to be delivered without first establishing these new items and / or matters through the development plan process.

15. To achieve compliance with the Circulars, I consider that a revision of the wording of paragraph 6.3.15 is required, in accordance with the council’s suggested modification.

16. The council intends to prepare additional Placemaking maps, as set out at paragraph 6.3.15 and Schedule 9 page 134 row 8 and Schedule 10: Community Action Programmes, where the placemaking maps are to tie in with the preparation of the programmes. As the placemaking maps are produced, the intention is to adopt them as Supplementary Guidance and then add the projects that have been identified as requiring developer contributions to the emerging Local Development Plan and the review of the Action Programme.

17. I consider that such an approach would serve to align paragraph 6.3.15 and consequently Policy INF 5 more closely to the provisions of the Circulars, in that the proposed amendment does not facilitate the introduction of new matters through Supplementary Guidance and the Action Programme or add items of infrastructure or the means through which they are to be delivered, without first establishing these through the development plan process.

18. I recommend that the plan be modified with the deletion of the final sentence of paragraph 6.3.15 and its replacement with the following: *“As new placemaking maps are produced and adopted as Supplementary Guidance, further developer contributions projects will be identified as appropriate and included in future reviews of the LDP and in the Action Programme.”*

Placemaking Projects

19. A lack of clarity between general developer contributions and placemaking projects that require developer contributions has been identified. Clarity is sought on the extent of Table 6, as Policy INF 5 at paragraph 2 appears to suggest that only the items listed in the table would require developer contributions.

20. The council has suggested an amendment to paragraph 2 of Policy INF 5, which sets out that the list at Table 6 relates only to identified placemaking projects, not the general contributions required for infrastructure, facilities and services. The suggested amendment reads as follows: *“A list of specific projects which support place making to be funded by developer contributions can be found in Table 6 of the LDP and the Action Programme.”*

21. I consider that the suggested amendment would address the representation, add

clarity to the policy and provide the distinction which has been lacking between general and placemaking contributions, and so I recommend that the plan be modified accordingly.

22. The conclusions above should also be read in the context of Issue 5 which references concerns about infrastructure delivery in East Ayrshire, and which sets the context for consideration of transport delivery issues in this plan.

Reporter’s recommendations:

Modify the plan as follows:

1. Add references to services in the first sentence of Policy INF 5 : Developer Contributions as follows:

...’will place additional demands on facilities, infrastructure or services that would necessitate new facilities or exacerbate deficiencies in existing provision, the council will require the developer to meet or contribute to the cost of providing or improving such infrastructure, facilities or services.”

2. Add a new second sentence to the first paragraph of Policy INF 5 : Developer Contributions as follows:

“This could include off-site environmental or other enhancements where issues cannot be addressed within the development site.”

3. Delete paragraph 2 of Policy INF 5 : Developer Contributions and replace with the following:

“A list of specific projects which support place making to be funded by developer contributions can be found in Table 6 of the LDP and the Action Programme.”

4. Amend the final sentence of Policy INF 5 : Developer Contributions to read as follows:

“Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, where a developer demonstrates that an enabling development or a development would have exceptional development costs, overriding economic, social or other benefits, and where there is no adverse impact on essential services or infrastructure.”

5. Delete the final sentence of paragraph 6.3.15 page 9, Volume 1 and replace with the following:

“As new placemaking maps are produced and adopted as Supplementary Guidance, further developer contributions projects will be identified as appropriate and included in future reviews of the LDP and in the Action Programme.”

Issue 50	Policy INF 7: Outdoor Sports Facilities	
Development plan reference:	Policy INF 7 and Volume 2	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SportsScotland (PLDP/319/9 and 319/11)		
Provision of the development plan to which the issue relates:	Policy INF 7 only allows redevelopment of playing fields and sports pitches in certain circumstances. The settlement maps in Volume 2 show areas of safeguarded open space.	
Planning authority's summary of the representation(s):		
<p>SportsScotland (PLDP/319/9) welcome the inclusion of Policy INF 7, as it seeks to safeguard playing fields and sports pitches, except in certain circumstances as set out in paragraph 226 of Scottish Planning Policy (SPP). However, SportsScotland is of the view that the terminology used in the policy is inconsistent with the provisions of SPP which refers to 'outdoor sports facilities' rather than 'playing fields and sports pitches'. SportsScotland replicates paragraph 226 of SPP and indicate that SPP is supported by the Development Management Procedure Regulations (Scotland) 2013 in terms of the definition of an outdoor sports facility. SportsScotland therefore state by limiting the policy safeguarding only to playing fields and sports pitches, the policy is remiss in complying with the SPP objectives of safeguarding all outdoor sports facilities. Furthermore the policy also requires to be prescriptive about the statutory role of SportsScotland in terms of what SportsScotland will be consulted upon.</p> <p>SportsScotland (PLDP/319/11) note that the maps contained within Volume 2 of the proposed Local Development Plan identifies areas of 'Safeguarded Open Space' as per the provisions of Policy INF6. However SportsScotland are of the view that all outdoor sports facilities require to be safeguarded from development, which would better align the Local Development Plan with SPP. SportsScotland point out that there are some instances where facilities such as outdoor bowling greens and tennis courts have not been designated as Safeguarded Open Space in the Proposed Plan, which could leave these facilities vulnerable to redevelopment.</p>		
Modifications sought by those submitting representations:		
<p>SportsScotland (PLDP/319/19) require Policy INF 7 to be amended by changing any reference to 'Playing Fields and Sports Pitches', both in the title and within the body of the policy to 'Outdoor Playing Facilities' in order to better reflect the provisions of SPP and the Development Management Procedure Regulations (Scotland) 2013. They suggest the policy should be amended as follows:</p>		

Policy INF 7: Outdoor Sports Facilities

The Council will not be supportive of the redevelopment of outdoor sports facilities except where one of the following circumstances applies:-

- *the proposed development is ancillary to the principal use of the site as an outdoor sports facility;*
- *the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;*
- *the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or*
- *the relevant strategy (see paragraph 224) and consultation with Sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.*

The policy should be further amended to reflect that Sportscotland is a statutory consultee on any development that is likely to:-

- (a) Result in the loss of an outdoor sports facility;
- (b) Prejudice the use of an existing outdoor sports facility for that purpose; or
- (c) Prevent the use of land, which was last used as an outdoor sports facility, from being used again for that purpose

Sportscotland (PLDP/319/11) also require the settlement maps included in Volume Two of the Proposed Plan should be amended to ensure that all outdoor sports facilities are included within the category of ‘Safeguarded Open Space’ to better align with the paragraph 226 of SPP. Sportscotland state that Outdoor sports facilities means land used as:-

- (a) An outdoor playing field extending to not less than 0.2ha for any sport played on a pitch;
- (b) An outdoor athletics track;
- (c) A golf course;
- (d) An outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and
- (e) An outdoor bowling green.

Summary of responses (including reasons) by planning authority:

Policy INF 7 seeks to protect playing fields and sports pitches from redevelopment unless

a development proposal meets with the criteria in the policy. The Council consider the Policy to be fully in accordance with the provisions of SPP.

However, in light of the representation from **Sportscotland (PLDP/319/9)**, the Council considers that it may be appropriate to amend Policy INF 7 to specifically refer to outdoor sports facilities, instead of sports pitches and playing fields, in order to explicitly accord with SPP in this regard and also to refer to Sportscotland as a statutory consultee and the circumstances in which they should be consulted.

The Council would therefore have no objection if the Reporter is agreeable to an amendment and considers that a change to Policy INF 7 is required. Should this be the case then the Council suggests that Policy INF 7 is amended as follows (the proposed amendments are in bold):

Policy INF 7: Outdoor Sports Facilities

The Council will not be supportive of the redevelopment of **outdoor sports facilities**, except where one of the following circumstances applies:

- (i) the proposed development is ancillary to the principal use of the site as an **outdoor sports facility**; or
- (ii) the proposed development involves a minor part of the **outdoor sports facility** which would not affect its use and potential for sport and training; or
- (iii) the **outdoor sports facility** which would be lost as a result of the proposed development would be replaced by:
 - a new **outdoor sports facility** of comparable or greater benefit for sport and in a location which is convenient for its users; or
 - the upgrading of an existing **outdoor sports facility** to provide a better quality facility, either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or
- (iv) an **outdoor sports facility** strategy prepared in consultation with, and approved by, Sportscotland has demonstrated that there is a clear excess of **provision** to meet current and anticipated demand in the area, and that the site in question could be developed without detriment to the overall quality of provision.

Sportscotland is a statutory consultee and is required be consulted on any planning application that will result in the loss of an outdoor sports facility; prejudice the use of an existing outdoor sports facility for that purpose; or prevent the use of land, which was last used as an outdoor sports facility, from being used again for that purpose.

With regard to the representation from **Sportscotland (PLDP/319/11)**, the Council considers that Policies INF 6 and INF 7 of the Local Development Plan sufficiently protect all safeguarded open space and outdoor facilities from inappropriate development and the Council is of the view that wholesale changes to the settlement maps within Volume 2 of the Local Development Plan are not required at this time. Therefore, no changes to the Local Development are necessary in this regard.

Reporter's conclusions:Policy INF 7

1. The policy appears to be titled “Policy INF 7 - Playing Fields and Sports Pitches in the Proposed Plan, but is universally referred to as “Policy INF 7 – Outdoor Sports facilities” in the Schedule 4 representations and responses. A representation has sought the amendment of the title to the latter, and that position is supported by the council.

2. I find that Scottish Planning Policy (SPP) refers to “outdoor sports facilities” at paragraph 226, and conclude that for reasons of clarity and consistency, the title of the policy should be amended.

3. The representation seeks to have all references to “Playing Fields and Sports Pitches” replaced with “Outdoor Sports Facilities” in the text of the Policy, in order to comply with SPP and to be consistent with the definition of such facilities in the Development Management Procedure Regulations (Scotland) 2013.

4. As set out at section 3, I find that SPP refers to “outdoor sports facilities” at paragraph 226, and conclude that for reasons of clarity and consistency, the text of the policy should be amended.

5. The council had provided suggested amendments to the text of Policy INF 7 reflecting the above representation, and those suggested amendments were circulated in Further Information Request 15 on 1 June 2016, and additional comments were received relating to the text of the policy.

6. The additional comment seeks to add clarity to point (iv) of the policy, by having the reference to “outdoor sports facility strategy” changed to “relevant strategy”. SPP paragraph 224 is relied on, but I have found no such reference to “relevant strategy” in that paragraph. However, SPP paragraph 222 does refer to “relevant” audits, strategies and action plans, and I am assuming a typographical error has occurred. In any case, I find that reference to a broader range of strategies should be relied on to demonstrate excess provision, as it has rightly been pointed out that such information may arise from sources other than an outdoor sports facility strategy. I conclude that a modification to point (iv), second line is required, to include a reference to “other relevant strategies”.

7. A reference to the role of Sportscotland as a statutory consultee in the development management process was sought to be included in this policy. The council agrees, and has included additional text to that effect, which was also the subject of FIR 15. I find that the involvement of Sportscotland may not be directly relevant or necessary in the preparation of “other relevant strategies”, as set out in the FIR response and conclude that the modification set out in part 6 of this Issue provides further clarity on that point.

8. For clarity, a revised, composite version of Policy INF 7 is provided below.

Policy INF 6 and Volume 2

9. A representation also sought to have all outdoor sports facilities identified in in the maps in Volume 2 of this Plan, as certain facilities in the area such as tennis courts and bowling greens have not been designated as “Safeguarded Open Space” on the maps.

10. The council considers that Policies INF 6 and INF 7 between them provide policy protection for all such facilities and that not all need to be identified on the maps in Volume 2.

11. I find that that revised Policy INF 7 provides adequate protection for outdoor sports facilities, regardless of whether they are “safeguarded” for the purposes of Policy INF 6 or not. The policy contains no reference to “safeguarded” facilities, and so those mentioned such as bowling greens and tennis clubs will be afforded policy protection from inappropriate re-development proposals. I conclude that the identification of all such facilities on the maps in Volume 2 is not necessary.

Reporter’s recommendations:

Modify the plan as follows:

Replace Policy INF 7 with the following:

“Policy INF 7: Outdoor Sports Facilities

The Council will not be supportive of the redevelopment of outdoor sports facilities, except where one of the following circumstances applies:

- (i) the proposed development is ancillary to the principal use of the site as an outdoor sports facility; or
- (ii) the proposed development involves a minor part of the outdoor sports facility which would not affect its use and potential for sport and training; or
- (iii) the outdoor sports facility which would be lost as a result of the proposed development would be replaced by:
 - a new outdoor sports facility of comparable or greater benefit for sport and in a location which is convenient for its users; or
 - the upgrading of an existing outdoor sports facility to provide a better quality facility, either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or
- (iv) an outdoor sports facility strategy prepared in consultation with, and approved by, Sportscotland, or another relevant strategy, has demonstrated that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site in question could be developed without detriment to the overall quality of provision.

Sportscotland is a statutory consultee and is required be consulted on any planning application that will result in the loss of an outdoor sports facility; prejudice the use of an existing outdoor sports facility for that purpose; or prevent the use of land, which was last used as an outdoor sports facility, from being used again for that purpose.”

Issue 51	Approach to Waste Management	
Development plan reference:	Paragraph 6.4.4	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (PLDP/309/5)		
Provision of the development plan to which the issue relates:	Paragraph 6.4.4 explains the Councils approach to landfill and new waste management facilities.	
Planning authority's summary of the representation(s):		
<p>SEPA (PLDP/309/5) state that the LDP should be mindful of paragraph 181 of SPP which states that '<i>Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, mindful of the need to achieve the <u>all-Scotland operational capacity</u></i>'. SEPA is of the view that paragraph 6.4.4 needs to be amended in order to view waste capacity as Scotland-wide consideration (including the potential for landfill but only where need is supported by the Zero Waste Plan (ZWP)).</p>		
Modifications sought by those submitting representations:		
<p>SEPA (PLDP/309/5) recommend that paragraph 6.4.4 is amended to include the potential for the provision of waste management facilities to meet potential nationwide capacity requirements (including the potential for landfill but only where need is supported by the Zero Waste Plan (ZWP)).</p>		
Summary of responses (including reasons) by planning authority:		
<p>Paragraph 6.4.4 sets out the Council's position on landfill sites and new waste management facilities and is in accordance with the Zero Waste Plan and SPP.</p> <p>However, in light of the representation from SEPA (PLDP/309/5), the Council consider that an amendment to this section may be appropriate to specifically refer to the need to meet potential nationwide capacity requirements in order to better accord with SPP. The Council would therefore have no objection to an amendment if the Reporter is agreeable and considers that a change to Paragraph 6.4.4 is required in this regard. The Council consider that the proposed amendment does not change to the Council's overall approach and will strengthen the policy.</p> <p>Should this be the case, the Council would suggest the following amendments to the paragraph as follows (the proposed amendments are in bold):</p> <p>6.4.4 No new landfill capacity is required to serve East Ayrshire in the lifetime of this LDP. The Council is, however, fully supportive of new waste management facilities, which are deemed to be crucial in order to meet national waste capacity requirements, including the potential for landfill, but only where these new facilities</p>		

are fully supported by the Zero Waste Plan. Where new waste management installations are required these should be directed to suitable locations as close as possible to the source of waste **or the source of the waste need, whichever takes the greatest priority in terms of requirements of the Zero Waste Plan and an all-Scotland Operation Capacity. Any new waste management installation** should not impact detrimentally on the surrounding area.

Reporter’s conclusions:

1. The representation sought to have the potential for the provision of waste management facilities to meet potential nationwide capacity requirements (including the potential for landfill but only where need is supported by the Zero Waste Plan (ZWP). The council agreed that the proposed amendment was appropriate and suggested new text be added to paragraph 6.4.4.
2. The council’s suggested modification was circulated to the parties in Further Information Request 16 (FIR) and SEPA confirmed that the suggested modification addressed the concerns raised in its original submission to the Proposed Plan.
3. I find that Scottish Planning Policy (SPP) directs planning authorities to have regard to the need to achieve national operational capacity, not just at the plan area level (paragraph 181). In its original form, paragraph 6.4.4 of the plan referred only to East Ayrshire and not to any all-Scotland operational capacity requirement. I consider that the suggested amendment to paragraph 6.4.4 would result in an appropriate reflection of SPP, where supported by the Zero Waste Plan. I recommend that paragraph 6.4.4 be amended in accordance with the suggested amendment of the council.

Reporter’s recommendations:

Modify the plan as follows:

1. Delete paragraph 6.4.4. page 102, and replace with the following text:

“6.4.4 No new landfill capacity is required to serve East Ayrshire in the lifetime of this LDP. The council is, however, fully supportive of new waste management facilities, which are deemed to be crucial in order to meet national waste capacity requirements, including the potential for landfill, but only where these new facilities are fully supported by the Zero Waste Plan. Where new waste management installations are required these should be directed to suitable locations as close as possible to the source of waste or the source of the waste need, whichever takes the greatest priority in terms of requirements of the Zero Waste Plan and an all-Scotland Operation Capacity. Any new waste management installation should not impact detrimentally on the surrounding area.”

Issue 52	Policy WM3: Sustainable Waste Management and New Developments	
Development plan reference:	Policy WM3	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (PLDP/309/8)		
Provision of the development plan to which the issue relates:	Policy WM3 sets out the criteria for sustainable waste management within new developments, in terms of waste collection, waste separation and Site Waste Management Plans.	
Planning authority's summary of the representation(s):		
<p>SEPA (PLDP/309/8) welcome the approach contained within Policy WM3 but is of the view that the policy requires to be amended to specifically support approaches for at-source segregation / separate collections, where possible, to increase the quantity and quality of recyclable materials and minimise potential cross-contamination.</p>		
Modifications sought by those submitting representations:		
<p>SEPA (PLDP/309/8) requires Policy WM3 to be amended to specifically support approaches for at-source segregation/separate collections, where possible, to increase the quantity and quality of recyclable materials and minimise potential cross-contamination.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Policy WM3 sets out the Council's approach to the provision of waste collection and separation within new developments and the requirement to provide Site Waste Management Plans for major and significant local developments. The Council is of the view that Policy WM3 is in accordance with the provisions of the Zero Waste Plan and SPP in this regard.</p> <p>However, in light of the representation from SEPA (PLDP/309/8), the Council considers that it may be appropriate to amend Policy WM3 to refer to specific support for approaches for at-source segregation / separate collections to increase the quantity and quality of recyclable materials and minimise potential cross-contamination. The Council is of the view that this amendment will strengthen the Policy in line with the provisions of the Zero Waste Plan with regard to the reuse of waste and consider that the proposed amendment does not represent a change to the Council's overall approach.</p> <p>The Council would therefore have no objection to an amendment if the Reporter is agreeable and considers that a change to Policy WM3 is required in this regard. Should this be the case, then the Council suggests that Policy WM3 is amended as follows (the proposed amendment is in bold):</p>		

Policy WM 3: Sustainable Waste Management and New Developments

The design of all new developments, including commercial, business, industrial, and residential, will be required to make provision for waste separation and collection. This should include, but is not restricted to, waste storage, kerbside collection and mini recycling facilities.

The Council will particularly be supportive of new developments that provide, where appropriate, at-source segregation or separate collections in order to increase the amount and quality of recyclable materials and to minimise the potential for cross-contamination of materials.

The Council will require all major and certain more significant local developments to provide Site Waste Management Plans to demonstrate how waste generation will be minimised during the construction and operational phases of the development.

Reporter’s conclusions:

1. The representation is seeking to have Policy WM 3 specifically support at-source segregation and sorting, and separate collections, where possible. The council agree that such an amendment to the Policy would strengthen it, and bring it in line with the provisions of the Zero Waste Plan.

2. I find that although the policy is in accordance with Scottish Planning Policy (SPP) in planning for zero waste paragraphs 175 to 192, at-source segregation of waste or separate collections are not included in the policy. The council has suggested a modification to support such initiatives, with the inclusion of a new paragraph 2 in Policy WM 3, and I recommend that the plan be modified accordingly.

Reporter’s recommendations:

Modify the plan by adding a new paragraph 2 to Policy WM 3 : Sustainable Waste Management and New Developments as follows:

“The Council will particularly be supportive of new developments that provide, where appropriate, at-source segregation or separate collections in order to increase the amount and quality of recyclable materials and to minimise the potential for cross-contamination of materials.”

Issue 53	Policy WM 4: New Waste Management Infrastructure and Facilities	
Development plan reference:	Policy WM 4	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Moscow and Waterside Community Council (PLDP/296/8) SEPA (PLDP/309/9) Barr Environmental Ltd (PLDP/329/1)</p>		
Provision of the development plan to which the issue relates:	Policy WM4 sets out the Council approach to New Waste Management Infrastructure and Facilities, including any activity which is considered to be ancillary to an industrial process.	
Planning authority's summary of the representation(s):		
<p>Moscow and Waterside Community Council (PLDP/296/8) ask for reference to be included in Policy WM4 with regard to 'The Proximity Principle', enshrined in the Waste Management Strategy i.e.; that waste should not be imported for disposal/recycling in East Ayrshire, from beyond Ayrshire's boundaries.</p> <p>With regard to Policy WM4, SEPA (PLDP/309/9) state that consideration must also be afforded to waste need, rather than solely focusing on waste source location as set out in paragraphs 181 and 182 of SPP. Therefore, SEPA strongly recommend that the wording within Policy WM4 is amended in this regard. SEPA's interpretation on this issue is that it is acceptable for waste arising from any location within Scotland to be treated in any waste management facility and SEPA would not require information or comment on the origin of the waste to be treated in a particular facility.</p> <p>Barr Environmental Ltd (PLDP/329/1) state that they are proposing to invest £60 million to develop an energy recovery park at their existing site at Killoch, Ochiltree, and they provide a background on the planning process so far. Within their representation they make comments on the environment and amenity impact and financial guarantees, but this is in relation to their proposed energy recovery park (for information Barr Environmental Ltd has not objected to Policy RE 9: Financial Guarantees). However, they are of the view that the policy requirements suggested by the Council, as worded, would create significant problems for the waste industry.</p> <p>Although they have suggested minor changes to Policies WM4, Barr Environmental Ltd are of the view that the policy approach is misconceived and requires a fundamental rethink. They go on to state that modern waste plants are highly sophisticated complex industrial activities; are highly regulated; and already require financial guarantees to be put in place for restoration as part of SEPA's licensing process, which are assessed on a case by case basis. Barr Environmental Ltd is therefore of the view that the current proposals within the LDP will duplicate this provision unnecessarily and introduce tests into the planning system that are already dealt with by other legislation.</p> <p>As stated above, Barr Environmental Ltd wish to make minor changes to Policy WM 4, which is related to their concerns about the general approach to adverse impacts, which</p>		

they considered not to be appropriate tests. They state that a correct test is the acceptability of the impact, taking into account and appropriately weighing all material considerations. As written, no development will ever be acceptable as all development when objectively assessed will have some adverse impacts.

Modifications sought by those submitting representations:

Moscow and Waterside Community Council (PLDP/296/8) ask for reference to be included in Policy WM4 with regard to ‘The Proximity Principle’, enshrined in the Waste Management Strategy ie; that waste should not be imported for disposal/recycling in East Ayrshire, from beyond Ayrshire’s boundaries.

SEPA (PLDP/309/9) strongly recommends that Policy WM4 is amended to remove the need for waste management facilities to be located closest to the source of waste.

Barr Environmental Ltd (PLDP/329/1) request that Policy WM4 is amended (proposed amendments are underlined) as follows:

Proposed Policy WM4 New Waste Management Infrastructure and Facilities

(i) Is located close to the source of the waste or an existing waste management facility and would contribute to integrated waste management unless an overriding need for the proposed location can be demonstrated to the satisfaction of the Council;

(ii) Is proposed within a suitable location, unless it can be demonstrated that there is a site specific locational need to locate elsewhere. Suitable locations are defined as:

- Land identified for Business, Industry and Storage and Distribution purposes on the LDP maps particularly those which contain other heavy or specialised industrial uses;
- Existing waste management sites or sites close to existing waste management facilities;
- Areas of degraded, contaminated or derelict land;
- Sites previously occupied by waste management facilities;
- Existing or redundant sites or buildings that can be easily adapted;
- Sites that have the potential to maximise the re-use of heat generated from waste through co-location with potential heat users;
- Existing railheads, and other suitable sites located close to railways or junctions in the strategic road network.

iii) Can accommodate an adequate separation and screening between surrounding sensitive receptors such as dwellings, settlements, natural heritage resources worthy of protection and the new facility itself.

iv) Can demonstrate that measures will be put in place to prevent and control contamination of the surrounding area and the degradation of environmental amenity by:

- Wind blown material and dust;
- Production of landfill gas;
- Pollution of groundwater and watercourses by on-site operations;
- Vermin and bird nuisance; and
- Noise and smell nuisance;

- v) *Has no adverse impacts on the existing road network;*
- vi) *Will have no unacceptable adverse impacts on the amenity of nearby residents and settlements and of residents of properties located along the transport routes to the site;*
- vii) *Will not have an unacceptable adverse impact on the natural and built heritage (including historic gardens and designed landscapes), visual amenity and the landscape character of the area;*
- viii) *Provides full operational details, restoration proposals where appropriate ;and after use of the development site*
- ix) *Can demonstrate that the site is not at risk of flooding.*

Developments which do not meet or comply with all of the above criteria or which are considered to have an unacceptable adverse impact on amenity of the natural and built environment will not be supported by the Council.

Summary of responses (including reasons) by planning authority:

Policy WM4 sets out the Council approach to New Waste Management Infrastructure and Facilities and is fully in accordance with the provisions of the Zero Waste Plan and SPP in this regard

The suggested changes that **Moscow and Waterside Community Council (PLDP/296/8)** request would not be, in the opinion of the Council, in accordance with the Zero Waste Plan and SPP as these documents no longer specifically refer to a proximity principle. In particular, SPP requires Local Development Plans to be ‘*mindful of the need to achieve an all-Scotland operational capacity*’ and that ‘*where a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity*’. SPP states that only where the ‘*national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities*’. The Council is therefore of the view that no changes to the Policy WM4 are necessary as the Policy fully reflects the provisions of SPP in this regard.

The Council is firmly of the view, in relation to the suggested modification from **SEPA (PLDP/309/9)**, that the policy fully complies with SPP as criterion (i) allows developments which can be justified as being required due to need, to be developed irrespective of proximity to the source of waste. The Council is therefore of the view that no changes to the Policy WM4 are necessary.

The Council is also of the view that the minor modifications that **Barr Environmental Ltd (PLDP/329/1)** suggest would weaken the policy in terms of protection of amenity and protection of the built and natural environment. The Council are therefore of the view that no changes to the Policy are necessary.

Reporter’s conclusions:

The Proximity Principle

1. A representation is seeking to have an explicit reference to the Proximity Principle (as

set out in the Waste Management Strategy) in the policy, to limit the importation of waste from outside East Ayrshire.

2. The council has replied that it is of the view that no changes to Policy WM4 are necessary as the policy fully reflects the provisions of Scottish Planning Policy (SPP).

3. I find that SPP sets out at paragraph 182 that need has priority over proximity, and that to achieve a sustainable waste strategy, waste may have to cross planning boundaries. I conclude that a specific reference to “proximity” would be contrary to SPP and would not be appropriate.

4. Another representation seeks to amend criterion (i) of Policy WM 4 to remove the need for waste facilities to be located close to the source of the waste. The council considers that the policy currently allows such developments where need can be demonstrated and does not support the representation.

5. I consider that the policy should properly reflect the provision of SPP paragraph 182, and in order to do so, the wording of the policy should be amended. SPP states that *“While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.”* I have modified the suggested wording of Criterion (i), Policy WM 4 to read *“While a significant shortfall of waste management infrastructure exists, suitable locations for new waste facilities will be supported.”* Such a modification to the text would not alter the intentions of the policy but would reflect SPP.

Potential adverse impacts

6. A representation objects to the approach of the policy, as waste facilities are already regulated and that the criteria as set out in Policy WM 4 are not required as they are already dealt with in other legislation and regulations.

7. The council is of the view that the criteria are necessary for development management and that the approach of the policy ensures the protection of the built and natural environment.

8. I consider that SPP is clear at paragraph 188, that planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA. Policy WM 4 sets out the criteria to enable the council to determine development proposals, and does not stray into the regulation of the proposed use. I conclude that the approach of the policy is in accordance with SPP.

9. The representation seeks revised wording to the policy. In relation to criterion (iii), SPP makes specific reference to buffer distances in paragraph 191, and I consider that the similar reference in Policy WM 4, criterion (iii) is appropriate.

10. The representation also seeks to amend the references in Policy WM 4 to adverse impacts, as it is considered that the correct test would actually be the acceptability of the impact. The representation considers that the references in the policy should be changed

to acknowledge that, although adverse impacts may arise, they could be mitigated against and therefore become acceptable.

11. I find that the policy as currently worded does not seem to take into account the appropriate potential mitigation of any adverse impacts, and would imply that any such development would need to have no such impacts, regardless of whether or not they could be resolved to the satisfaction of the council. Other than for criteria (i) and (iii), the amended wording as suggested in the representation is reasonable, and would enable development that could give rise to acceptable impacts the potential to proceed.

Reporter's recommendations:

Modify Policy WM 4 by deleting the criteria in the first paragraph and deleting the second paragraph, and replacing those with the following text:

“(i) While a significant shortfall of waste management infrastructure exists, suitable locations for new waste facilities will be supported.

(ii) The proposal is proposed within a suitable location, unless it can be demonstrated that there is a site specific locational need to locate elsewhere. Suitable locations are defined as:

- Land identified for Business, Industry and Storage and Distribution purposes on the LDP maps particularly those which contain other heavy or specialised industrial uses;
- Existing waste management sites or sites close to existing waste management facilities;
- Areas of degraded, contaminated or derelict land;
- Sites previously occupied by waste management facilities;
- Existing or redundant sites or buildings that can be easily adapted;
- Sites that have the potential to maximise the re-use of heat generated from waste through co-location with potential heat users;
- Existing railheads, and other suitable sites located close to railways or junctions in the strategic road network.

iii) The proposal can accommodate an adequate buffer zone and screening between surrounding sensitive receptors such as dwellings, settlements, natural heritage resources worthy of protection and the new facility itself.

iv) The proposal can demonstrate that measures will be put in place to prevent and control contamination of the surrounding area and the degradation of environmental amenity by:

- Wind blown material and dust;
- Production of landfill gas;
- Pollution of groundwater and watercourses by on-site operations;
- Vermin and bird nuisance; and
- Noise and smell nuisance;

v) The proposal has no adverse impacts on the existing road network.

vi) The proposal will have no unacceptable adverse impacts on the amenity of nearby residents and settlements and of residents of properties located along the transport

routes to the site.

vii) The proposal will not have an unacceptable adverse impact on the natural and built heritage (including historic gardens and designed landscapes), visual amenity and the landscape character of the area;

viii) The proposal provides full operational details, restoration proposals where appropriate, and after use of the development site.

ix) The proposal can demonstrate that the site is not at risk of flooding.

Development proposals which do not meet or comply with all of the above criteria or which are considered to have an unacceptable adverse impact on amenity of the natural and built environment will not be supported by the council.”

Issue 54	Policy WM6: Recovery or Disposal of Waste	
Development plan reference:	Policy WM 6	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (PLDP/309/11) Barr Environmental Ltd (PLDP/329/2)		
Provision of the development plan to which the issue relates:	Policy WM 6 sets out the Council's approach to the recovery or disposal of waste, including energy recovery from waste.	
Planning authority's summary of the representation(s):		
<p>SEPA (PLDP/309/11), in relation to Policy WM 6, support the provisions of the policy but suggest that the policy requires strengthening in terms of the requirements of Paragraph 183 of SPP, which requires '<i>any sites identified specifically for energy from waste facilities should enable links to be made to potential users of renewable heat and energy</i>'. SEPA suggest the policy should be amended to require the provision of sufficient documentation/justification to demonstrate why heat and energy cannot be provided, in order to accord with this paragraph.</p> <p>Furthermore, SEPA state that requiring energy from waste facilities to achieve high energy efficiency is welcomed, as are obligations for such facilities to meet SEPA's Thermal Treatment of Waste Guidelines. However, SEPA state that the Policy could be amended to require the provision of a Heat and Power plan for such facilities in accordance with the aforementioned guidelines.</p> <p>Barr Environmental Ltd (PLDP/329/2) state that they are proposing to invest £60 million to develop an energy recovery park at their existing site at Killoch, Ochiltree, and they provide a background on the planning process so far. Within their representation they make comments on the environment and amenity impact and financial guarantees, but this is in relation to their proposed energy recovery park (for information Barr Environmental Ltd has not objected to Policy RE 9: Financial Guarantees). However, they are of the view that the policy requirements suggested by the Council, as worded, would create significant problems for the waste industry.</p> <p>Although they have suggested minor changes to Policies WM6, Barr Environmental Ltd are of the view that the policy approach is misconceived and requires a fundamental rethink. They go on to state that modern waste plants are highly sophisticated complex industrial activities; are highly regulated; and already require financial guarantees to be put in place for restoration as part of SEPA's licensing process, which are assessed on a case by case basis. Barr Environmental Ltd is therefore of the view that the current proposals within the LDP will duplicate this provision unnecessarily and introduce tests into the planning system that are already dealt with by other legislation.</p> <p>As stated above, Barr Environmental Ltd wish to make a minor change to Policy WM 6 (vi) to insert '<i>where appropriate</i>' after '<i>can be restored</i>'.</p>		

Modifications sought by those submitting representations:
<p>SEPA (PLDP/309/11) recommend that Policy WM6 is amended to require the provision of sufficient documentation/justification to demonstrate why heat and energy cannot be provided. They also recommend that the Policy is amended to require the provision of a Heat and Power plan for such facilities in accordance with the aforementioned guidelines.</p> <p>Barr Environmental Ltd (PLDP/329/2) request that Policy WM6 is amended (proposed amendments are underlined> as follows:</p> <p>Proposed Policy WM6: Recovery or Disposal of Waste</p> <p>Proposals for development associated with the recovery and/or disposal of waste, including energy recovery from waste, will be supported by the Council where the development:</p> <ul style="list-style-type: none"> (i) Fully accords with the provisions of General Policy WM 4; (ii) Makes contributions to waste management targets set by the European Union and the Scottish Government; (iii) Accords with any legislative restrictions on waste recovery and disposal; (iv) Provides a connection to the electricity grid, where appropriate; (v) Has investigated the potential for heat and electricity distribution to neighbouring uses has been fully explored and provided where viable. (vi) Provides a high quality restoration and aftercare plan to ensure that the site can be restored <u>where appropriate</u>;
Summary of responses (including reasons) by planning authority:
<p>Policy WM 6 sets out the Council's approach to the recovery or disposal of waste, including energy recovery from waste. The Council consider that the Policy is fully in line with the provisions of the Zero Waste Plan and SPP in this regard.</p> <p>However, in light of the representation from SEPA (PLDP/309/11), the Council consider that it may be appropriate to amend Policy WM 6 to explicitly require developers to provide sufficient justification and evidence to demonstrate why heat and electricity cannot be provided. The Council are of the view that the proposed amendment would strengthen the policy further in line within the provisions of the Zero Waste Plan and SPP in terms of the Scottish Governments approach to renewable heat and power. The amendment to require a Heat and Power plan for energy waste facilities would also strengthen the policy and reflect the requirements of SEPA in terms of their guidelines for the Thermal Treatment of Waste. The Council consider that the proposed amendment does not represent a change to the Council's overall approach in this regard and does not alter the direction of the Policy.</p> <p>The Council would therefore have no objection if the Reporter is agreeable to these amendments and considers that a change to Policy WM6 is required. Should this be the case then the Council suggests that Policy WM6 is amended as follows (the proposed</p>

amendments are in bold):

'Policy WM 6 – Recovery or Disposal of Waste

Proposals for development associated with the recovery and/or disposal of waste, including energy recovery from waste, will be supported by the Council where the development:

- (i) *Fully accords with the provisions of General Policy WM 4;*
- (ii) *Makes contributions to waste management targets set by the European Union and the Scottish Government;*
- (iii) *Accords with any legislative restrictions on waste recovery and disposal;*
- (iv) *Provides a connection to the electricity grid, where appropriate;*
- (v) *Has investigated the potential for heat and electricity distribution to neighbouring uses has been fully explored and provided where viable. **The developer will be required to provide sufficient justification and evidence to demonstrate why heat and electricity distribution cannot be provided.***
- (vi) *Provides a high quality restoration and aftercare plan and a financial guarantee to ensure that the site can be restored to its former state.*

*All proposals for energy from waste facilities must achieve high efficiency in terms of energy recovery **and will be required to provide a Heat and Power plan for the proposed facility in accordance with SEPA's Thermal Treatment of Waste Guidelines 2014.***

Proposals for thermal treatment plants will also be required to meet with SEPA's Thermal Treatment of Waste Guidelines 2014.'

The Council is of the view that no further amendments are required to the Policy with regard to the minor modification sought by **Barr Environmental Ltd (PLDP/329/2)**. The removal of the requirement for a financial guarantee would substantially weaken the policy and the likelihood of the site being restored to a high quality. The requirement of a financial guarantee ensures that the site would be properly restored should the developer/company go into administration or liquidation. This is the standard procedure that is now followed by East Ayrshire Council for development relating to wind energy, coal and mineral extraction and waste facilities.

Reporter's conclusions:

1. Representations are seeking to ensure that Policy WM 6 is amended to require the provision of a Heat and Power plan for certain facilities in accordance with Scottish Planning Policy (SPP) paragraph 183 guidelines, and that a Heat and Power Plan for energy to waste developments be required in the policy.
2. A further representation considers that Policy WM6 is ill-conceived and that the place for regulation is properly part of SEPA's licensing process. The removal of the requirement for a financial guarantee from the policy is sought, as it duplicates the conditions of the permits issued by SEPA.
3. The council supports the representations regarding the requirement to demonstrate a reasoned justification as to why heat and electricity cannot be provided. A suggested revision to Policy WM 6 was suggested by the council and circulated to parties as Further Information Request 17. SEPA confirmed that it was satisfied that the suggested

modification addressed the matters raised in its original submission. I find that the suggested modification would reflect the provisions of SPP at paragraph 183.

4. Removal of the requirement to submit a financial guarantee as required at criterion (vi) of Policy WM 6 is sought. It is argued that such a guarantee is already required by SEPA and that the LDP is duplicating the requirement. It is also considered that the plan assumes that a restoration plan will be required, which may not be the case for all developments. I find that removal of the requirement in its entirety would weaken the policy and could also lead to an inconsistent approach to such guarantees being sought through the LDP. However, the need for such guarantees also should be proportionate. The representation suggests adding the phrase “where appropriate” to the end of criterion (vi).

5. Policy RE 9 : Financial Guarantees in Volume 1 of the plan already addresses the issue of waste management and appropriate financial guarantees in a policy context. Rather than duplicate the requirement for a financial guarantee in the plan, I conclude that it would be preferable, and would add clarity, to include a direct reference to Policy RE 9 in the criteria of Policy WM 6.

Reporter’s recommendations:

Modify the plan as follows.

1. Delete Policy WM 6 : Recovery or Disposal of Waste and replace with the following:

“Policy WM 6 – Recovery or Disposal of Waste

Proposals for development associated with the recovery and/or disposal of waste, including energy recovery from waste, will be supported by the Council where the development:

- (i) Fully accords with the provisions of General Policy WM 4;*
- (ii) Makes contributions to waste management targets set by the European Union and the Scottish Government;*
- (iii) Accords with any legislative restrictions on waste recovery and disposal;*
- (iv) Provides a connection to the electricity grid, where appropriate;*
- (v) Has investigated that the potential for heat and electricity distribution to neighbouring uses has been fully explored and provided where viable. The developer will be required to provide sufficient justification and evidence to demonstrate why heat and electricity distribution cannot be provided.*
- (vi) Provides a high quality restoration and aftercare plan, in accordance with Policy RE9: Financial Guarantees.*

All proposals for energy from waste facilities must achieve high efficiency in terms of energy recovery and will be required to provide a Heat and Power plan for the proposed facility in accordance with SEPA’s Thermal Treatment of Waste Guidelines 2014. Proposals for thermal treatment plants will also be required to meet with SEPA’s Thermal Treatment of Waste Guidelines 2014.”

Issue 55	Policy ENV 3: Conservation Areas	
Development plan reference:	Policy ENV 3	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Loudoun Valley Trust (PLDP/115/4)		
Provision of the development plan to which the issue relates:	Policy ENV 3 sets the policy context for development or demolition within a conservation area or affecting its setting.	
Planning authority's summary of the representation(s):		
<p>Loudoun Valley Trust (PLDP/115/4) state that the continued recognition of Conservation Areas within local towns is an important issue and quality restorations should be encouraged with a greater use of CARS schemes as in Galston. Individual buildings should be identified where such a scheme could be implemented to improve the overall Townscape. It only needs one abandoned building to destroy the overall appearance of a town and owners should be required to maintain their property in reasonable repair and appearance.</p>		
Modifications sought by those submitting representations:		
<p>Loudoun Valley Trust (PLDP/115/4) requests that individual buildings within Conservation Areas should be identified where a CARS scheme could be implemented to improve the overall Townscape.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council will continue to submit applications for Conservation Area Regeneration Scheme's (CARS) where it determines that a particular Conservation Area would benefit from one and where it is likely that it would meet Historic Scotland's eligibility criteria.</p> <p>The Council is of the opinion that it would be inappropriate to identify individual buildings within Conservation Areas within the Local Development Plan that may or may not be included within a future CARS scheme. The Council will consider the individual buildings that are in need of improvement if and when a CARS application is submitted to Historic Scotland for consideration. Therefore, the Council are of the view that no changes are required to be made to the plan in this regard.</p> <p>The Council would point out that the Local Development Plan Placemaking maps point out individual buildings which are part of a CARS Scheme. This can be seen on the Galston Placemaking Map on Page 32 of Volume 1. Placemaking maps will eventually be prepared for all East Ayrshire Settlements.</p> <p>If individual buildings within Conservation Areas are in need of repair or improvement,</p>		

then the Council are of the view that the owner should contact Historic Scotland for assistance. The responsibility for the maintenance for a building rests entirely with the owner.

Reporter’s conclusions:

1. The representation is seeking to have individual buildings identified within Galston, which could be the subject of a Conservation Area Renewal Scheme (CARS), as the condition of individual buildings may have a negative impact on the overall appearance of a town.
2. The council has identified a CARS scheme for Galston, which is set out at Part 3 Placemaking Galston in the Plan. As and when other placemaking maps are produced, CARS schemes will be identified if appropriate. Individual buildings are not specifically identified in the Plan, as they will be considered when a CARS is submitted to Historic Environment Scotland (HES). The condition of individual buildings is a matter for the owner to address.
3. I find that the manner in which CARS are addressed in the Plan is appropriate, as where such a scheme is in place, it is identified on the Placemaking Map, and accompanying text is provided. If a conservation area does not yet have a CARS in place, or need a scheme, then I conclude it is not appropriate to identify it or buildings within that conservation area, in the Plan. If and when a CARS application is submitted for approval to HES, that would be the opportune time to identify individual buildings. Ownership issues also mean that the condition of an individual building may be outwith the control of the council, and so the suggested amendment may not be possible to deliver through the Local Development Plan.

Reporter’s recommendations:

No modification.

Issue 56	Policy ENV6: Nature Conservation	
Development plan reference:	Policy ENV6: Nature Conservation	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
RES UK Ltd (PLDP/324/1) RSPB (PLDP/272/16) (letter of support)		
Provision of the development plan to which the issue relates:	Policy ENV 6 ensures that all developments respect the importance of nature conservation and biodiversity and the policy sets out how the Council will achieve this.	
Planning authority's summary of the representation(s):		
<p>RES UK LTD (PLDP/324/1) states that the reference to “provisional wildlife sites” in criterion (iii) requires further consideration and clarification as to the reason for their designation. Provisional wildlife sites are given a degree of protection, however, there is no supplementary information provided to explain how, why or when these areas have been identified.</p> <p>It has become apparent that some of these sites have been identified on the basis of historical information and assumptions that are no longer true. This would appear to be suggested by the word “Provisional” which would suggest that the nature conservation interest of these sites has yet to be confirmed. As such a detailed assessment of these sites should be undertaken prior to their inclusion within the LDP.</p> <p>RSPB welcomes the protection given to Provision Wildlife Sites.</p>		
Modifications sought by those submitting representations:		
<p>RES UK Ltd (PLDP/324/1) requests that the reference to Provisional Wildlife Sites should be removed from Policy ENV6 until such time as the sites are no longer provisional and clarification of the nature conservation interests of these sites is provided.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Local Wildlife Sites are designated by the Scottish Wildlife Trust and give a degree of, albeit, non-statutory protection to areas which are of particular local importance from the nature conservation point of view. They are given a provisional status due to the potential of the site to become a full wildlife site and are subject to resurveys to confirm if they should be listed as a wildlife site.</p> <p>The Council disagree with RES UK Ltd that the identification of some of these sites has been based on historical information and assumptions and would point out that, until such time as these sites are re-surveyed, the wildlife potential of the site has not yet been fully determined. That being said, East Ayrshire Leisure Trust, through the Biodiversity Duty Delivery Plan 2015 – 2017, will carry out a review of the provisional wildlife sites within</p>		

East Ayrshire. The Leisure Trust will then decide, based on the review, what sites should be confirmed as a wildlife site and an action plan for each confirmed wildlife site will then be developed.

Therefore, a degree of protection still requires to be given to these sites until such time as the review by the Leisure Trust has been completed, in order to ensure that the wildlife potential of the site is not adversely impacted by development.

As a result, the Council are of the view that no changes require to be made to Policy ENV 6.

RSPB's support is noted and welcomed.

Reporter's conclusions:

1. A representation seeks to have the term "provisional wildlife sites" removed from criterion 3 of Policy ENV 6, as a detailed assessment should be undertaken before any such sites are protected by the policy.

2. The council advises that the East Ayrshire Leisure Trust, through the Biodiversity Duty Delivery Plan 2015 – 2017, will carry out a review of the provisional wildlife sites within East Ayrshire, and confirm which sites will then be wildlife sites. Until that point, the provisional sites need to be protected from inappropriate development through the policy. The RSPB supports the protection given to such provisional sites.

3. I find that in this instance, provisional sites appear to be those designated by the Scottish Wildlife Trust, but which do not have a statutory designation. They are designated "provisional", subject to re-survey for confirmation of their status and listing as a wildlife site. The Leisure Trust will then decide which sites should be confirmed as a wildlife site and an action plan for each confirmed wildlife site will then be developed. I conclude that until the outcome of the review, such sites should be afforded protection from development which may have an adverse impact on it, and including provisional sites in criterion (iii) is an appropriate manner in which to achieve that level of protection.

Reporter's recommendations:

No modification.

Issue 57	Policy ENV 7: Wild Land and Sensitive Landscape Areas	
Development plan reference:	Policy ENV 7	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy UK Ltd (PLDP/120/12); Scottish Renewables (PLDP/149/4); Vattenfall Wind Power Ltd (PLDP/285/6); SNH (PLDP/290/2); First Milk (PLDP/314/4); Scottish Power Renewables (PLDP/330/15)</p>		
Provision of the development plan to which the issue relates:	<p>Policy ENV 7 safeguards areas of wild land and gives priority and prime consideration to the protection and enhancement of the landscape with the Sensitive Landscape Areas. The policy also sets out the circumstances in which development will be allowed within these areas.</p>	
Planning authority's summary of the representation(s):		
<p>RWE Innogy UK Ltd (PLDP/120/12) and Vattenfall Wind Power Ltd (PLDP/285/6) state that the wording within Policy ENV 7 in relation to areas of wild land does not accurately reflect SPP. It is considered that the Policy introduction regarding wild land is overly negative and that the Policy should be amended to acknowledge paragraph 215 of SPP which states that in areas of wild land, development may be appropriate in some circumstances.</p> <p>SPP states at paragraph 197 that planning authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value. In relation to Sensitive Landscape Areas (SLAs) reference should also be made within Policy ENV7 to their status as non-statutory designations and it should also be explicitly stated that development may be appropriate in SLAs in some circumstances. Furthermore, the wording of the supporting text needs to recognise that generally SLAs within East Ayrshire are on upland areas where there is a clear wind energy resource and where there is already existing development. Siting wind energy developments in the SLA has not been seen by decision makers as a fundamental constraint (e.g. Hare Hill and Afton) and this needs to be recognised in the policy wording.</p> <p>Scottish Renewables (PLDP/149/4) state that the Policy does not take into account paragraph 215 of SPP which confirms that:</p> <p>“In areas of wild land, development may be appropriate in some circumstances”</p> <p>Nor does it take into account the guidance in Table 1 of SPP which recognises that wind farms may appropriate in some circumstances.</p> <p>SNH (PLDP/290/2) states that it would be useful to clarify in the Policy where the source of the wild land areas are from to ensure the same map is used and isn't open to interpretation. This would also ensure that the policy is compliant with SPP paragraph</p>		

200 which states “Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.”

First Milk (PLDP/314/4) states that Policy ENV 7 does not take into account previously developed brownfield sites within sensitive landscape areas. First Milk is of the view that development of brownfield sites would have a very limited visual impact when considered against existing development on such sites.

Scottish Power Renewables (PLDP/330/15) state that the policy, in line with SPP, should be balanced against the presumption in favour of development that contributes to sustainable development.

Modifications sought by those submitting representations:

RWE Innogy UK Ltd (PLDP/120/12) and **Vattenfall Wind Power Ltd (PLDP/285/6)** seek amendments to the policy to reflect paragraph 215 of SPP which states that in areas of wild land, development may be appropriate in some circumstances. Reference should also be made within Policy ENV7 to the status of SLAs as non-statutory designations and it should also be explicitly stated that development may be appropriate in SLAs in some circumstances. Furthermore, the wording of the supporting text needs to recognise that generally SLAs within East Ayrshire are on upland areas where there is a clear wind energy resource and where there is already existing development.

Scottish Renewables (PLDP/149/4) recommend that the Policy is reworded to take account of SPP.

SNH (PLDP/290/2) recommend that the following wording ‘*as shown on the 2014 SNH map of wild land areas*’ is added to the policy after “Areas of wild land” and before ‘*have little*’

First Milk (PLDP/314/4) has not suggested any specific changes to the Policy but state that it does not take account of previously development brownfield sites within the sensitive landscape area. It is assumed they wish the Policy to be changed to incorporate their representation.

Scottish Power Renewables (PLDP/330/15) suggest the Policy should recognise that where a project has an impact on wild land or SLA, but nevertheless is judged to provide other economic, social or environmental benefits (including climate change mitigation) then these benefits are balanced against such impact.

Summary of responses (including reasons) by planning authority:

Policy ENV 7 ensures that areas of wild land and Sensitive Landscape Areas are protected from any development which would result in unacceptable impacts. The Policy also details the circumstances where development would be allowed within an area of wild land and within the Sensitive Landscape Area. The Council consider the Policy to be fully in accordance with SPP in this regard.

In terms of the representations by **RWE Innogy UK Ltd (PLDP/120/12)** and **Vattenfall Wind Power Ltd (PLDP/285/6)** the Council are of the view that no changes are required to the policy as it fully accords with paragraphs 197, 200 and 215 of SPP in relation to wild land and non-statutory local designations, such as the Sensitive Landscape Area,

within East Ayrshire. It should be noted that the Policy does allow development within the Sensitive Landscape Area, but only where there are no unacceptable impacts. The Council do not agree that there is a need or requirement to amend the supporting text as the **RWE Innogy UK Ltd** and **Vattenfall Wind Power Ltd** suggest, as the Policy is not solely aimed at windfarm development and the suggested wording would lead to confusion within the Policy and duplication with the renewable energy section of the Local Development Plan and Schedule 1.

The Council is of the view that the Policy fully accords with the requirements of SPP and allows development in areas of wild land where adverse impacts can be substantially overcome in terms of siting, design or other mitigation. Therefore, no changes are required to the Policy with regard to the representation by **Scottish Renewables (PLDP/149/4)**

In relation to the representation from **SNH (PLDP/290/2)**, the Council considers that it may be appropriate to make a minor amendment to the Policy to make reference to 2014 SNH map of wild land areas, in order to explicitly accord with SPP. The Council would therefore have no objection to this amendment if the Reporter is agreeable and considers that a change to Policy ENV 7 is required. Should this be the case then the Council suggests that the first paragraph of Policy ENV 7 is amended as follows (the proposed amendment is in bold):

*'Areas of wild land, **as identified on the 2014 SNH map of wild land areas**, have little or no scope to accommodate new development and are safeguarded on the LDP maps. Any development proposed must be able to demonstrate that any adverse effects on the qualities of wild land can be substantially overcome by siting, design or other mitigation.'*

With regard to the representation from **First Milk (PLDP/314/4)**, the Council are of the opinion that development on brownfield sites within the Sensitive Landscape Area may have the potential to adversely impact on sensitive landscapes. Therefore, the Council are of the view that no changes to the Policy are required and would need to be assessed against the Policy just as all other development would be.

In response to **Scottish Power Renewables (PLDP/330/15)** representation, the Council consider that the Policy clearly balances the benefits of a development proposal against the potential impacts on wild land and/or the Sensitive Landscape Area. Development will be allowed within these areas where there are no unacceptable impacts on wild land or the Sensitive Landscape Area. The Council are therefore of the view that that no changes are required to be made to the Policy with regard to this representation.

Reporter's conclusions:

1. Scottish Planning Policy (SPP) at paragraph 215 makes clear that development may be appropriate in some circumstances in areas of wild land, subject to appropriate mitigation to overcome any significant effects.
2. A number of representations seek to have Policy ENV 7: Wild Land and Sensitive Landscape Areas (SLAs) explicitly state that development may be appropriate in such areas. I find that the policy as it currently stands does not preclude development of any type, rather, it permits any development that is capable of demonstrating that any adverse effects can be substantially overcome by siting, design or other mitigations. I find that the current text of Policy ENV 7 reflects SPP.

3. It is suggested that the text of Policy ENV 7 should support the siting of wind energy developments in non-statutory SLAs, as they may harness the existing wind resource, and may be appropriate. I find that the text of the policy permits all forms of development which does not have an unacceptable impact on wild land and SLAs, and that would include any wind energy developments. I conclude there is no need to identify specific forms of development within the policy.

4. SPP paragraph 200 says that plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas. SNH has suggested that the policy contain a reference to the map, and the council has suggested the inclusion of such a reference in the first sentence of the policy. I agree that the suggested amendment would reflect the provisions of paragraph 200 of SPP.

5. In relation to the potential impact of development of brownfield sites with SLAs and wild land areas, it is suggested that the impact of such development might be limited when assessed against existing development on site. I consider that all such proposals would have to be assessed on their individual merits. As set out at paragraph 3 above, I find that the text of the policy permits all forms of development which do not have an unacceptable impact on wild land and SLAs, and that would include the re-development of any brownfield site. I conclude there is no need to identify specific forms of development within the policy.

6. The presumption in favour of sustainable development is sought to be balanced against the policy. I find that the policy as it currently stands does not preclude development of any type, rather, it permits any development that is capable of demonstrating that any adverse effects can be substantially overcome by siting, design or other mitigations, and that would include development that contributes to sustainable development.

Reporter's recommendations:

Modify the plan by deleting the first sentence of Policy ENV 7: Wild Land and Sensitive Landscape Areas and replacing with the following:

“Areas of wild land, as identified on the 2014 SNH map of wild land areas, have little or no scope to accommodate new development and are safeguarded on the LDP maps.”

Issue 58	Policy ENV 8: Protecting and Enhancing the Landscape	
Development plan reference:	Policy ENV 8	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy UK Ltd (PLDP/120/13) E.ON Climate & Renewables UK Developments Limited (PLDP/122/11) Vattenfall Wind Power Ltd (PLDP/285/7) Banks Renewables (PLDP/289/1) SNH (PLDP/290/1) (letter of support)</p>		
Provision of the development plan to which the issue relates:	Policy ENV 8 ensures that the protection and enhancement of the landscape character of East Ayrshire is a key consideration in assessing the appropriateness of development proposals in the rural area.	
Planning authority's summary of the representation(s):		
<p>RWE Innogy UK Ltd (PLDP/120/13) and Vattenfall Wind Power Ltd (PLDP/285/7) state that there is an error within the policy wording of criterion (ii) of the policy and suggest additional changes.</p> <p>E.ON Climate & Renewables UK Developments Limited (PLDP/122/11) state that reference to the Ayrshire Landscape Character Assessment, which has not been through formal consultation and does not form part of the development plan, should not be referenced in the policy but in any preamble or supporting text to the policy.</p> <p>The policy includes the following wording: "The Council will require that" and "will not be supported" which are absolute terms of reference and should be more appropriately worded as all criterion set out in Policy ENV8 are subject to a judgement of a balance test in terms of planning merit/weight against material harm / impacts.</p> <p>Policy ENV8 should also include wording to the effect that it will not always be possible to site new development appropriately and mitigation is not always possible.</p> <p>Banks Renewables (PLDP/289/1) state that criterion (iii) is contrary to paragraph 203 of SPP and does not include an acceptability test. Wind farms by their very nature will always result in some detrimental impact upon the landscape features listed in the policy. Therefore, if this policy was applied as currently drafted no wind farm proposal would ever comply with it. This makes it contrary to paragraph 6.1.8 of the Proposed Plan which sets out that the "Local Development Plan should continue to support wind energy proposals in suitable locations." As currently worded it sets an unrealistic high test to impose on wind farm developments.</p> <p>SNH supports policy ENV8 stating that it is in line with SPP.</p>		

Modifications sought by those submitting representations:
<p>RWE Innogy UK Ltd (PLDP/120/13) and Vattenfall Wind Power Ltd (PLDP/285/7) request that the criterion (ii) is changed to the following wording: <i>“Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to ensure such impacts on the landscape are acceptable”</i>.</p> <p>E.ON Climate & Renewables UK Developments Limited (PLDP/122/11) request that Policy ENV 8 is changed to the following wording:</p> <p>ENV8: Protecting and Enhancing the Landscape</p> <p>The protection and enhancement of East Ayrshire’s landscape character as identified in the Ayrshire Landscape Character Assessment will be a key consideration in assessing the appropriateness of development proposals in the rural area. The Council will assess whether:</p> <p>(i) Wherever possible development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact. Particular attention will be paid to size, scale, layout, materials, design, finish and colour.</p> <p>(ii) Where visual impacts are unavoidable, wherever possible development proposals include adequate mitigation measures to minimise such impacts on the landscape;</p> <p>(iii) Particular features that contribute to the value, quality and character of the landscape are conserved and enhanced. Development proposals should seek not to cause significant adverse impacts to valuable landscape features, to such an extent that character and value of the landscape, is significantly diminished. Such landscape features include:</p> <ul style="list-style-type: none"> a. Settings of settlements and buildings within the landscape; b. Skylines, distinctive landform features, landmark hills and prominent views; c. Woodlands, hedgerows and trees; d. Field patterns and means of enclosure, including dry stone dykes; and e. Rights of way and footpaths <p>Development that would create unacceptable and significant visual intrusion or irreparable damage to landscape character will not be supported by the Council.</p> <p>Banks Renewables (PLDP/289/1) would like to see the word “unacceptably” inserted into criterion (iii) of policy ENV8:</p> <p>“Development that would result in the loss of valuable landscape features, to such an extent that character and value of the landscape, is unacceptably diminished will not be supported.”</p>
Summary of responses (including reasons) by planning authority:
<p>East Ayrshire has a rich and diverse landscape which requires to be protected. Policy ENV 8 seeks to ensure that protection and enhancement of East Ayrshire’s landscape character, as identified in the Ayrshire Landscape Assessment 1998, is a key consideration in assessing the appropriateness of development proposals within the rural</p>

area. The Policy sets out the criteria that development proposal within the rural area will have to accord with to ensure that there is no detrimental impact to East Ayrshire’s landscape character.

In light of the representations from **RWE Innogy UK Ltd (PLDP/120/13)** and **Vattenfall Wind Power Ltd (PLDP/285/7)**, the Council are aware that there is missing word within criterion (ii) and the Council consider that a slight amendment to the Policy may be appropriate. The Council would therefore have no objection if the Reporter is agreeable to an amendment and considers that a change to Policy ENV 8 criterion (ii) is required. Should this be the case then the Council suggests that Policy ENV 8 criterion (ii) is amended to insert the word ‘**should**’ after ‘**development proposals**’ and before ‘**include**’.

The Council are of the view that the remaining changes that **RWE Innogy UK Ltd** and **Vattenfall Wind Power Ltd** seek would substantially weaken the policy and would not follow the Councils approach to mitigation, which is to minimise the visual impacts of development on the landscape.

In relation to **E.ON Climate & Renewables UK Developments Limited (PLDP/122/11)** representation, the Council do not agree that wording within the policy should be changed as it already appropriately balances development against potential impacts. Furthermore, it is inappropriate to have wording within a policy which accepts that not all development can be appropriately sited and mitigation, in some circumstances, is not possible, as this approach could lead to irrevocable damage to the landscape. This is against the principles of SPP and sustainable development. Therefore, the Council are of the view that no changes are required to the policy.

In light of **Banks Renewables (PLDP/289/1)** representation, the Council is of the view that the addition of the word ‘unacceptably’ would substantially weaken the policy in terms of its protection of landscape features and landscape character. The Council are therefore of the view that no further changes to the policy are required.

SNH’s support is noted and welcomed.

Reporter’s conclusions:

1. An error at criterion (ii) of Policy ENV 8 : Protecting and Enhancing the Landscape has been identified, in that the word “should” has been omitted after “development proposals” and before “include”. I find that the inclusion of the word “should” would clarify the criterion.
2. Representees consider that the policy does not balance the merits of a proposal against potential harm, and that the wording of the policy is too absolute in terms of balancing and judging proposals.
3. In relation to criterion (iii), one representation considers that the policy should be changed to acknowledge that, although adverse impacts may arise from development, they could be mitigated against and therefore become acceptable. I consider that criterion (iii) as currently worded does not seem to take into account the appropriate potential mitigation of any adverse impacts, and would imply that any such development would need to have no such impacts, regardless of whether or not they could be resolved to the satisfaction of the council. The amended wording as suggested in the

representation by Banks Renewables is reasonable, and would enable development that could give rise to acceptable impacts the potential to proceed. I conclude that the proposed amendment is acceptable and would not weaken the policy in terms of conserving and enhancing the landscape.

4. Otherwise, I find that the policy as it currently stands does not preclude development of any type. Rather it permits development that is capable of demonstrating that any adverse effects can be substantially overcome by siting, design or other mitigations. The criteria contained in the policy set out how proposals will be assessed, and what will be supported by the council. I conclude that the balancing and judgement of any proposal and its impact on the landscape is implicit in the policy.

5. Inclusion of wording in the policy to acknowledge that it will not always be possible to site new development appropriately and that mitigation is not always possible is sought in a representation. I find that the policy as it stands permits all forms of development which do not have an unacceptable impact on the landscape. To accept development which is inappropriate in the context of the policy would, I conclude, negate the intended effect of the policy and its criteria, which is to protect and enhance the landscape character of East Ayrshire.

6. The Ayrshire Landscape Character Assessment does not form part of the plan, but is referenced as a key consideration in assessing development proposals in the rural area. I find that it is appropriate to clearly state within the policy which tools will be utilised in making such assessments.

7. Subject to my proposed amendments, I find that the policy, particularly the final sentence where the development that would be supported by the council is qualified, does take account of Scottish Planning Policy (SPP) paragraph 203.

8. The support of SNH for Policy ENV 8 is noted.

Reporter’s recommendations:

Modify Policy ENV 8 as follows.

1. Amend criterion (ii) by inserting the word “should” after “development proposals” and before “include”

2. Amend criterion (iii) by inserting the word “unacceptable” into the second sentence as follows:

“Development that would result in the loss of valuable landscape features to such an extent that the character and value of the landscape are unacceptably diminished will not be supported.”

Issue 59	Policy ENV 10: Carbon Rich Soils	
Development plan reference:	Policy ENV 10	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RWE Innogy UK Ltd (PLDP/120/14); Scottish Renewables (PLDP/149/5); Natural Power (PLDP/279/9); Fred Olsen Renewables Ltd (PLDP/281/9); Vattenfall Wind Power Ltd (PLDP/285/8); RES UK Ltd (PLDP/324/2); Scottish Power Renewables (PLDP/330/16) RSPB (PLDP/272/17) (letter of support) SNH (PLDP/290/1) (letter of support) SEPA (PLDP/309/15) (letter of support)</p>		
Provision of the development plan to which the issue relates:	Policy ENV 10 protects and safeguards and carbon rich soils from development and details the circumstances where renewable energy generating developments would be allowed.	
Planning authority's summary of the representation(s):		
<p>RWE Innogy UK Ltd (PLDP/120/14) and Vattenfall Wind Power Ltd (PLDP/285/8) both state that the reference to “shallow peat areas” is overly restrictive. It should be noted that development in deep peat areas may be acceptable as a result of mitigation and design (as set out in SPP) and therefore the policy wording needs to be amended to reflect this position.</p> <p>Scottish Renewables (PLDP/149/5) is of the view that the Policy goes beyond the requirements of SPP as there is no presumption against development in SPP. Carbon rich soils are included in Group 2 of the spatial framework which recognises the need for significant protection and that wind farms ‘may be appropriate in some circumstances’. The Policy is also at odds with Table 1 and paragraph 169 of SPP which relate specifically to carbon rich soils, deep peat and priority peatland habitat.</p> <p>Natural Power (PLDP/279/9) and Fred Olsen Renewables Ltd (PLD/281/9) are of the opinion that the “presumption against development” stated in Policy ENV10 goes beyond the requirements of the spatial framework included within the SPP. The SPP states that areas of carbon rich soils are included under group 2: areas of significant protection and there is no presumption against development in group 2 areas.</p> <p>RES UK Ltd (PLDP/324/2) contend that whilst the objectives of Policy ENV10 are relevant to supporting sustainable development, the provisions of the policy do not reflect Scottish Planning Policy on the issue of Carbon Rich Soils. SPP does not presume against development in such areas, but seeks to minimise the impact of development in terms of CO2 emissions. SPP includes carbon rich soils, deep peat and priority peatland habitat within Group 2 Areas in relation to preparing Spatial Frameworks for onshore wind developments. As such development in these areas may be acceptable where significant</p>		

effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

RES UK Ltd contends that as a degree of consideration of such effects is afforded by identification within the spatial framework for onshore wind energy development, and the relevant criteria listed in Schedule 1 of Policy RE3, which affords protection in terms of development management considerations, including a reference to the carbon calculator. RES UK Ltd therefore state that there is duplication within Policy ENV10 in relation to renewable energy development in this regard.

Furthermore the use of the wording “shallow peat areas” is imprecise as no definition is provided. Reference to peat depths should be removed from the policy.

Scottish Power Renewables (PLDP/330/16) oppose the second paragraph of the Policy. This statement should not be restricted solely to renewable energy development as SPP (paragraph 205) requires all forms of development to take account of carbon emissions on peat and carbon rich soils. Furthermore, shallow peat areas should not be specified as SPP (paragraph 169) does not differentiate between peat depth; therefore the Local Development Plan should align with SPP.

RSPB and **SEPA** support policy ENV 10 as does **SNH** stating that it is in line with SPP.

Modifications sought by those submitting representations:

RWE Innogy UK Ltd (PLDP/120/14) and **Vattenfall Wind Power Ltd (PLDP/285/8)** request that reference to “shallow peat areas” is removed from the policy wording. Furthermore, it should be acknowledged within the Policy that development in deep peat areas may be acceptable as a result of mitigation and design.

Scottish Renewables (PLDP/149/5) recommend the removal of the text “presumption against development” and that the section is reworded to ensure it aligns with SPP.

Natural Power (PLDP/279/9) and **Fred Olsen Renewables Ltd (PLD/281/9)** request that the “presumption against development” is deleted.

RES UK Ltd (PLDP/324/2) request that Policy ENV10 is reworded as follows:

“In recognition of the role of carbon rich peatland soils as valuable carbon stores or sinks, the Council will support and promote the restoration of peatland habitats, where there is potential for such habitats to become active carbon stores and help reduce net carbon emissions. Development within such areas should seek to minimise the release of CO₂ to the atmosphere.

Renewable energy development may be permitted in areas of peat and other carbon rich soils where it can be demonstrated (in accordance with the Scottish Government’s carbon calculator, or other equivalent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy proposal.”

Scottish Power Renewables (PLDP/330/16) suggest that the policy is re-worded as follows:

“In recognition of the role of carbon rich peatland soils as valuable carbon stores or

'sinks', there will be a presumption against development that would result in the destruction of peatland considered to be of significant value, both ecologically and in terms of carbon management. The Council will support and promote the restoration of peatland habitats; where there is potential for such habitats to become active carbon stores and help reduce net carbon emissions.

Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

Development may be permitted for renewable energy generating developments where it can be demonstrated (in accordance with the Scottish Government's 'carbon calculator' or other equivalent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal".

Summary of responses (including reasons) by planning authority:

Policy ENV 10 seeks to protect carbon rich soils in line with the provisions of SPP. It should be pointed out that the Scottish Government and Scottish Natural Heritage did not object to the wording within the Policy due to pre-publication consultation and, as a result, the Council consider that the Policy reflects SPP's approach to renewable energy developments within areas of peat.

However, in light of the representations by **RWE Innogy UK Ltd (PLDP/120/14); Scottish Renewables (PLDP/149/5); Vattenfall Wind Power Ltd (PLDP/285/8); RES UK Ltd (PLDP/324/2)** and **Scottish Power Renewables (PLDP/330/16)**, the Council consulted Scottish Natural Heritage with regard to the issues raised within these representations after the Local Development Plan representation period had ended. Scottish Natural Heritage (SNH) advised that they have changed their view with regard to this Policy but, as the representation period has ended, there is no mechanism within the regulations for SNH to submit a representation on this matter. The Council therefore respectfully suggests that the Reporter seeks advice from SNH with regard to this issue.

With regard to the representations by **Scottish Renewables (PLDP/149/5); Natural Power (PLDP/279/9)** and **Fred Olsen Renewables Ltd (PLD/281/9)**, the Council does not agree that 'presumption against development' should be removed from the Policy, as the Policy is required to ensure that these resources are protected from other forms of development. The Council are therefore of the view that no further changes to the Policy are required and that the Policy will still allow renewable energy generating developments within these areas, subject to the provisions contained within the Policy.

RSPB's, SEPA's and SNH's support is noted and welcomed.

Reporter's conclusions:

1. Following the council's response above that SNH had changed its view on the policy since its initial representation was made, I sought a further response from SNH on this matter. SNH has suggested revisions to the second paragraph of the policy to replace "shallow peat areas" with "carbon rich soils" and to add a further qualification at the end: "and that any significant effects on these areas can be substantially overcome by siting, design or other mitigation". No concerns were subsequently expressed about these

changes within the further responses made by the council or wind energy developers. I am satisfied that these suggested revisions would clarify the policy and provide an appropriate test.

2. Although applying to all development types, the policy would have a particular impact on wind energy proposals. SPP makes it clear that the protection of carbon rich soils is an important factor, but not to the extent that there should be a presumption against any loss. The policy needs to express the appropriate degree of protection, including in relation to CO₂ emissions to the atmosphere.

Reporter's recommendations:

Modify Policy ENV 10 as follows:

1. Replace the first sentence with the following:

In recognition of the role of peatland soils as valuable carbon stores or "sinks", the council will seek to minimise adverse impacts from development on such soils, including by the release of CO₂ to the atmosphere.

2. Replace the second paragraph with the following:

However, development may be permitted for renewable energy generating developments on carbon rich soils where it can be demonstrated (in accordance with the Scottish Government's 'carbon calculator' or other equivalent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy generation proposal, and that any significant effects on these areas can be substantially overcome by siting, design or other mitigation.

Issue 60	Use of the wording ‘Presumption Against Development’ in the LDP	
Development plan reference:	East Ayrshire LDP	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Natural Power PLDP/279/1 Fred Olsen Renewables PLDP/281/1		
Provision of the development plan to which the issue relates:	Within the LDP the wording ‘presumption against development’ is used 6 times. (Representations do not specify where these are within the LDP)	
Planning authority’s summary of the representation(s):		
Both Natural Power and Fred Olsen Renewables would like the LDP to avoid the use of “presumption against development” (used on 6 occasions within the LDP) as this contravenes the SPP and the draft SG: Planning for Wind Energy which states that “only in group 1, should there be a presumption against wind energy developments. As noted in table 3 and Map 2, East Ayrshire does not contain any areas that fall within group 1” (p.10).		
Modifications sought by those submitting representations:		
Natural Power request where “presumption against development” is applied to wind energy developments and where it is used to discuss a group 2 or 3 constraint then it should be deleted.		
Summary of responses (including reasons) by planning authority:		
The representations relating to this issue do not specify where the phrase ‘presumption against development’ has been used. With regard to it being used to discuss a group 2 or 3 constraint, the Council can confirm that none of the wind energy policies use this phrase. If either Natural Power or Fred Olsen Renewables wanted wording in any part of the LDP to be changed, then this should have been referred to in specific terms. No changes to the LDP are considered necessary in this regard.		
Reporter’s conclusions:		
<p>1. The term “presumption against” has been used within 6 different policies in Volume 1 of the local development plan. The representations are concerned about the potential impact of such wording on on wind energy proposals.</p> <p>2. Policy RES 11 states that: “The Council will, at all times, seek to protect, preserve and enhance the residential character and amenity of existing residential areas. In this regard, there will be a general presumption against: (i) the establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local</p>		

residents; ...”

3. The policy refers to residential areas rather than to individual residential properties. Most, but not all, wind energy developments are sited away from residential areas. Moreover, the presumption is “general” rather than absolute. I consider that the policy is aimed principally at adjacent developments other than wind energy, and that the wording offers sufficient scope to balance benefits and favourable policy context against loss of residential amenity.

3. Policy ENV 9 states that there will be a presumption against the felling of ancient semi-natural woodlands and trees protected by preservation orders. However, the policy goes on to indicate that proposals that involve the removal of woodland will only be supported where it would achieve significant and clearly defined public benefits. That leaves scope for the consideration of the public benefits of wind energy development.

4. The issue of applying a presumption against development in Policy ENV 10; Carbon Rich Soils is covered in Issue 59, where a modification is recommended.

5. Policy ENV 12 states that there will be a presumption against any development that will have an adverse impact on the water environment in terms of pollution levels and the ecological value of water habitats. It is commonplace to impose conditions on consents for wind energy development in order to protect the water environment and water habitats. This is generally accepted as not imposing any undue constraints on such development.

6. There is a presumption against development on safeguarded open space within Policy INF 6, but this may be acceptable in exceptional circumstances.

7. Policy WM 1 applies a presumption against the development of major new landfill waste disposal sites, which clearly does not affect wind energy developments.

Reporter’s recommendations:

No modifications other than those indicated in Issue 59.

Issue 61	Policy ENV 11: Flood Prevention	
Development plan reference:	Policy ENV 11	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (PLDP/309/16); Royal Mail Group (PLDP/312)		
Provision of the development plan to which the issue relates:	The policy outlines the Council's approach to flood risk from all sources, flood management and how the Flood Risk Framework will be used in the assessment of development proposals.	
Planning authority's summary of the representation(s):		
<p>SEPA (PLDP/309/16) recommends that the policy includes further information with regard to freeboard allowance and when the Council wish to see the use of water resistant and resilient building materials.</p> <p>Royal Mail Group (PLDP/312) occupies and operates out of property within the existing allocated industrial estate at Queens Drive, Kilmarnock. The industrial estate is understood to have been developed following a scheme of flood defences carried out in 1999. The property occupied by RMG (and surrounding properties) has recently experienced flooding issues (December 2014) which, it is understood, caused damage to vehicles parked at the property and disrupted operation. It is also understood that the access to the property was affected by flood waters.</p> <p>Therefore, a review of the suitability and effectiveness of the existing flood defences is a necessary part of the evidence base for policy ENV11 and should be carried out by the Council. Flood Risk does not appear to be covered in the Strategic Environmental Assessment for the plan (Appendix 12 of the Background Papers), or for the subject area under draft policy IND2 in the Environmental Report.</p> <p>Further, the policy, or its explanatory text should contain direct reference to the Environmental Assessment of the River Irvine's existing flood defences and the potential scope of what will be required from prospective developers in the environs of the River Irvine in terms of addressing issues beyond the boundaries of the proposed development to address existing identified (by the Council following review of flood defences as part of the evidence base for the LDP) flooding issues.</p>		
Modifications sought by those submitting representations:		
<p>SEPA (PLDP/309/16) request that further information with regard to freeboard allowance and when the Council would wish to see the use of water resistant and resilient building materials is added to the policy. In terms of the freeboard allowance, SEPA suggest the third bullet point on Page 115 of Volume 1 is amended to include the following text:</p> <p><i>'As recommended in 'SEPA's Technical Flood Risk Guidance for Stakeholders', SEPA</i></p>		

would recommend a minimum freeboard allowance of between 500 and 600mm. However it is for the FPA to comment on the acceptability of proposed levels of freeboard for flood control purposes.'

Royal Mail Group (PLDP/312) suggest that the following paragraph is added to the policy as its second paragraph:

'In preparing the Plan, the Council has carried out Environmental Assessment of the Plan as it relates to existing and necessary flood defences and drawn up an Action Programme supporting the implementation of policy ENV11. Where appropriate, proposed development will be required to contribute to the implementation of the Plan with reference to the Action Programme for identified flood defence needs.'

Summary of responses (including reasons) by planning authority:

Policy ENV 11 details the Council's approach to flood risk management and how the Council will deal with development which may be located within areas at risk of flooding. The Policy is fully compliant with the approach contained within SPP.

With regard to the representation from **SEPA (PLDP/309/16)**, the Council do not agree that any further information needs to be added in terms of a freeboard allowance, as the Policy sufficiently requires flood protection measures to include a freeboard allowance within their predictions.

However, the Council consider that it may be appropriate to amend the Policy in light of SEPA's representation with regard to the addition of water resistant and resilient building materials within the Policy. The Council are of the view that this amendment would not constitute a major change in the Council's overall approach and would strengthen the array of flood prevention measures in accordance with SPP.

The Council would therefore have no objection to an amendment if the Reporter is agreeable that a change to Policy ENV 11 is required. Should this be the case then the Council suggests that a new second bullet point is added to list that development proposals are required to follow, as detailed on Page 115 of Volume 1, and suggest the following text for the new bullet point:

- *Where appropriate, ensure that water resistant and/or resilient construction materials and measures are used.*

This would not change the underlying aims of policy ENV11.

In relation to the representation submitted by the **Royal Mail Group (PLDP/312)**, the Council points out that flood risk was considered as part of the objectives and criteria for climate within the SEA and the provisions of the Local Development Plan were fully assessed within the Environmental Report. The Council considers that the Local Development Plan is not the place for a review of existing flood defences, nor is it appropriate to include within the policy or supporting text, direct reference to the River Irvine's flood defences, as the provisions of the Policy will ensure that potential developments do not exacerbate existing flooding issues within this area. The Council is therefore of the view that no further changes to the Policy are required.

Reporter's conclusions:Policy Text

1. A representation sought to have an amendment to bullet point three on page 115 of the Plan, to include a specific reference to a minimum freeboard allowance of 500 millimetres, and a further amendment to include a reference to water resilient and resistant materials.
2. The council does not consider it necessary to include a minimum freeboard allowance, as the Plan is sufficiently clear on that point. In relation to reference to water resilient and resistant materials, the council has suggested an additional bullet point be added to the policy. That text has been circulated in Further Information Request 18 (FIR), and SEPA have responded confirming it is content with the suggested additional text.
3. In relation to the minimum freeboard allowance, I find that the reference in bullet point three is sufficiently flexible to allow the appropriate allowance to be determined on a case-by-case basis, in accordance with the SEPA Technical Flood Risk Guidance for Stakeholders.
4. The additional suggested text seeks to ensure that water resilient and resistant materials are used where appropriate. I consider that would be an appropriate addition to the policy and would assist the council in determining development proposals. I recommend that the Plan be modified with the addition of a new bullet point two, to Policy ENV 11, as set out in FIR 18.

Review of existing flood defences

5. A representation is seeking to ensure that a review of existing flood defences is carried out as part of the evidence base for Policy ENV 11, and that development contributions should be sought, where appropriate, for identified flood defence needs.
6. The council says that flood risk was considered as part of the SEA which accompanies this Plan, and that a specific reference to the River Irvine is not necessary, as Policy ENV 11 would address all potential developments in terms of flooding issues.
7. I find that the issue of flood risk was part of the SEA, and was considered as part of the Environmental Report. I agree with the Council that the Plan is not the place for a review of existing flood defences, and that references to specific schemes in the Policy is not necessary to ensure that they are properly assessed against the Flood Risk Framework as set out in Scottish Planning Policy and Policy ENV 11. In seeking development contributions for flood defence needs, a committed programme of such works would need to be included in this Plan, to comply with Circular 3/2012 Planning Obligations and Good Neighbour Agreements. Such a programme does not form part of this Plan, and so the representation is not supported.
8. However, Issue 49 of this Plan addresses the specific matter of developer contributions, and the council has suggested an amendment to Policy INF 5 of this Plan which should ensure that where new placemaking maps are produced and adopted as Supplementary Guidance, developer contributions will be identified as appropriate, and included in the Action Programme and future LDPs. This suggested amendment should

address the issue raised relating to developer contributions and flood defence needs, should such matters be relevant to a particular proposal.

Reporter's recommendations:

Modify Policy ENV 11 as follows:

1. Add a new bullet point two as follows:

Where appropriate, ensure that water resistant and/or resilient construction materials and measures are used.

Issue 62	Policy ENV 12: Water, Air, Light and Noise Pollution	
Development plan reference:	Policy ENV 12	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (PLDP/309/17)		
Provision of the development plan to which the issue relates:	The Policy sets out the requirements for new developments in relation to Water, Air, Light and Noise Pollution.	
Planning authority's summary of the representation(s):		
<p>SEPA (PLDP/309/17) recommend that reference to the river basin management planning process, and the provision of maintenance access buffer strips between developments and watercourses is added to the Policy. The policy should also ensure developments connect to the public sewerage system where possible. Suitable private drainage systems for sewered areas would only be considered as a temporary measure where there is no capacity in the existing sewer system.</p> <p>The Council should also expand the policy to provide linkages to Policies within the LDP, which could potentially have impacts on air quality i.e. transport, cumulative development and biomass.</p>		
Modifications sought by those submitting representations:		
<p>SEPA (PLDP/309/17) suggest that the water section of the Policy is amended as follows:</p> <p><i>Water</i></p> <p><i>In line with the Water Framework Directive and the River Basin Management Planning process, the Council will give priority to maintaining and improving the quality of all water bodies and ground water. There will be a presumption against any development that will have an adverse impact on the water environment in terms of pollution levels and the ecological value of water habitats.</i></p> <p><i>Where developments are proposed on or close to existing water bodies, design solutions should explore how best to maintain their water quality and, where possible improve the water bodies through maintaining them as wildlife corridors where biodiversity can be improved. Maintenance access buffer strips of a minimum 6m in width should be provided between development and each watercourse.</i></p> <p><i>The Council will not be supportive of developments which will, or which have the potential to, cause significant adverse impacts on water bodies as a result of morphological changes to water bodies such as engineering activities in the form of culverts or changes to the banks or bed.</i></p>		

Development will be required to connect to the public sewerage system where possible and manage surface water through sustainable drainage systems (SuDS).

In terms of the section on air, SEPA wish to see the policy expanded to intrinsically link air quality to other policies concerning transport, cumulative development and biomass.

Summary of responses (including reasons) by planning authority:

Policy ENV 12 ensures that new developments do not have any adverse impacts on water, air, light and noise. The Policy is considered to be in accordance with the Water Framework Directive, the Climate Change (Scotland) Act 2009 and the Environmental Protection Act 1990.

However, in light of the representation from SEPA, the Council considers that an amendment to the Policy, in terms of the section on water, may be appropriate, to incorporate the requirement for maintenance access buffer strips; to include references to development connecting to the public sewerage system and to refer to the need for surface water treatment to be treated through SuDS. The Council is of the view that the amendment would not change in the Council's overall approach and would strengthen the protection of the water environment in line with the Water Framework Directive.

The Council would therefore have no objection if the Reporter is agreeable to the amendment and considers that a change to the water section of Policy ENV 12 is required. Should this be the case then the Council suggests that Policy ENV 12 is amended as follows (the proposed amendments are in bold):

ENV12: Water, air and light and noise pollution

Water

*In line with the Water Framework Directive, the Council will give priority to maintaining and improving the quality of all water bodies and ground water. There will be a presumption against any development that will have an adverse impact on the water environment in terms of pollution levels and the ecological value of water habitats. Where developments are proposed on or close to existing water bodies, design solutions should explore how best to maintain their water quality and, where possible improve the water bodies through maintaining them as wildlife corridors where biodiversity can be improved. **Maintenance access buffer strips of a minimum 6 metres in width should be provided between the development and the adjacent watercourse.***

The Council will not be supportive of developments which will, or which have the potential to, cause significant adverse impacts on water bodies as a result of morphological changes to water bodies such as engineering activities in the form of culverts or changes to the banks or bed.

Development will be required to connect to the public sewerage system, where possible, and manage surface water through sustainable drainage systems (SuDS).

Air

All developers will be required to ensure that their proposals have minimal adverse impact on air quality. Air quality assessments will be required for any proposed

development which the Council considers may significantly impact upon air quality, either on its own or cumulatively. Development that will have a significant adverse impact on air quality will not be supported.

Light

All development proposals must incorporate design measures which minimise or reduce light pollution. Developers will require to demonstrate that consideration has been given to reducing light pollution, by minimising unnecessary lighting and using the most appropriate forms of lighting to carry out specific tasks. Within the Dark Sky Park and surrounding area, particular priority is given to minimising light pollution, to maintain the integrity of the designation.

Noise

All new development must take full account of any Noise Action Plan and Noise Management Areas that are in operation in the area and ensure that significant adverse noise impacts on surrounding properties and uses are avoided. A noise impact assessment may be required in this regard and noise mitigation measures may be required through planning conditions and/or Section 75 Obligations.

The Council, however, do not agree that the section in relation to air needs to be expanded to intrinsically link air quality to other policies concerning transport, cumulative development and biomass. The Policy already relates to all developments and requires all developers to have minimum adverse impacts on air quality. As a result, the Council are of the view that no further changes to the policy are required.

Reporter's conclusions:

1. SEPA has requested a change to the text of Policy ENV 12 : Water, Air, Light and Noise Pollution. The suggested change relates to the part of the policy that deals with water, and specifically to requiring maintenance access buffer strips of a minimum of 6 metres width.
2. SEPA has also suggested that a reference to ensuring that developments are connected to the public sewerage system should be added to the water section of the policy.
3. A Further Information Request (FIR) number 19 was issued to the parties, and SEPA confirmed that the suggested changes to Policy ENV 12 as set out in the Schedule 4 response by the council were acceptable in meeting the above requests. I find that the suggested changes are appropriate and appear to reflect river basin management planning. The plan should be modified accordingly.
4. I find that the section on Air in Policy ENV 12 applies to all development proposals, and air quality assessments will be required when the council considers that it might give rise to an impact on air quality. I conclude that linking the Air section of Policy ENV 12 to other plan policies is unlikely to achieve a better planning outcome than the current wording and so recommend no further modification of the plan.

Reporter's recommendations:

Amend Policy ENV 12: Water, Air, Light and Noise Pollution as follows :

Paragraph 2 new final sentence:

“Maintenance access buffer strips of a minimum 6 metres in width should be provided between the development and the adjacent watercourse.”

New paragraph 4:

“Development will be required to connect to the public sewerage system, where possible, and manage surface water through sustainable drainage systems (SuDS)”

Issue 63	Policy ENV 13: Contaminated Land	
Development plan reference:	Policy ENV 13	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
The Coal Authority (PLDP/64/2) SEPA (PLDP309/18) (letter of support)		
Provision of the development plan to which the issue relates:	Policy ENV 13 sets out the requirements of the Council with regard to development on land which is known or suspected to be contaminated.	
Planning authority's summary of the representation(s):		
<p>The Coal Authority (PLDP/64/2) is disappointed that the issue of unstable land has not been addressed in the Proposed Local Development Plan. East Ayrshire Council should be aware of this locally distinctive feature, given the significant legacy of past coal mining activity present within East Ayrshire.</p> <p>SEPA The proposed approach for the recovery/disposal of waste, particularly energy from waste, is encouraged. This is considered to meet SPP (paragraph 158) which requires that LDP policies support 'electricity and heat from renewable sources'.</p>		
Modifications sought by those submitting representations:		
<p>The Coal Authority (PLDP/64/2) requests that the following changes are made to this policy in order to include consideration of unstable land:</p> <p><i>ENV13: Contaminated <u>and Unstable</u> Land</i></p> <p><i>In cases where a development is proposed on land which is known or suspected to be contaminated <u>or unstable</u>, the Council will require the developer to investigate and identify the nature of the contamination <u>or issues of instability</u> and to detail the remedial measures to be undertaken to treat or remove that contamination <u>or instability</u>, as an integral part of any planning application. In this regard <u>to contaminated land</u>, developers will be required to carry out a Risk Assessment of the development site as detailed in PAN33: Development of Contaminated Land, Annex 1 <u>and/or a Coal Mining Risk Assessment, or equivalent, for instability issues</u>. Where site conditions are appropriate, consideration should be given to both radioactive and non-radioactive sources of contamination.</i></p>		
Summary of responses (including reasons) by planning authority:		
SPP does not require the Local Development Plan to include a policy or refer to development on unstable land. The Council is of the view that issues to do with ground stability are better addressed at the development management stage, in consultation with the Coal Authority and through detailed site investigations. By including reference to unstable land within this policy, the Council are firmly of the view that this would add		

another layer of complexity to the assessment of a planning application. The Council are also of the opinion that reference to unstable land within the Policy would result in the Council and not the developer being responsible for ensuring that the site is suitable for development and that unstable land is treated to the standard of the relevant stakeholders i.e. the Coal Authority.

Therefore, the Council are of the view that no changes to the Policy are required with regard to this issue.

SEPA's support for policy ENV13 is welcomed.

Reporter's conclusions:

1. The representation seeks to have the issue of unstable land addressed in this policy, as well as contaminated land, as it is not addressed elsewhere in the Plan. Suggested changes to the text of the policy are proposed, seeking to address issues of ground instability.
2. The council does not agree, and is of the view that adding the issue of ground instability to the plan is not required by SPP, and may give rise to matters of complexity and responsibility when determining development proposals.
3. I find that the suggestion that contaminated land and unstable land be addressed in the same policy is not reasonable. The two issues are not linked, nor should it be suggested that they are. I agree that the inclusion of unstable land may result in the council being responsible for ensuring that the site is suitable for development, and that the issues of ground stability are better addressed at the development management stage.
4. A separate Minerals LDP will be prepared for East Ayrshire, and it may be that the potential risks from unstable land arising from past coal mining activity are best addressed in that plan.
5. The support of SEPA for Policy ENV 13 is noted.

Reporter's recommendations:

No modifications.

Issue 64	Schedule 6: Safeguarded Waste Management Facilities	
Development plan reference:	Schedule 6	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Moscow and Waterside Community Council (PLDP/296/4) SEPA (PLDP/309/14) (letter of support)		
Provision of the development plan to which the issue relates:	Schedule 6 details the Waste Management Facilities which have been safeguarded in line with SPP.	
Planning authority's summary of the representation(s):		
<p>Moscow and Waterside Community Council (PLDP/296/4) state that Site 006W: Milton Landfill is closed and ask for confirmation that the landfill site is permanently closed, restored to an acceptable standard and that it will continue to be monitored by SEPA due to the potential pollution risk as the site is in close proximity to the River Irvine. The Community Council state that there is another facility, which is located to the west of the A719 and a mile north of Galston opposite Howletburn, is not included within this list. The Community Council state that the uses may extend to the dumping of straw etc. within the plantation on the north side of the road to Loudoun Kirk. This area is within the original designed landscape of Loudoun Castle Estate and, although this may be an established use, they have concerns that this dumping is increasing.</p> <p>SEPA The identification of existing waste management facilities to be safeguarded (within Schedule 6 of the Plan and identified within the settlement plan) is supported as this should meet the objectives of policy WM2: Existing Waste Management Facilities and should ensure that nearby development does not prejudice the efficient operation of these existing/proposed waste facilities. This is considered to comply with SPP (paragraph 184) identifying that 'Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations'.</p>		
Modifications sought by those submitting representations:		
<p>Moscow and Waterside Community Council (PLDP/296/4) ask for confirmation that the landfill site is permanently closed, restored to an acceptable standard and that it will continue to be monitored by SEPA due to the potential pollution risk as the site is in close proximity to the River Irvine.</p> <p>Although it is not explicit in their representation, the Community Council seek to have a waste management facility, which is located to the west of the A719, a mile north of Galston opposite Howletburn, listed within Schedule 6.</p> <p>SEPA's support for Schedule 6 is welcomed.</p>		

Summary of responses (including reasons) by planning authority:

SPP require Local Development Plans to safeguard existing waste management installations. Schedule 6 details the waste management facilities that are safeguarded in line with the requirements of SPP and the Local Development Plan maps show the location of these facilities.

With regard to the representation from **Moscow and Waterside Community Council (PLDP/296/4)**, the Council can confirm that the Milton Landfill Site is closed and has been fully restored. The Council's Waste Management Service monitors the landfill site on a quarterly basis and these reports are forwarded to SEPA as part of the Waste Management Licence which still exists for the site. The Council is of the view that the site should remain within Schedule 6 until such times as the Waste Management Licence has expired.

In relation to the site that the Community Council wishes to see included within Schedule 6, the Council's Waste Management Service has stated that they are not aware of any such waste management facility in the location that the Community Council has given. The discarding of straw is considered to be an appropriate agricultural activity and is not considered to be a waste management facility by the Council. Therefore, the Council is of the view that no changes should be made to Schedule 6 in this regard.

Reporter's conclusions:

Milton Landfill Site

1. A representation seeks clarity regarding the Milton Landfill Site, and its status in Schedule 6 of the Plan.
2. The council has confirmed that the site is now closed and is fully restored. It is listed in Schedule 6 Site ref; 006W as it still is the subject of a valid Waste Management Licence. It will be removed from the Schedule when the licence expires.
3. I find that the matter of fact raised in the representation has been addressed in the response by the council.

Land to west of the A76

4. The representation suggest that the dumping of straw and agricultural waste at the above location may constitute a waste management facility, and concern is expressed at the potential level of activity.
5. The council considers the activity to be appropriate agricultural activity.
6. I find that the matters alleged to occur would constitute agricultural activity. The council has confirmed that it is not a waste management facility and is not registered as such. I conclude that there is no requirement to add the site to the list in Schedule 6 of this plan.

Reporter's recommendations:

No modification.

Issue 65	Schedule 8 – Public and Private Green Infrastructure/Open Space Standards	
Development plan reference:	Volume 1, Pages 130 to133, Schedule 8: Public and Private Green Infrastructure/Open Space Standards	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (PLDP/290/3); Sportscotland (PLDP/319/10)</p>		
Provision of the development plan to which the issue relates:	The schedule sets out the Councils requirements in terms of public and private open space provision and how developers should apply these standards to their developments.	
Planning authority’s summary of the representation(s):		
<p>SNH (PLDP/290/3) state that whilst they do not question the Council’s approach to the provision of recreational open space and the standards expected from developers for Public and Private Green Infrastructure/Open Space, they find the current order and the language used within Schedule 8 to be confusing and unclear. SNH has therefore recommended a reordering of text and greater consistency of the terms used. SNH state what they are proposing does not materially alter the Council’s approach or the text within Schedule 8, but SNH believe the reordering and consistency of language will make Schedule 8 easier for the user to understand.</p> <p>Sportscotland (PLDP/319/10) recommend that any standard for new open space provision be locally derived and be informed by the findings of an open space strategy/audit, and a pitch and facilities strategy where these are available, as these will better reflect the local issues and context. Greenspace Scotland has recently published guidance on developing standards for open space, which recommends a move away from a focus on quantity-based standards.</p> <p>One difficulty to be borne in mind in the application of a quantity-only standard is that opportunities for the improvement/upgrading of existing facilities may be missed.</p> <p>Another potential source of information, which could be useful for taking into account projected population growth/planned development would be to use the Facility Planning Model that Sportscotland makes available to all Local Authorities in Scotland – this can calculate, based on nationally derived demand information, what the sports hall/synthetic pitch/swimming pool requirement would be for the population concerned.</p>		
Modifications sought by those submitting representations:		
<p>SNH (PLDP/290/3) recommend that Schedule 8: Public and Private Green Infrastructure/Open Space is amended to have the following order and text.</p>		

Design Requirements for Green Infrastructure/Open Space within New Developments

The Council expects the provision of green infrastructure/open space to be an integral part of the design of all new developments. The developer should consider not just how open space is designed within the development but also how this relates and connects to nearby existing developments, neighbourhoods and open spaces/green infrastructure. The following key aims are required to be considered when designing the development:

Green Infrastructure/Open Space

- Provide green infrastructure/open spaces which are well located and connected by safe, attractive and well thought out routes and green networks as well as being connected to existing routes;
- Provide open spaces which are over-looked by occupied or habitable rooms of surrounding buildings to enhance safety;
- Provide open spaces which are multi-functional;
- Provide open spaces which work with natural assets and features;
- Provide open space which contributes to or provides the creation of an attractive and distinctive place; and
- Provide open spaces which are accessible to people of all ages and abilities.

Streets

- Green infrastructure should be incorporated into the design of streets e.g: trees, planting, grass verges that function as swales, and permeable paving and surfaces, in order to provide safe and attractive routes where pedestrian and cycle use is the priority.
- Development, where possible, should provide greened streets between existing and new open spaces

Individual plots

The detailed design of buildings should incorporate green infrastructure within each individual plot to create a distinct sense of place e.g.: trees and planting in gardens, permeable paving, rainwater storage etc.

*The Council will also produce **Design Guidance** for all types of development and will form Supplementary Guidance to the LDP. It sets out key design principles for green infrastructure and open space that the Council expects developers to incorporate into their developments, including the key aims as detailed above.*

Green Infrastructure/Open Space Standards and Implementation

Pre-application engagement

Early engagement with the Planning Authority is recommended to establish at the outset which approach to green infrastructure/open space should be taken for each particular development.

The following sets out the Council's approach to the implementation of green infrastructure/public open space, within all new developments, and is split into (i)

Residential Developments and (ii) Retail, Commercial, Business and Industrial Developments.

(i) Residential Developments

Green Infrastructure/Open Space Standards

The minimum standards for residential green infrastructure/public open space have been split into two types:

1. Amenity Green Infrastructure/Open Space. This is defined as natural and semi-natural open spaces, green corridors, landscape framework incorporating informal recreation spaces and green spaces in and around houses (excluding garden ground). The Local Development Plan will require **all new residential developments** to provide amenity green infrastructure/ open space **on site** in line with the 20 square metres per household standard, as required by the Council’s Green Infrastructure Strategy. This requirement is necessary in terms of the overall design of the development, creating a setting for the development, a sense of place and serving the residents of the development for dog walking etc. The Council will in certain circumstances take a flexible approach on the amenity open space standard, but only where the developer can demonstrate why the required standard cannot be met i.e. a small-scale development within an urban location.

2. Recreational Green Infrastructure/Open Space. This is defined as equipped play areas, play parks, public parks and gardens, outdoor sports facilities (such as green gyms), sports pitches, allotments, civic spaces etc. The Local Development Plan will require all new residential development of 10 or more units to provide recreational green infrastructure/open space to the following standards which have been taken from the Council’s Green Infrastructure Strategy:-

	Development Criteria	Minimum Quantitative Standard
Residential	Developments between 10 and 200 housing units or a development area of greater than 0.5 hectares	38 square metres per household or 0.2 hectares of recreational open space whichever is the greater 20 square metres of amenity green infrastructure/ open space
Residential	Developments comprising more than 200 housing units	63 square metres of recreational open space (including larger equipped play areas and playing fields) per household. 20 square metres of amenity green infrastructure/ open space

Implementation of Recreational Green Infrastructure/Open Space Standards

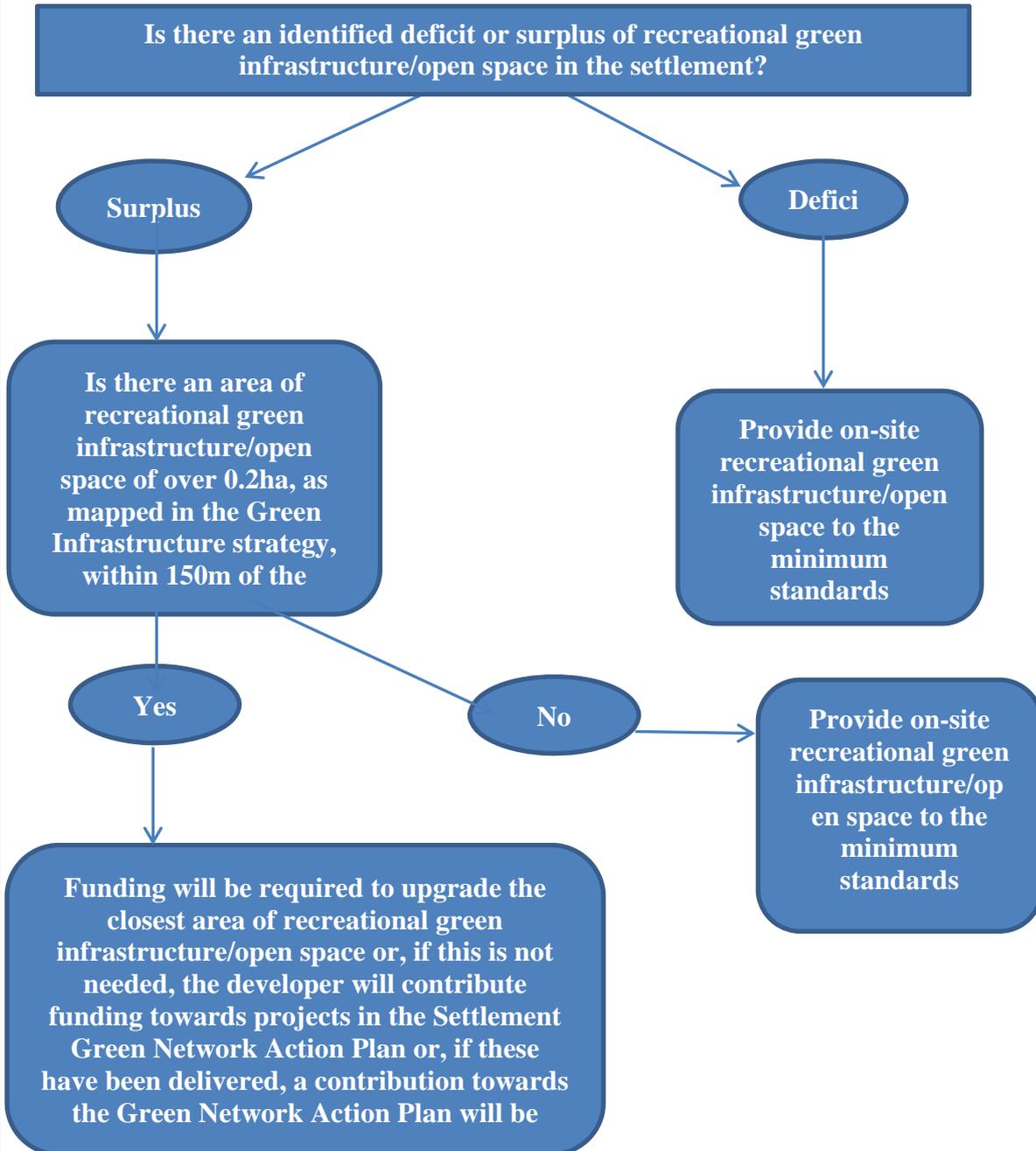
Developments between 10 and 200 housing units

With regard to those sites between 10 and 200 units, in order to ensure that the most appropriate overall green infrastructure solutions are found for each settlement, the minimum standards for new residential developments will be implemented through the

process, as set out in the flow chart below.

The flowchart should be considered alongside the Green Infrastructure Strategy, which forms non statutory guidance to the LDP, to determine if that particular settlement has a surplus or deficit of public open space and to confirm whether there is a Green Infrastructure mapped area of recreational open space within 150m of the boundary of each individual residential plot. The Green Infrastructure Strategy provides a more detailed explanation of the below four stage process.

Diagram 1: Process for Residential Sites of 10 – 200 houses



With regard to the level of funding that will be sought from developers, should they require to make payment towards the improvement of alternative, off-site recreational green infrastructure/open space, this amount will be set at a level equivalent to the profit that will be achieved from the house plots built on site that would normally have formed

recreational green infrastructure/open space were this required to have been provided on site. That is, the profit levels achieved from the area of land that the site would ordinarily require to provide as on-site recreational green infrastructure/open space. This means that the developer is in the same position financially regardless of whether recreational green infrastructure/open space is on-site or off-site.

If agreement on this sum cannot be agreed between the Council and the developer, it will be determined **independently** by the District Valuer or a chartered valuation surveyor. Where a payment is required in lieu of on-site recreational green infrastructure/open space, this will be required to be provided to the Council in advance of planning consent being granted or will be the subject of a Section 75 Obligation attached to the planning consent for that development.

Any new residential development which does not accord with the minimum standards and/or the process for providing recreational green infrastructure/open space will not be supported by the Council.

Developments comprising more than 200 housing units

Developments of more than 200 residential units will be required to provide the minimum standard for recreational green infrastructure/open space **on site**, as these larger sites will undoubtedly put greater pressure on the existing resource. Furthermore, residential development sites of this scale must provide well located, recreational green infrastructure/open space on site to the minimum standards set out in the table above in order to meet good standards of design and create successful places.

Residential Private Open Space Standards

Private Open Space comprises all land within the curtilage of a dwelling house with the exception of land occupied by driveways, garages or parking spaces. The private open space standards, as set out in the Green Infrastructure Strategy, have been developed to ensure that each house has adequate seclusion and privacy for its residents whilst also contributing to creating a sense of place within the development.

Standards may be relaxed at the discretion of the Council where considered appropriate. All new residential developments must provide the minimum standards as set out below:

Development Type	Minimum Quantitative Standard
Detached and semi-detached house	100 square metres or 1.5 x ground floor area of the house (whichever is greater)
Terraced house	70 square metres or 1.5 x ground floor area of the house (whichever is greater)
Flats	25 square metres per bedroom
Nursing Homes	15 square metres per bed space
Special Needs Housing	25 square metres per 1 bedroom unit and 40 square metres per 2 bedroom unit

ii) **Retail, Commercial, Business and Industrial Developments**

Green Infrastructure/Open Space Standards

The Local Development Plan will require all new development to provide green infrastructure/open space to the following standards which have been taken from the Council's Green Infrastructure Strategy:-

Development Type	Development Criteria	Minimum Quantitative Standard
Retail and Leisure	Over 5 hectares in area or have a gross floor area of more than 10,000 square metres	12 square metres of amenity and recreational space per 100 square metres of gross floor area
Business	Over 5 hectares in area or have a gross floor area of more than 10,000 square metres	9 square metres of amenity and recreational space per 100 square metres of gross floor area
Industry and Distribution	Over 5 hectares in area or have a gross floor area of more than 10,000 square metres	6 square metres of amenity and recreational space per 100 square metres of gross floor area

Sportscotland (PLDP/319/10) suggests that it would be helpful if the Plan were to refer to the importance of both a qualitative and quantitative approach when considering the provision of green infrastructure/open space. Any standards proposed for provision should be locally derived and informed by the findings of an open space strategy/audit as well as pitch and facilities strategy where these are available.

Summary of responses (including reasons) by planning authority:

Schedule 8 details the public and private open space standards that new development will be required to provide, as well as, detailing the Council's approach to the provision of recreational open space within new residential developments. The public and private open space standards have been developed to address deficiencies and surpluses within each East Ayrshire settlement, as detailed within the Green Infrastructure Strategy and replicated within Schedule 8. Schedule 8, therefore, fully accords with the provisions of SPP.

With regard to the representation from **SNH (PLDP/290/3)**, the Council considers that it may be appropriate to change the structure and order of the text within Schedule 8 as SNH suggest, to ensure that the schedule can be more easily understood by users of the Local Development Plan and to better align with the terms used within SPP. The Council is of the view that the proposed amendments to the schedule do not constitute a change to the Council's overall approach as nothing new is being introduced and the changes simply constitute a re-structuring of the order of the schedule. The Council would suggest that Schedule 8 is modified as SNH proposes.

The Council therefore has no objection if the Reporter is agreeable to an amendment and considers that the restructuring of Schedule 8 is required as suggested by SNH.

With regard to the representation from **Sportscotland (PLDP/319/10)**, the Council would point out that the open space standards have been derived from the Green Infrastructure Strategy's open space audit. Even though quantitative standards have been used for the open space standards, the Green Infrastructure Strategy has also applied qualitative standards within the open space audit and when identifying projects within the strategy's Settlement Green Network Action Plan's. This qualitative approach has ensured that any improvements/upgrading to existing facilities that are required have been taken account of within the Strategy and the Settlement Action Plans.

The Council's Sports Pitch Strategy was adopted in March 2012 and was approved by Sportscotland. The open space standards have also been informed by the requirements of this strategy, where this was considered appropriate.

The reference to Greenspace Scotland's guidance and Sportscotland's Facility Planning Model is noted and the Council will take these into account in future revisions of the open space standards and the sports pitch strategy.

The Council is therefore of the opinion that no further changes to Schedule 8 are required in this regard.

Reporter's conclusions:

1. The representations seek to re-order the text in schedule 8 of the Plan, for clarity, and to ensure that standards for new open space provision are derived locally, from an open space strategy.
2. The council agrees that the proposed re-ordering of the text would provide clarity and supports the representation. The open space standards in Schedule 8 are derived from the Green Infrastructure Strategy and Sports Pitch Strategy, and are based on local need.
3. A Further Information Request (FIR) 20 was sent to the parties, seeking their views on the proposed modification to the text. The responses received confirmed that they were supportive of the suggested amendments. In addition to FIR 20, the council tabled a Committee Report dated 8 June 2016, which included a further suggested amendment to Schedule 8 of the Plan. The amendment is sought to resolve issues arising from developers being required to make contributions to improving existing open space, an issue the council felt had not been addressed in the original text of Schedule 8. The report was submitted to this Examination as an amendment to the Schedule 4 for Issue 65. The suggested amendments relate to paragraphs 3, 4, 5 and 6 of Schedule 8.
4. I find that that the re-ordering of the text of Schedule 8 would provide clarity, and support the proposed modification. The Schedule should be modified in accordance with the revised response to representations received from council and as set out below.
5. I conclude that the open space standards in Schedule 8 are derived locally, from the East Ayrshire Green Infrastructure Strategy and Sports Pitch Strategy, and so there is no modification to the Plan arising from the representation.
6. The council's suggested amendment to its response to representations to the Proposed Plan will, I find, encourage contributions to improving existing open space, when residential development will utilise what might have been on-site open space. The proposed percentage contribution is only to be levied on those units occupying such space, not on the development as a whole. The proposed percentages appear reasonable. A further FIR 22 was sent to the parties seeking their views on the proposed amendments, and both parties confirmed their support. I conclude that the proposed amendment is appropriate and would enable the council to fund improvements to existing open space, that arise from a need generated by residential development. The Plan should be modified to reflect the suggested text set out in paragraph 12 of the East Ayrshire Committee Report dated 8 June 2106. For clarity, a revised, composite version of Schedule 8 is set out in the recommendations below.

Reporter's recommendations:

Delete Schedule 8: Public and Private Open Space Standards, and replace it with the following :

Design Requirements for Green Infrastructure/Open Space within New Developments

The Council expects the provision of green infrastructure/open space to be an integral part of the design of all new developments. The developer should consider not just how open space is designed within the development but also how this relates and connects to nearby existing developments, neighbourhoods and open spaces/green infrastructure. The following key aims are required to be considered when designing the development:

Green Infrastructure/Open Space

- Provide green infrastructure/open spaces which are well located and connected by safe, attractive and well thought out routes and green networks as well as being connected to existing routes;
- Provide open spaces which are over-looked by occupied or habitable rooms of surrounding buildings to enhance safety;
- Provide open spaces which are multi-functional;
- Provide open spaces which work with natural assets and features;
- Provide open space which contributes to or provides the creation of an attractive and distinctive place; and
- Provide open spaces which are accessible to people of all ages and abilities.

Streets

- Green infrastructure should be incorporated into the design of streets e.g: trees, planting, grass verges that function as swales, and permeable paving and surfaces, in order to provide safe and attractive routes where pedestrian and cycle use is the priority.
- Development, where possible, should provide greened streets between existing and new open spaces

Individual plots

The detailed design of buildings should incorporate green infrastructure within each individual plot to create a distinct sense of place e.g.: trees and planting in gardens, permeable paving, rainwater storage etc.

The Council will also produce Design Guidance for all types of development and will form Supplementary Guidance to the LDP. It sets out key design principles for green infrastructure and open space that the Council expects developers to incorporate into their developments, including the key aims as detailed above.

Green Infrastructure/Open Space Standards and ImplementationPre-application engagement

Early engagement with the Planning Authority is recommended to establish at the outset which approach to green infrastructure/open space should be taken for each particular development.

The following sets out the Council’s approach to the implementation of green infrastructure/public open space, within all new developments, and is split into (i) Residential Developments and (ii) Retail, Commercial, Business and Industrial Developments.

(i) Residential Developments

Green Infrastructure/Open Space Standards

The minimum standards for residential green infrastructure/public open space have been split into two types:

1. Amenity Green Infrastructure/Open Space. This is defined as natural and semi-natural open spaces, green corridors, landscape framework incorporating informal recreation spaces and green spaces in and around houses (excluding garden ground).

The Local Development Plan will require all new residential developments to provide amenity green infrastructure/ open space on site in line with the 20 square metres per household standard, as required by the Council's Green Infrastructure Strategy. This requirement is necessary in terms of the overall design of the development, creating a setting for the development, a sense of place and serving the residents of the development for dog walking etc. The Council will in certain circumstances take a flexible approach on the amenity open space standard, but only where the developer can demonstrate why the required standard cannot be met i.e. a small-scale development within an urban location.

2. Recreational Green Infrastructure/Open Space. This is defined as equipped play areas, play parks, public parks and gardens, outdoor sports facilities (such as green gyms), sports pitches, allotments, civic spaces etc.

The Local Development Plan will require all new residential development of 10 or more units to provide recreational green infrastructure/ open space to the following standards which have been taken from the Council’s Green Infrastructure Strategy:-

	Development Criteria	Minimum Quantitative Standard
Residential	Developments between 10 and 200 housing units or a development area of greater than 0.5 hectares	38 square metres per household or 0.2 hectares of recreational open space whichever is the greater 20 square metres of amenity green infrastructure/ open space
Residential	Developments comprising more than 200 housing units	63 square metres of recreational open space (including larger equipped play areas and playing fields) per household. 20 square metres of amenity green infrastructure/open space

Implementation of Recreational Green Infrastructure/Open Space Standards

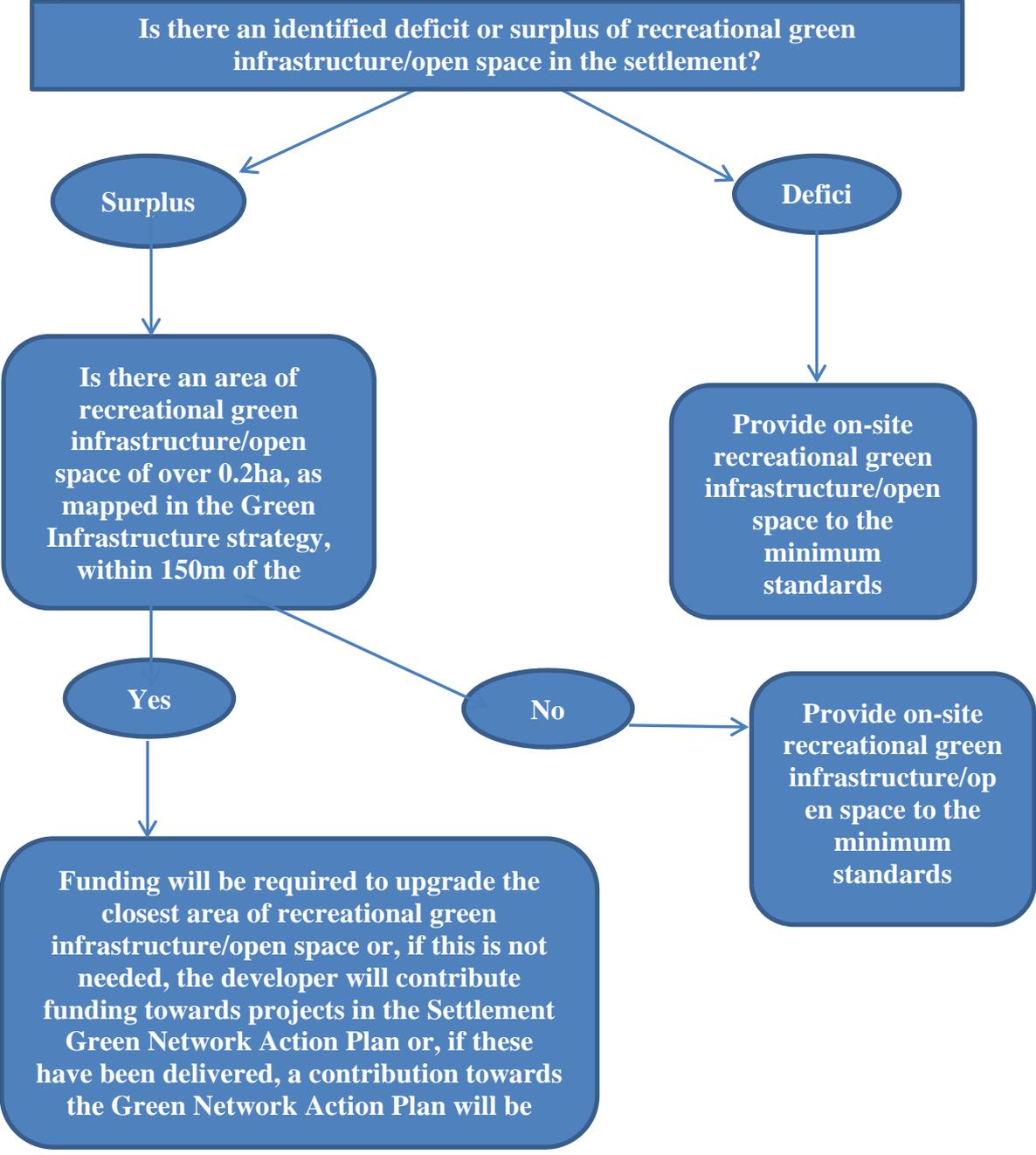
Developments between 10 and 200 housing units

With regard to those sites between 10 and 200 units, in order to ensure that the most

appropriate overall green infrastructure solutions are found for each settlement, the minimum standards for new residential developments will be implemented through the process, as set out in the flow chart below.

The flowchart should be considered alongside the Green Infrastructure Strategy, which forms non statutory guidance to the LDP, to determine if that particular settlement has a surplus or deficit of public open space and to confirm whether there is a Green Infrastructure mapped area of recreational open space within 150m of the boundary of each individual residential plot. The Green Infrastructure Strategy provides a more detailed explanation of the below four stage process.

Diagram 1: Process for Residential Sites of 10 – 200 houses



With regard to the level of funding that will be sought from developers of market housing, should they require to make payment towards the improvement of alternative, off-site recreational green infrastructure/open space, this amount will be set at a level equivalent to a percentage of the expected sale cost of each unit that is built on the area of the site, which would have normally have formed recreational open space. The percentage levels are set as follows:

2.5% of the expected sale cost for each residential unit from £0 to £75,000;
 5% of the expected sale cost for each residential unit from £75,000 to £150,000;
 7.5% of the expected sale cost for each residential unit from £150,000 to £250,000;

and

10% of the expected sale cost for each residential unit of £250,000 upwards.

If agreement on the expected sale cost cannot be agreed between the Council and the developer, it will be determined independently by the District Valuer or a chartered valuation surveyor.

Where a payment is required in lieu of on-site recreational green infrastructure/open space, this will be required to be provided to the Council in advance of planning consent being granted or will be the subject of a Section 75 Obligation attached to the planning consent for that development.

Any new residential development which does not accord with the minimum standards and/or the four stage process for providing green infrastructure/open space will not be supported by the Council.

There will be no requirement for Affordable Housing developments to make payment towards the improvement of alternative, off-site recreational green infrastructure/open space.

The Council will monitor and review the implementation of this Schedule on a five yearly basis in line with the review of the Green Infrastructure and Green Network Strategy. Supplementary Guidance on Public and Private Green Infrastructure/Open Space Standards supports Policies RES 1 and INF 4, as well as, Schedule 8 by providing further detail on:

Which residential development sites, as allocated within the LDP, are within 150 metres of a recreational open space, the name of the open space, and if the settlement the site is located within has a surplus or deficit of public open space;

Further guidance and examples of how the funds will be calculated;

How the Council will collect the funds; and

Further guidance on the design requirements for green infrastructure/open space within new developments.”

Developments comprising more than 200 housing units

Developments of more than 200 residential units will be required to provide the minimum standard for recreational green infrastructure/open space on site, as these larger sites will undoubtedly put greater pressure on the existing resource. Furthermore, residential

development sites of this scale must provide well located, recreational green infrastructure/open space on site to the minimum standards set out in the table above in order to meet good standards of design and create successful places.

Residential Private Open Space Standards

Private Open Space comprises all land within the curtilage of a dwelling house with the exception of land occupied by driveways, garages or parking spaces. The private open space standards, as set out in the Green Infrastructure Strategy, have been developed to ensure that each house has adequate seclusion and privacy for its residents whilst also contributing to creating a sense of place within the development. Standards may be relaxed at the discretion of the Council where considered appropriate. All new residential developments must provide the minimum standards as set out below:

Development Type	Minimum Quantitative Standard
Detached and semi-detached house	100 square metres or 1.5 x ground floor area of the house (whichever is greater)
Terraced house	70 square metres or 1.5 x ground floor area of the house (whichever is greater)
Flats	25 square metres per bedroom
Nursing Homes	15 square metres per bed space
Special Needs Housing	25 square metres per 1 bedroom unit and 40 square metres per 2 bedroom unit

ii) Retail, Commercial, Business and Industrial Developments

Green Infrastructure/Open Space Standards

The Local Development Plan will require all new development to provide green infrastructure/open space to the following standards which have been taken from the Council's Green Infrastructure Strategy:-

Development Type	Development Criteria	Minimum Quantitative Standard
Retail and Leisure	Over 5 hectares in area or have a gross floor area of more than 10,000 square metres	12 square metres of amenity and recreational space per 100 square metres of gross floor area
Business	Over 5 hectares in area or have a gross floor area of more than 10,000 square metres	9 square metres of amenity and recreational space per 100 square metres of gross floor area
Industry and Distribution	Over 5 hectares in area or have a gross floor area of more than 10,000 square metres	6 square metres of amenity and recreational space per 100 square metres of gross floor area

Issue 66	Site Specific Flood Risk Assessments and Other Requirements	
Development plan reference:	Volume 2: Settlement Maps	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (PLDP/309/20); (PLDP/309/22) and (PLDP/309/23)		
Provision of the development plan to which the issue relates:	Volume 2 identifies sites where specific development types are allowed; safeguards sites for specific uses; and identifies specific local plan policies and proposals.	
Planning authority's summary of the representation(s):		
<p>SEPA (PLDP/309/20) seek that a development requirement is attached to sites located in or adjacent to the functional flood plain or within an area potentially at risk from flooding from any source. This is necessary to ensure that development is avoided within areas at medium to high risk (unless they accord with the risk framework in paragraph 263 of SPP) and there is safe dry pedestrian access and egress at times of flood. If a development requirement addressing this issue is not attached to each of the sites we would object and seek a modification to the proposed plan.</p> <p>The capacity of these sites to provide deliverable development land may be reduced due to flood risk and SEPA recommend that Development Planning officers contact flood prevention colleagues to discuss this further. Potential flood risk constraints should be taken into account when defining the number of units/ area of deliverable development land available on these sites.</p> <p>SEPA (PLDP/309/22) state that a number of sites within the LDP are adjacent to or within the vicinity of sites regulated by SEPA under a Waste Management Licence, Pollution Prevention and Control (PPC) Permit or Controlled Activities (CAR) Licence. SEPA recommend that the Council consults operators of adjacent regulated sites and Environmental Health colleagues to consider the compatibility of these proposed development sites with the existing adjacent regulated activity which may operate, or expand to operate, 24 hours a day.</p> <p>Even with the imposition of regulatory controls and the use of best industrial practice, mitigation and abatement techniques, there may be residual emissions which could cause a loss of amenity and nuisance to users of adjacent land. Potential residual emissions or problems will vary with the type of regulated activity but may include odour, dust, noise, litter or pests. Residual emissions can occur on sites despite being compliant with regulations controlled by SEPA. With regard to sewage treatment works control of odour issues are not within SEPA's remit but fall to the local authority.</p> <p>SEPA (PLDP/309/23) recommend that a development requirement is attached to the sites requiring a feasibility study including a flood risk assessment to be undertaken prior to development to assess the potential for channel restoration. Removal of the culvert and reinstatement of the watercourse accords with Water Framework Directive (WFD) objectives as it will help move the water body towards good status.</p>		

SEPA also recommend that a development requirement is attached to sites where there is a watercourse within them or immediately adjacent to them to ensure that a maintenance buffer strip of at least 6 metres wide is provided between the watercourse and built development. Additional water quality buffer strips may be recommended in addition to the maintenance buffer strip depending upon specific water quality pressures.

The inclusion of an undeveloped buffer strip accords with the objectives of the Water Framework Directive (WFD) and your associated duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin Planning process in carrying out statutory functions.

Modifications sought by those submitting representations:

SEPA (PLDP/309/20) require a development requirement be attached to the sites within the Local Development Plan (as noted on the accompanying spreadsheet) requesting the submission of a Flood Risk Assessment.

SEPA (PLDP/309/22) although not specifying any modifications they wish to see, it is apparent in their representation that they wish certain sites to be reconsidered for compatibility with adjacent regulated sites.

SEPA (PLDP/309/23) recommend that a development requirement is attached to the sites requiring a feasibility study including a flood risk assessment to be undertaken prior to development to assess the potential for deculverting and channel restoration.

SEPA also recommend that a development requirement is attached to sites where there is a watercourse within them or immediately adjacent to them to ensure that a maintenance buffer strip of at least 6 metres wide is provided between the watercourse and built development. Additional water quality buffer strips may be recommended in addition to the maintenance buffer strip depending upon specific water quality pressures.

Summary of responses (including reasons) by planning authority:

It should be noted that SEPA were consulted on the allocation of development sites on three separate occasions prior to the proposed Local Development Plan being approved and published for consultation by the Council. As a result of these previous consultations with SEPA, the Council attached notes to the development sites either requiring that a Flood Risk Assessment is provided or that early contact is made with SEPA.

With regard to the representation **SEPA (PLDP/309/20)**, the Council would point out that SEPA has asked for sites to be subject to a Flood Risk Assessment that were not mentioned to the Council in any of the previous consultations. It should be further noted that SEPA have also requested that developers of certain sites make early contact within them as the site may be susceptible to flooding. Again, SEPA has not made the Council aware of these requirements for these additional sites in any of the previous requests for comments on the development sites proposed within the Local Development Plan.

From SEPA's representation, it is further apparent that there are instances where they have requested a Flood Risk Assessment previously and are now requesting that these sites be changed to placing a requirement for early contact to be made with SEPA and vice versa. Moreover, SEPA have now stated that four sites, were previously either of these two requirements were required, should not have any requirement to provide a Flood Risk

Assessment or that early contact is made with them.

The Council consider that SEPA should have made it clear what sites that Flood Risk Assessment was required and what sites that early contact with SEPA should be made, before the Proposed Local Development Plan was approved by Council, as there has been ample opportunity granted to SEPA to ensure that these requirements were met in this regard.

In light of the representation from **SEPA (PLDP/309/20)**, the Council considers that an amendment to the notes may be appropriate, to specifically require developers to submit a flood risk assessment or to make early contact with SEPA and the Ayrshire Roads Alliance, as the site may be susceptible to flooding for each of the sites where this is required by SEPA as specified in their representation. The Council are of the view that the addition of these notes would not be a major change to the Council's approach and would be in line with the requirements of SPP.

The Council would therefore have no objection if the Reporter is agreeable to these amendments and considers that accurate notes requiring either a developer to submit a flood risk assessment or to make early contact with SEPA and the Ayrshire Roads Alliance is required. These notes are attached as supporting information

With regard to the representation **SEPA (PLDP/309/22)**, an internal consultation on the Proposed Local Development Plan was carried out prior to the plan being approved by Council for representations to be made to it. The Council's Environmental Health Service did not raise any concerns about the location of certain sites adjacent to regulated sites. Nor have any of the operators raised any concerns through representations to these sites. The Council are therefore of the view that no changes should be made to the Local Development Plan in this instance.

In relation to representation **SEPA (PLDP/309/23)**, the Council is of the view that no changes should be made to the plan in this regard, as the requirements sought by SEPA are detailed considerations which should be discussed early on in the planning application stage and/or contained within advice given by SEPA to developers.

With regard to the maintenance buffer strip, the Council have already considered that it may be appropriate to amend Policy ENV 12 in light of the representation from **SEPA (PLDP/309/17)** to require a 6 metre maintenance buffer strip to be provided between a development site and an adjacent watercourse. The Council refer the Reporter to issue 62 with regard to this specific representation.

In relation to additional water quality buffer strips, in addition to those required for maintenance, the Council consider that this will be only be applicable in certain circumstances and on a case by case basis. The Council considers that this requirement is a detailed consideration which should be discussed early on in the planning application stage and/or contained within advice given by SEPA to developers and not included within planning policy.

Reporter's conclusions:

1. The previous consultation engagement with SEPA is noted. However, having regard to the submission dated 24 April 2016 and the attached spreadsheet, I find that amending the notes attached to the sites as set out in Volume 2 of the LDP would be appropriate, as such

an amendment would provide an accurate picture of what is required to be assessed for each site. It would also reflect the most recent position of SEPA in relation to flooding issues and development sites in East Ayrshire.

2. SEPA has requested that development sites located adjacent to regulated sites be assessed to consider compatibility in terms of potential loss of amenity and nuisance. The council advises that all sites in the Proposed Plan have been the subject of internal consultation with Environmental Health, who have not raised concerns in relation to any of the allocated sites. I find that the council has addressed the concerns raised by SEPA through the internal consultation process, and the exercise does not need to be repeated through the plan.

3. Requiring an assessment of the potential for channel restoration is a matter which would not apply to all developments, and I find that it is a detailed issue that should be, where appropriate, discussed at planning application stage, or during early engagement with SEPA.

4. Maintenance buffer strips are addressed at Issue 62 of this report.

Reporter's recommendations:

Modify the plan as follows:

1. Amend the notes in Volume 2 of the LDP in accordance with the spreadsheet attached to SEPA PLDP/309/23, dated 24 April 2016

Issue 67	Site 242H: Dalshalloch Woods, Auchinleck	
Development plan reference:	Volumes 2, Pages 5-8, 242H: Dalshalloch Woods, Auchinleck	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
William Speirs (PLDP/22) Kraigland Homes (PLDP/175) (letter of support)		
Provision of the development plan to which the issue relates:	The site is within the settlement boundary of Auchinleck and is a mostly a greenfield site but includes a former race track within its boundary. The site extends to 4.8 hectares and has an indicative capacity of 86 residential units.	
Planning authority's summary of the representation(s):		
<p>William Speirs (PLDP/22) objects to the allocation of site 242H for housing due to infrastructure issues in relation to the sewerage network. Mr Speirs states that his property has been flooded with raw sewage from Scottish Waters network numerous times. He further states that Scottish Water have confirmed to him that their network is at maximum capacity and in need of considerable upgrading. No further development could be supported until such times as this upgrading has been undertaken. Mr Speirs has provided more detailed information, in the form of supplementary information on his correspondence with Scottish Water.</p> <p>Kraigland Homes support the allocation of site 242H for residential development stating that it is suitable for development and is of an appropriate density for that location.</p>		
Modifications sought by those submitting representations:		
Mr Speirs (PLDP/22) seeks written confirmation from Scottish Water that to accommodate new development, their network would be upgraded to meet the increase capacity requirements. Mr Speirs also wants assurances that no additional risk would be created from new development that would affect his property.		
Summary of responses (including reasons) by planning authority:		
<p>In response to the representation received from Mr Speirs (PLDP/22), the Council contacted Scottish Water for their view in terms of the capacity of sewerage network for the development of this site. Scottish Water is aware that there are capacity issues in the area and as such will work with the potential developer to ensure that the development does not exacerbate these issues. Following a review of the site and a review of the impact that it may have on the system, Scottish Water will agree connection points and any mitigation measures with the developer to ensure that it does not exacerbate existing problems.</p> <p>As a result of the information received from Scottish Water, the Council is of the view that there is no impediment to the site being developed and that there is unlikely to be any adverse impact on Mr Speirs' property. The Council will, however, work directly with</p>		

Scottish Water to ensure that any existing outstanding issues are resolved.

Kraigland Homes' support for the site is welcomed.

The Council is of the view that site should be continued to be allocated as a residential development site within the Local Development Plan.

Reporter's conclusions:

1. It is proposed to allocate 4.8 hectares of land at the western edge of Auchinleck for housing, with an indicative capacity of 86 units.
2. Mr Speirs is concerned to avoid a repetition of previous drainage problems affecting his nearby residence if there is new housing development in the vicinity. Scottish Water have been consulted specifically on this issue and consider that appropriate mitigation measures will ensure that development of this site does not exacerbate existing capacity problems in this area. I have no grounds to differ from that technical assessment.

Reporter's recommendations:

No modification.

Issue 68	Site 006B: Templeton Roundabout , Auchinleck	
Development plan reference:	006B: Templeton Roundabout, Auchinleck	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr William Speirs (PLDP/3); De Bohun Property Ltd (PLDP/60)		
Provision of the development plan to which the issue relates:	The site is allocated for business and industrial uses associated with Class 4, 5 and 6 of the Use Class Order. The greenfield site extends to 6.18 hectares and is located to the west of Templeton Roundabout outwith the settlement boundary of Auchinleck.	
Planning authority's summary of the representation(s):		
<p>Mr Speirs (PLDP/3) objects to the proposed site due to infrastructure issues in relation to the sewerage network. Mr Speirs states that his property has been flooded with raw sewage from Scottish Water's network numerous times. He further states that Scottish Water have confirmed to him that their network is at maximum capacity and in need of considerable upgrading. Therefore, no further development can be supported until the upgrading works have been undertaken. Mr Speirs has provided more detailed information, in the form of supplementary information on his correspondence with Scottish Water.</p> <p>De Bohun Property Ltd (PLDP/60) provides background on the planning history of the site and its inclusion in the MIR as a mixed use development site. They also highlight that they have recently renewed their option on the site as the market in 2014 showed a marked improvement in commercial property markets and as a consequence, resulted in renewed activity/interest in the site.</p> <p>They accept that Auchinleck is in a marginal location for economic activity and demand for sites. They also accept that the site could have potentially high infrastructure costs and state that the mixed-use allocation proposed in the MIR would have allowed the introduction of higher value land uses which in turn would have unlocked the site in terms of infrastructure provision and site preparation/development resulting in the creation of 6 acres of land for business and industrial use. They also state that the mix of uses would also contribute to a high number of employment opportunities.</p> <p>They conclude by stating that they are of the belief that the site has merit and could deliver a viable mixed-use development.</p>		
Modifications sought by those submitting representations:		
<p>Mr Speirs (PLDP/3) seeks written confirmation from Scottish Water that to accommodate new development, their network would be upgraded to meet the increase capacity requirements. Mr Speirs also wants assurances that no additional risk would be created from new development that would affect his property.</p>		

De Bohun Property Ltd (PLDP/60) requests that the site is allocated for mixed-use and employment uses.

Summary of responses (including reasons) by planning authority:

In response to the representation received from **Mr Speirs (PLDP/3)**, the Council contacted Scottish Water for their view in terms of the capacity of sewerage network for the development of this site. Scottish Water is aware that there are capacity issues in the area and as such will work with the potential developer to ensure that the development does not exacerbate these issues. Following a review of the site and a review of the impact that it may have on the system, Scottish Water will agree connection points and any mitigation measures with the developer to ensure that it does not exacerbate existing problems.

As a result of the information received from Scottish Water, the Council is of the view that there is no impediment to the site being developed and that there is unlikely to be any adverse impact on Mr Speirs' property.

With regard to the representation from **De Bohun Property Ltd (PLDP/60)**, the Council would point out that the premise behind the preferred option at the MIR stage was to stimulate economic development on the site by allowing an element of enabling development (normally housing) to cross fund development on the site. However, as the site is physically divorced from the rest of Auchinleck by the A76 by pass and Templeton Roundabout, the Council ultimately concluded that residential development was not appropriate at this location and should be directed to the settlement boundary of Auchinleck.

The premise of business and industrial use at this location had been established through the Ayrshire Joint Structure Plan 2000 and 2007 and the East Ayrshire Local Plan 2003 and 2010. The Council are of the opinion that the Templeton Roundabout business and industrial site is still required to fulfil business and industrial needs within the Auchinleck/Cumnock area; to accord with the LDP vision and spatial strategy and to provide a range and choice of sites as required by SPP.

De Bohun Property Ltd do not provide any information on what their mixed use development will comprise of, over and above the provision of business and industrial land. The Council, however, is of the opinion that higher value land uses, such as residential and retail development are not appropriate within this location. Residential development should be directed to the settlement boundary of Auchinleck whilst retail development should be directed to either the town centre of Auchinleck and potentially may require, depending on the size and type of retail development, to be directed to the town centre of Cumnock. The Council is firmly of the view that any potential retail development within this location is likely to affect the vitality and viability of the town centres of Auchinleck and Cumnock as well as not being in accordance with the provisions of SPP.

The Council is therefore of the view that site should be continued to be allocated as a business and industrial development site within the Local Development Plan.

Reporter's conclusions:Flooding

1. Mr Spiers lives in a property on the opposite side of Templeton Roundabout to site 006B. He says that the exterior of his property has repeatedly suffered from flooding with raw sewage since drainage and other infrastructure for an adjacent housing development at Dippol Crescent was left incomplete following the insolvency of the builder. Although the infrastructure was eventually completed, the solution to that problem increased the load on Scottish Water's drainage system beyond its capacity. He states that Templeton Pumping Station is under capacity and, despite works undertaken at the station, his flooding problems have continued. Scottish Water have confirmed to him that their network is at maximum capacity and that, unless extensive upgrading is undertaken, no additional loads could be accommodated. He seeks assurances that development on site 006B would be served by adequate infrastructure and that his property would be put at no higher risk of flooding by the development.

2. Scottish Water's response acknowledges the capacity problems in this area and commits to ensuring that development on this site does not exacerbate the issues. They refer to reviewing the site and its impact on the system as a basis for measures to ensure that existing problems are not exacerbated. In the context of this examination, that is as far as matters can go.

Change to mixed use allocation

3. De Bohun Property Ltd wish the allocation to be for mixed use rather than business and industry so that higher value uses could pump-prime the employment-related uses as part of a comprehensive scheme. They argue that the change is necessary because the location is marginal for economic activity and tenant demand and that it potentially has some high infrastructure costs.

4. In those respects, I note that the 2013 Review of Land Supply for Business and Industry in East Ayrshire commissioned from Ryden by the council accords this site low ratings for market assessment and development potential, although it gains medium ratings for strategic fit, transport and access, economic impact and pressure for alternative use. The review scored each of those factors and advised that those sites scoring less than 15 (out of 25) were not an effective part of the employment land supply, primarily because it was unlikely that a developer would promote speculative business space in those locations. It therefore recommended that these sites should be considered for alternative uses. It was recommended that sites with scores of 15 to 19 should be considered for mixed use proposals. The Templeton Roundabout site scored 14.

5. The review concluded that the location of larger sites such as Templeton Roundabout in secondary locations were *"difficult to justify against a background of very limited uptake and poor economic outlook. Their inclusion in the available land supply creates a false picture of the realistic supply and their designation should be considered further."*

6. Having considered those recommendations, the council's preferred option in the Main Issues Report was to change the allocation to mixed use. In doing so, they say they assumed that housing would be the likely higher value use. In 2015, having received comments on the Main Issues Report, they indicated that the site had not been included

in the proposed LDP as being difficult to justify against a background of very limited uptake and poor economic outlook. Nevertheless, the site has in fact been included in the proposed plan.

7. The picture has changed since publication of the Ryden report. In October 2014, De Bohun Property renewed their option on the site for 3 years, indicating that there is a willing landowner and a willing developer in place. They have also instructed an agent to secure tenant/development interest in the site. I cannot therefore conclude that allocation of the site for business and industrial use is unjustifiable.

8. The council believe that the site is needed to fulfil business and industrial needs within the Auchinleck/Cumnock area to accord with the LDP vision and spatial strategy and to provide a range and choice of sites as required by SPP. The council and De Bohun agree that successful development of the site for business and industry would require a high value anchor development to absorb the costs of providing infrastructure and for site preparation.

9. One such high value use is housing. Looking first at mixed use including housing, the site is physically divorced from the rest of Auchinleck by the A76 bypass and the Templeton Roundabout. The A76 is a straight fast road subject only to the national speed limit on single carriageway roads. It forms the main route between Kilmarnock and Dumfries. The road runs mainly on an embankment as it passes the site. In consequence, the site would offer poor connectivity for residents wishing to access services in the village of Auchinleck other than by motorised transport. Housing in this location would be poorly integrated with the rest of the village. Given the present settlement boundaries, the introduction of housing would run counter to the plan's approach of directing residential use to locations within those boundaries.

10. But there are other potential high value uses. Indeed, De Bohun Properties have recently stated that they would be content with a mixed use allocation that excluded housing.

11. Retail and commercial uses would be alternative higher value options. Indeed, De Bohun Property have recently discussed indicative schemes with the council. These included convenience and comparison retailing, a petrol filling station and a pub/restaurant. However, other than for the petrol filling station, that type of retailing would generally be expected to locate within a town centre to accord with the plan's retail policies and with SPP. The council also oppose food and drink outlets as well as hotel uses on the same grounds. That approach cannot be said to depart from the SPP principle of applying a town centre first policy for uses which attract significant numbers of people.

12. That said, the council has formerly granted outline planning permission for development of the site for business, industrial, garden centre and commercial leisure uses. This was granted in 2007 but lapsed in 2010. Given the economic downturn during that period, I do not accept that this necessarily demonstrates the non-viability of the site for such uses. Nor have I been offered planning arguments against such uses on the site.

13. The fact that De Bohun Property has renewed its option on the site lends support to the council's decision to retain the business and industry allocation. However, from the evidence submitted, it appears that this site will be difficult to progress without some

element of higher value uses. These should not offend the town centre first principle or turn the site into something other than mainly business and industry. But examples have been given which might achieve those objectives.

Reporter's recommendations:

Modify the plan as follows:

Under Auchinleck 2, insert the following additional note:

“Whilst the Templeton Roundabout site is allocated primarily for business and industrial use, the council will consider a limited element of other commercial uses where this is shown to be necessary to make development viable but does not offend the town centre first principle as set out in SPP and the town centre policies of the plan.”

Issue 69	Site 007B: Highhouse Industrial Estate, Auchinleck	
Development plan reference:	Volume 2, Pages 5-8, Site 007B: Highhouse Industrial Estate, Auchinleck	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Omnivale Ltd (PLDP/284/2)		
Provision of the development plan to which the issue relates:	The industrial estate is located within the centre of Auchinleck and extends to 6.57 hectares. The industrial estate is allocated for class 4, 5 and 6 uses.	
Planning authority's summary of the representation(s):		
<p>Omnivale Ltd (PLDP/284/2) objects to the proposed extension of the business and industrial zoning 007B covering Barony Road/Highhouse Industrial Estates on to their land. They provide a summary of previous representations to the Finalised Draft of the East Ayrshire Local Plan (2007).</p> <p>They state that there is no evidence of an increased demand for employment land in Auchinleck since the Local Plan was adopted in 2010. There is no evidence of take-up rates for industrial land increasing either and there is land available for development and premises available for occupation on the Barony Road/Highhouse Industrial Estates next to the site. They also state that there is land for development at Templeton Roundabout (Site 006B) but this has remained undeveloped since its allocation in the East Ayrshire Local Plan 2003.</p> <p>The evidence of land available within the Barony Road/Highhouse Estate and units to let point to an absence of demand for employment land/floorspace. No evidence or reasoning is put forward in the Proposed LDP to explain why the subject site is being allocated as an expansion to an existing industry and business zoning when the 2010 adopted local plan concluded that an industrial/employment allocation was not needed across the site.</p>		
Modifications sought by those submitting representations:		
<p>Omnivale Ltd (PLDP/284/2) request that the business and industrial allocation is removed from the western part of Site 007B and left as white land within the settlement boundary.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Paragraph 101 of SPP requires that the Local Development Plan allocates <i>'a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and</i></p>		

business land audits in respect of land use classes 4, 5 and 6. The identification of Site 007B for business and industrial use is considered to meet with this requirement of SPP.

The allocation of business and industrial sites within the Local Development Plan has also been informed by the provisions of the Council's Economic Development Strategy, which sets out the Council's ambitions for transforming the local economy. Priority 6 of the Strategy states that to ensure that East Ayrshire is attractive to potential investors, an attractive range of land and property options, underpinned by easy access and good connectivity, are required.

Both the Economic Development Strategy and the Local Development Plan have incorporated the advice and information contained within the Review of Land Supply for Business & Industry in East Ayrshire (May 2013) carried out on behalf of the Council by Ryden. The review highlighted that despite an apparent healthy supply of business and industrial land within East Ayrshire, additional land may in fact be needed instead of the business and industrial supply being reduced.

As a relatively high proportion of the Highhouse Industrial Estate is occupied and as the industrial estate is within a sustainable location close to services and infrastructure, and in the light of the information provided in the Ryden Report, the Council considered that it was appropriate to allocate more industrial land at this location to provide sufficient business and industrial land in the short to medium term. The allocation of additional land within the industrial estate is fully in accordance with the provisions of SPP; accords with the Council's Economic Development Strategy and reflects the vision and spatial strategy of the Local Development Plan.

The Council is therefore of the view that site should be continued to be allocated as a business and industrial site within the Local Development Plan.

Reporter's conclusions:

1. The LDP allocates three business and industrial sites in or near Auchinleck, namely: Egger, Barony Rd, which lies some 1.5 kilometres west of the village and extends to 17.35 hectares; Templeton Roundabout, which extends to 6.18 hectares; and Barony Road/Highhouse Industrial Estates, which would be expanded from 6.57 hectares to 7.07 hectares.

2. The council commissioned a Review of Land Supply for Business and Industry in East Ayrshire, which was published in May 2013. The review assessed all industrial land in East Ayrshire against 5 criteria (strategic fit, market assessment, transport and access, economic impact and development potential). Barony Rd/ Highhouse Industrial Estate, prior to expansion, scored highly: 23 points out of 30, coming 4th out of 32 sites. The review stated that *"sites scoring 20 and above form an effective part of the employment land supply and should remain allocated for this use."*

3. However, among the report's conclusions are that (by contrast with Kilmarnock): *"the location of larger sites ranging in size from 5-10+ hectares in secondary locations, such as Auchinleck, are much more difficult to justify against a background of very limited uptake and poor economic outlook. Their inclusion in the available land supply creates a false picture of the realistic supply and their designation should be considered further."* In relation to industrial transactions (again by comparison with Kilmarnock), the review states that *"Cumnock and Auchinleck have also experienced demand though on a*

smaller scale. Future demand in these areas is likely to be of a scale and specification appropriate to local occupiers.” Particular sites are not specified in these conclusions, but, given the scoring results, it would appear that the doubts about designation apply to the other two sites rather than to Barony Rd/ Highhouse Industrial Estate.

4. The council’s Economic Development Strategy 2014-2015 cites the Ryden review as research showing that the existing supply of land and property does not fully match the demands of modern business. Paragraph 3.11 of the review states that *“despite the apparent healthy supply, additional land may in fact be needed.”* This is then reflected in one of the key outcomes for strategic priority 6, which would see industrial and business space grow from 74 hectares at present, to 79 hectares in 2017 and 85 hectares in 2025. No specific locations are indicated for that additional land.

5. In fact, the Ryden review suggested making suitable sites available in Kilmarnock, but rationalising sites elsewhere. However, justification for increasing supply comes more from the LDP’s vision for modest growth

6. The situation has moved on since the review in that the UK is now generally accepted to have emerged from recession.

7. A relatively high proportion of units at Highhouse Industrial Estate are occupied in a variety of light industrial, service and similar uses. The estate lies in a sustainable location close to services and infrastructure. A service road passes through a corner of the proposed extension to the site.

8. For all the above reasons, I am not persuaded that the allocation should be removed.

Reporter’s recommendations:

No modifications.

Issue 70	PROP 1: Auchinleck Cemetery	
Development plan reference:	Volume 2, Pages 5-8, PROP 1: Auchinleck Cemetery	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
The Woodland Trust Scotland (PLDP/323/1)		
Provision of the development plan to which the issue relates:	The proposal refers to the proposed extension of Auchinleck Cemetery	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/1) objects to the extension of Auchinleck Cemetery as it is adjacent to an area of Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/1) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being adjacent to the proposed cemetery extension and to ensure that the area of ancient woodland does not suffer from edge effects.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early on in the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
<p>1. The representation from Woodland Trust Scotland looks for a standard minimum 50 metre buffer of semi-natural vegetation around all ancient woodlands within the plan area near or within which development is allocated. Their objective is to avoid harmful edge effects.</p>		

2. I consider that to impose such a requirement as standard on all sites close to ancient woodlands would be unduly restrictive. The setting of each area of ancient woodland will vary considerably, as will the vegetation and fauna within it and its susceptibility to disturbance and damage. These are generally matters better considered during the development management process when they can be assessed against the provisions of policies ENV 6(iii) and ENV 9 of the plan on Nature Conservation and Trees, Woodland and Forestry, respectively. Those policies include a presumption against the felling of ancient semi-natural woodlands and an expectation that any development will demonstrate how any potential adverse impacts on areas of local importance for nature conservation can be avoided or mitigated. The advice from Natural England which the Trust quotes does not require a standard buffer width and, in any case, does not apply in Scotland.

3. In this case, there is an area of ancient semi-natural woodland to the south-east of the proposed cemetery extension site. There would seem to be scope within the site for protection of the woodland interests. Moreover, it seems unlikely that use as a cemetery would lead to significant adverse pressures on the woodland.

Reporter's recommendations:

No modification.

Issue 71	Non-inclusion of land to the south west of Auchinleck for residential purposes	
Development plan reference:	Volume 1, Schedule 2 and Volume 2, Pages 5-8, Auchinleck	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Omnivale Ltd (PLDP/284/1)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of land to the south west of Auchinleck. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, pages 5-8 is being sought.	
Planning authority's summary of the representation(s):		
<p>Omnivale Ltd (PLDP/284/1) objects to the non-inclusion of land to the south west of Auchinleck for residential purposes.</p> <p>The representation is in respect of Omnivale Ltd.'s land holding on the south side of Barony Road (see Appendix 2). Omnivale Ltd request to modify the settlement boundary on the south west side of Auchinleck (Appendix 1) to allocate a greenfield site for future housing development with a capacity of approximately 40 units.</p> <p>The area of land outside but adjoining the existing Local Plan settlement boundary is bounded by houses on Barony Road to the north, the A76 which forms a boundary on the south west side of the site and a Bing to the east. The site is also defined along its eastern and southern boundaries by stone walls and young trees. This area of land is included in the Dumfries Estate Historic Garden and Designed Landscape.</p> <p>During production of requesting that the settlement boundary for Auchinleck be revised as shown in the supporting information. The Reporters Report into the Examination of the East Ayrshire Local Plan 2010 concluded that the Council did not need to allocate the site for housing at that time. The Reporter's conclusions on Issue 038(a) stated that existing landscape designation does not automatically rule out the potential for the site to be considered for housing or for other new development at some stage in the future. In addition the Reporter noted a number of points made regarding the characteristics and attractions of the site for development, particularly in terms of its robust defensible boundary definition with strong landscape features including a stone wall, mature tree belts and the alignment of the A76 road providing a high degree of containment. These comments encourage the allocation of this site for development in a future local plan. It is considered that now is the correct time for allocating the site for residential development.</p> <p>It is accepted that any proposals for the part of the site lying within the Dumfries Estate Historic Garden and Designed Landscape designation should maintain and improve the integrity, vitality and viability of Auchinleck and its rural setting. To this end, there is a substantial existing stone wall defining a strong landscape boundary running along the southern edge of the land and tree belts both along the eastern and western edges (see photographs in Appendix 3). This contrasts with the rather poor landscape boundary along the northern edge of this land where it meets the existing housing, which is characterised by highly visible panel fencing. The proposed modification to the settlement boundary is</p>		

proposed to derive maximum benefit from these existing strong landscape boundaries. Residential development of the site should include proposals to enhance these landscape boundaries further and significantly improve the views towards Auchinleck from within the main part of the Designed Landscape around Dumfries House. Such improvements can be gained through allocation of the site for residential development.

A revised settlement boundary based on the strong landscape boundaries described, would provide for a logical extension of the settlement and deliver sustainable development within easy walking distance of Auchinleck station and other town centre facilities. This site is in single ownership with readily identifiable boundaries. The site is located in a marketable part of Auchinleck close to where new housing development has taken place over the last 10-15 years (along the north side of Barony Road). The greenfield area has capacity for approximately 40 units (see Appendix 2) and should be identified for development over the plan period and should replace site 243H Hillside Crescent (capacity of 30 units) which has been earmarked and/or allocated for residential development for 20+ years.

The fact that the area of land is included in the Dumfries Estate Historic Garden and Designed Landscape should not rule out the future potential development of the site. Auchinleck is recognised by the Council in the Main Issues Report as needing regeneration and is second only to Kilmarnock in terms of priority. There should be an additional, modest residential allocation on the south west side of the town to complement other development opportunities. The Examination into the East Ayrshire Local Plan 2010 concluded that this site would be suitable for development and the only obstacle at that time was need in terms of housing numbers. The allocation proposed in these representations should be treated on its merits as a new, additional allocation and if necessary, it should replace site 243H on the north side of the town which has remained undeveloped for a considerable period of time.

Note: There are plans which form part of the original representation.

Modifications sought by those submitting representations:

Omnivale Ltd (PLDP/284/1) Revise the settlement boundary for Auchinleck on the south west side of Auchinleck (see Appendix 1) to allocate a greenfield site for future housing development with a capacity of approximately 40 units.

Summary of responses (including reasons) by planning authority:

In relation to the representation from **Omnivale Ltd (PLDP/284/1)**, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Auchinleck. The addition of a further site is not considered necessary within the town at this time.

The Council is also of the view that Site 243H: Hillside Crescent should not be replaced by the greenfield site proposed by Omnivale Ltd. Omnivale is incorrect to state that Site 243H has been allocated for 20 + years as this site appeared for the first time in the East Ayrshire Local Development Plan 2010 on the site of demolished Council Houses. Site 243H is a brownfield redevelopment site within the settlement boundary of Auchinleck and, in terms of the provisions of SPP and the spatial strategy of the Local Development Plan, should be considered in preference to a greenfield site. The Council is also of the opinion that Site 243H is effective and can be delivered in the timeframe of the Local Development Plan.

The Council is therefore of the view that no changes to the Local Development Plan are

required to be made in this regard.

Reporter’s conclusions:

1. Omnivale Ltd are promoting a greenfield site to the rear of housing on Barony Rd to the south-west of the village. It is made up of a grazing field and an area of woodland. The lands slopes down towards the A76 road as it bypasses the village and offers extensive views over the countryside to the south, including the Dumfries Estate Historic Garden and Designed Landscape, of which it forms a part. An overgrown bin stands to the east. The site has capacity for around 40 dwellings.
2. The site lies just outwith the settlement boundary of the village; Omnivale contend that the boundary should be extended to include this land.
3. There is a degree of containment of the site by trees and stone walls, but clear potential for development on this site to result in pressure on adjacent fields within the much stronger boundary formed by the A76.
4. Whilst the existing landscape designation does not automatically rule out consideration of the site for housing, I am far from persuaded that proposals to enhance landscape boundaries would improve views towards Auchinleck from within the main part of the designed landscape, as claimed. Views out from around Dumfries House are already strongly rural in character with Auchinleck well screened by existing vegetation.
5. Adverse comments on the visual impact of panel fencing to the rear of the Barony Rd properties appear to me to be over-stated.
6. Whilst the council’s Main Issues Report recognised Auchinleck as requiring regeneration, there is no justification for an additional housing allocation in Auchinleck, which already has 4 allocated sites with a capacity of 183 units.
7. Nor do I accept that the land in question should be substituted for site 243H at Hillside Crescent on the north side of the village. That is brownfield land which was allocated for the first time in the 2010 local plan on the site of demolished council houses. For those reasons, and because it lies within the existing settlement boundary it is to be preferred to the land south of Barony Road.

Reporter’s recommendations:

No modifications.

Issue 72	Site 254B: Glen Catrine Bonded Warehouse, Catrine	
Development plan reference:	Site 254B: Glen Catrine Bonded Warehouse, Catrine	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
The Woodland Trust (PLDP/323/2)		
Provision of the development plan to which the issue relates:	Glen Catrine Bonded Warehouse extends to 5.18 hectares and is fully developed and operated as a distillery by the Loch Lomond Group.	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/2) objects to site 254B as it is adjacent to an area of Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/2) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being adjacent to the proposed site and to ensure that the area of ancient woodland does not suffer from edge effects.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council would advise the Woodland Trust that the industrial site is fully developed and is unlikely to have any impact on the adjacent Ancient Woodland.</p> <p>That being said, the Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early at the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
<p>1. The representation from The Woodland Trust Scotland looks for a standard minimum 50 metre wide buffer of semi-natural vegetation around all ancient woodlands within the plan area near or within which development is allocated. Their objective is to avoid harmful edge</p>		

effects.

2. I consider that to impose such a requirement as standard on all sites close to ancient woodlands would be unduly restrictive. The setting of each area of ancient woodland will vary considerably, as will the vegetation and fauna within it and its susceptibility to disturbance and damage. These are generally matters better considered during the development management process when they can be assessed against the provisions of policies ENV 6(iii) and ENV 9 of the plan on Nature Conservation and Trees, Woodland and Forestry, respectively. Those policies include a presumption against the felling of ancient semi-natural woodlands and an expectation that any development will demonstrate how any potential adverse impacts on areas of local importance for nature conservation can be avoided or mitigated. The advice from Natural England which the Trust quotes does not require a standard buffer width and, in any case, does not apply in Scotland.

3. Glen Catrine Bonded Warehouse is fully developed and operates as a distillery. Its designation is intended to safeguard the site for continued industrial use. The ancient semi-natural woodland which has given rise to the representation lies mostly on the far side of the River Ayr with another area to the north but separated by a bowling green and other development. Consequently, the designation is not likely to have any impact on that woodland.

Reporter's recommendations:

No modification.

Issue 73	Residential Development within Crookedholm	
Development plan reference:	Volume 2, Pages 17 and 18, Site 256H: Grougar Road East, Crookedholm	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Allanvale Land Investments Ltd (PLDP/262/1); Mr A W Barclay (PLDP/320)		
Provision of the development plan to which the issue relates:	Site 256H is a greenfield site extending to 2.61 hectares and is allocated for residential purposes with an indicative capacity of 50 units. Non-inclusion of a site to the East of Site 256H, Crookedholm. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, Pages 17 and 18 is being sought.	
Planning authority's summary of the representation(s):		
<p>Allanvale Land Investments Ltd (PLDP/262/1) support the continued allocation of this site but seek its extension to allow for a larger land release of around 200 units to allow a deliverable strategic expansion to the settlement. They have enclosed a masterplan to evidence this and state that landscape schemes can be provided and that a Transport Assessment has been completed, which shows that 200 units can be accommodated with minor junction improvements.</p> <p>They also state that the widening of this site would compensate for sites unlikely to come forward during the plan period such as 113H: Galston Road, Hurlford which has undermining problems.</p> <p>Mr Barclay (PLDP/320) supports the continued allocation of Site 256H as he believes it to be effective and deliverable during the plan period. He states that a Proposal of Application Notice (PAN) has been submitted in respect of this site for 64 units (13/0006/PREAPP). The site is currently identified for 50 units but an increase to 65 units would assist the Council in meeting the housing shortfall identified in the Kilmarnock and Loudoun sub-Housing Market Area. The PAN shows there is developer interest for housing at this scale and increase in unit numbers would assist in ensuring that the site is brought forward for development during the plan period and that the site is developed to complement the existing settlement pattern.</p> <p>Note (i) in Policy CROOKEDHOLM1 which details the requirement for tree planting along eastern and northern boundaries is, according to Mr Barclay too prescriptive. Mr Barclay suggests that the note be modified to allow more flexibility in the design of the site.</p>		
Modifications sought by those submitting representations:		
<p>Allanvale Land Investments Ltd (PLDP/262/1) seek the extension of the site to accommodate a larger housing development of around 200 units as outlined in their Masterplan Development Framework, submitted as supporting documentation.</p>		

Mr Barclay (PLDP/320) seeks the following 2 modifications:

The housing capacity at this site is increased from 50 units to 65 units; and

Note (i) is amended to request that a landscaping plan is submitted with any planning application to allow the Council to approve the landscaping proposals and boundary treatment.

Summary of responses (including reasons) by planning authority:

The Council is of the view that the substantial increase in the capacity of the site sought by **Allanvale Land Investments Ltd (PLDP/262/1)** is not required as it will lead to an inappropriately sized expansion of Crookedholm, which the Council considers to be out of scale with the existing village.

The Council also disagrees with Allanvale Land Investments that the increase in capacity is required to compensate for sites unlikely to come forward during the plan period such as 113H: Galston Road, Hurlford, as the Council is firmly of the view that the sites within the Local Development Plan are effective and can be developed within the period of the Local Development Plan. The Council would disagree that site 113H: Galston Road North, Hurlford is undevelopable as the Council is firmly of the view that the ground stability issues can be overcome and that the site is deliverable and effective. (Issue 109 details the representation from Allanvale Land to Site 113H: Galston Road North, Hurlford)

The Council is therefore of the view that no changes to the Local Development Plan are required in this regard.

In relation to the representation from **Mr Barclay (PLDP/320)**, the Council accept that there is a shortfall in the Kilmarnock and Loudoun sub HMA, but is of the view that this can be met by windfall developments and by the development of various miscellaneous development opportunity sites as is stated in paragraph 4.1.13 of the proposed plan. It is further noted by the Council that since publication of the proposed plan, the capacities of certain sites in Stewarton and Kilmarnock have increased as a result of planning applications received and/or decided by the Council and by appeal decisions made by the DPEA and that these increases could result in the shortfall of 188 units already being met in full. The issue of a shortfall in the Kilmarnock and Loudoun sub HMA is dealt with under issue 13 Housing Land Supply.

The Council is also of the opinion that the request for an increase in the indicative capacity of the site is premature as no application for planning permission has been submitted or approved for the site.

The Council is of the view that tree planting is required on the eastern and northern boundaries in order to sensitively integrate the site with adjacent areas of countryside, as well as, for screening and amenity purposes. The Council is of the opinion that by removing this requirement, in favour of a landscaping plan, may lead to adverse and unsympathetic landscaping proposals which could affect the landscape setting of Crookedholm.

The Council is therefore of the view that no changes to the Local Development Plan are required in this regard.

Reporter's conclusions:
<p>1. The proposed site is located to the north of the village of Crookedholm, and to the east of Grouger Road. The site comprises rough pasture land and includes a rise in the centre of the site. It is identified in the Plan as Site 256H, with an area of 2.61 hectares and a site capacity of 50 houses.</p> <p>2. The representations seek to expand the current allocation of the site for 50 housing units to 200 units, or to reflect the current proposal for 65 units. The level of housing proposed is considered to deliver a strategic expansion of the settlement, and would compensate for sites considered unlikely to be effective in the Plan period, elsewhere in the Plan area. Specific reference is made to Site 113H Galston Road, Hurlford, Issue 109 of this Examination, as being ineffective and unable to deliver the expected number of units in the Plan period, and it is suggested that the subject site could contribute to meeting any subsequent shortfall in the Housing Land Supply (HLS).</p> <p>3. It is submitted in representations that the site would be effective in accordance with Planning Advice Note 52: <i>Affordable Housing and Land Supply</i>, and that a Proposal of Application Notice has been submitted for a development of 64 houses. A masterplan and accompanying information has also been submitted with the representations, providing detailed background information on the capability of the site and its surrounds.</p> <p>4. The Entec Landscape Study 2005 indicates that in landscape terms, the village could expand by approximately a half of its current size with most development occurring on the eastern side of the village. Capacity is estimated up to 415 units with the addition of 13.83 hectares. This expansion is unlikely to directly affect the landscape setting of the River Irvine to the south. The study concludes that <i>“Greater landscape capacity for development is present along the north and eastern half of the village where the local landscape is less sensitive (medium with lower areas) due to the presence of medium quality local landscape character type (Pasture Lands) and relatively more sheltered and low lying topography.”</i></p> <p>5. Reference is made in submissions to a shortfall in the housing land supply figure for the Kilmarnock and Loudon sub-housing market area, in which Crookedholm is included. As mentioned in issue 13 above, we are satisfied that any overall shortfall may be met through the contributions of other sites that have come to light since publication of the draft plan. Moreover, we have established that sufficient effective housing land will be available for development in nearby settlements over the plan period to meet the housing land requirement. There is no requirement, at this point in time, to identify additional housing land in Crookedholm.</p>
Reporter's recommendations:
<p>No modification to the plan.</p>

Issue 74	Site 361H: Main Road (South), Crookedholm	
Development plan reference:	Volume 2, Pages 17-18, Site 361H: Main Road (South), Crookedholm	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
SEPA (PLDP/309/19) Lands Improvement (PLDP/273/2) (letter of support)		
Provision of the development plan to which the issue relates:	Site 361H is a greenfield site within the settlement boundary of Crookedholm. The site extends to 0.97 hectares and has an indicative capacity of 20 residential units.	
Planning authority's summary of the representation(s):		
<p>SEPA (PLDP/309/19) object to the inclusion of site 361H in the Proposed Plan as it is an undeveloped site, all of which is located within the functional flood plain.</p> <p>Lands Improvement support the continued allocation of site 361H</p>		
Modifications sought by those submitting representations:		
<p>SEPA (PLDP/309/19) seek the removal of site 361H from the plan.</p> <p>Lands Improvement's support is welcomed.</p>		
Summary of responses (including reasons) by planning authority:		
<p>In relation to the representation from SEPA (PLDP/309/19), the Council would point out that the site has a valid planning permission in principle. The Council is of the view that sites with a valid planning consent for residential development, which have not been fully developed, are required to be identified for such purposes within the Local Development Plan.</p> <p>The Council is therefore of the view that the removal of the site from the Local Development Plan would fail to reflect the current planning status of the site and would result in a reduction of 20 residential units within the Kilmarnock and Loudoun Housing Market Area.</p> <p>Furthermore, the developer of the site will be required to provide a flood risk assessment (FRA) to address the risk of flooding on site. This requirement is contained within the notes in Volume 2, Page 17. SEPA and the Ayrshire Roads Alliance will be consulted on the FRA and the proposals contained within it to mitigate the risk of flooding on the site.</p> <p>The developer will also be required to ensure, in accordance with Policy ENV 11 of the Local Development Plan, that development of the site can be undertaken subject to appropriate flood prevention measures and will not have an adverse effect on the risk of flooding off-site.</p>		

The Council is therefore of the view that the site should be continued to be allocated as a residential development site within the Local Development Plan.

Reporter's conclusions:

1. The site is located to the south-east of the village of Crookedholm, bounded to the south-west by the river, to the north-east by Main Road. It is in a predominantly residential area. The site comprises rough pasture land and is generally flat. It is identified in the Plan as Site 316H, with an area of 0.97 hectares and a site capacity of 20 houses.
2. A representation from SEPA seeks to remove the site from the plan, as it is within an area with 1 in 200 year flood risk, and within the river flood plain. A further representation supports the allocation for housing, and the council also supports the allocation.
3. This site was allocated for residential development in the previous local plan and now benefits from planning permission in principle for residential development (reference: 12/0867/PPP). Despite the concerns expressed by SEPA, in that the site in its entirety is located within the flood plain, the site has the benefit of a valid planning permission, which should properly be reflected in the plan. Note (iv) of the Proposed Plan requires the developer of the site to provide a flood risk assessment to address the risk of flooding on site, at which point SEPA will be able to be consulted and the issue of flood risk assessed.

Reporter's recommendations:

No modification to the plan.

Issue 75	Crookedholm Settlement Boundary	
Development plan reference:	Volume 2, Pages 17-18, Crookedholm	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Duncan Ferguson (PLDP/257)		
Provision of the development plan to which the issue relates:	The settlement boundary of Crookedholm	
Planning authority's summary of the representation(s):		
<p>Mr Duncan Ferguson (PLDP/257) wishes consideration to be given to extending the settlement boundary to the east of an existing property. Two options are suggested, as detailed on the plan which has been submitted as part of his representation.</p> <p>Option 1 suggests inclusion of the whole field immediately east of the existing house. This is well defined by trees and hedges and would provide a defensible boundary. Historical maps show that there was a house and landscaped gardens on this site, with some remnants of walls still in evidence adjacent to its boundary with Ralstonyards Road. When this house was demolished in the 1960s, the land was reshaped and infilled to form a car-track. There is also an extant planning permission for a new house close to 34 Main Road, Crookedholm.</p> <p>Option 2 suggests a lesser Settlement Boundary extension, which would essentially smooth off the existing boundary running south from Ralstonyards Road. This would allow the inclusion of the small shed area, where the objector would prefer to build a new house, rather than on the site adjacent to 34 Main Rd, which was approved in 2012.</p> <p>These slight boundary changes which will have little visual, cumulative impact on the village. If one or other was included within the settlement boundary, it would allow Mr Ferguson to submit plans to relocate his approved house further south on his private land, without problems arising from that land being designated as being within the wider Rural Protection Area.</p>		
Modifications sought by those submitting representations:		
Mr Duncan Ferguson (PLDP/257) wishes to see the settlement boundary of Crookedholm amended to include either Option 1 or Option 2 in order to relocate his approved house further south on his landholding.		
Summary of responses (including reasons) by planning authority:		
The Council's approach to settlement boundaries is to draw them tightly around existing property boundaries. The area of land in question is located outwith the settlement boundary and within the Rural Protection Area surrounding Crookedholm. The Rural		

Protection Area restricts development in order to protect landscape quality and rural amenity.

The Council is of the opinion that the inclusion of Option 1 would lead to the development of the land in question and would constitute an unacceptable ribboning out of development along Ralstonyards Road. The Council is also of the opinion that any potential development of this site would be detrimental to the character, appearance and rural setting of the community. Development of the site would also have an adverse environmental impact on the landscape character, local distinctiveness and the scenic value in this location. The contention that the site has historically been used for housing is not a valid planning justification for including the land within the settlement boundary of Crookedholm.

In terms of Option 2, the Council is again of the opinion that inclusion of this area of land within the settlement boundary for development purposes would have an adverse environmental impact on the landscape character, local distinctiveness and the scenic value of the area.

The Council is therefore of the view that the settlement boundary of Crookedholm should not be amended to include either of the two areas of land suggested by Mr Ferguson.

Reporter’s conclusions:

1. The representation offers two versions of the same proposal, namely to extend the boundary of the Crookedholm to the west to include land adjacent to the existing house on the southern side of Ralstonyards Road.
2. The site is generally flat, surround by established landscaping at the boundaries and appears to be in grassed, pastoral use at the time of my visit. According to the evidence submitted, the site had been in residential use up until the 1960s, after which it was used as a car racing track.
3. The representation suggests that if the boundary were extended, then the site would be developed for residential purposes. I find that in this area, the boundary of the settlement is well established, and it would be inappropriate to encourage the development of single dwellings on the edge of, but outside, the village. Planning permission has been granted for a replacement dwelling at the site, and the intention of this representation is to relocate the approved house to the south. I conclude that if the site were expanded and included within the settlement, there would be an adverse impact on the landscape character, local distinctiveness and the scenic value of the area.

Reporter’s recommendations:

No modification to the Plan.

Issue 76	Site 257H: Irvine Road, Crosshouse	
Development plan reference:	Volume 2, pages 19-21, Site 257H Crosshouse	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Frank Smith (PLDP/275)		
Provision of the development plan to which the issue relates:	Site 257H is located to the west of Crosshouse and is identified for the development of 30 houses in the LDP.	
Planning authority's summary of the representation(s):		
<p>Frank Smith (PLDP/275) is concerned that houses may be built in close proximity to the boundary of his property and seeks modifications in order to disallow this. His concerns relate to potential disturbance to farm animals, and theft, fire and vandalism. The farm may in turn present amenity concerns to neighbouring residents as a result of noise and odours.</p>		
Modifications sought by those submitting representations:		
<p>Removal of the striped area on the annotated map submitted by Frank Smith, from 257H, as this is private garden ground.</p> <p>Provision of a comfort zone, i.e. an area which will not be developed, between Holmes Farm and any future development.</p> <p>Provision of appropriate screening, landscaping and boundary treatment between Holmes Farm and any future development.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Site 257H does include an area which forms part of the property at Holm Farm, Crosshouse. In this regard, if the Reporter is agreeable and considers that a change is necessary, the Council would have no objection to the site boundary being amended to exclude Mr Smith's area of garden ground shown hatched on his plan. This will not substantially change the size of the site and will not affect its indicative capacity.</p> <p>With regard to the provision of a comfort or exclusion zone, the Council does not consider that this is necessary in this case. However, it may be prudent for the Reporter, if agreeable and if considered necessary, to include an additional note for site 257H at page 19 to read:</p> <p><i>'(iv) The developer of site 257H will require to provide an appropriate landscape buffer on that part of the site which adjoins Holm Farm.'</i></p> <p>It is considered that this would not change the status of this development opportunity site.</p>		

Reporter's conclusions:

1. The site in question is Holm's Farm, which lies to the west of Crosshouse, and to the south of the Irvine Road. Immediately adjacent to the farm, site 257H has been allocated for residential development of 30 houses.

2. Part of the farm ground, which appears to be immediately behind the farmhouse, has been included as part of Site 257H. The parties are agreed that this is an error, and the land should be removed from the proposed allocation in the Plan. I agree that the land appears to have been included in error, and recommend that the Plan be modified by amending the site boundary to reflect the plan submitted with representation PLDP/275.

3. In addition, concern has been expressed about the impact the proximity of 30 new houses may have on the existing farm. It has been suggested that either a comfort zone, and/or a landscape buffer could be a requirement for any development of site 257H.

4. Having visited the site, I agree that a formal separation of the two uses would be beneficial for all parties, and would ensure that the potential impacts of both uses are minimised as far as is practicable when working farms abut new homes. I conclude that the notes for site 257H on page 19 of Part 2 of the Proposed Plan could be added to, to reflect a requirement for a landscape buffer between the farm and the proposed site. I recommend that the suggested additional note proposed by the council be included as a modification at page 19 of Part 2 of the Plan.

Reporter's recommendations:

Modify the plan as follows:

1. Amend the site boundary of Site 257H on page 21, Part 2 of the Proposed Plan to reflect the plan submitted with representation PLDP/275.

2. Include an additional note for site 257H at page 19 Part 2 of the Proposed Plan to read:

'(iv) The developer of site 257H will require to provide an appropriate landscape buffer on that part of the site which adjoins Holm Farm.'

Issue 77	Site 258H: Kilmaurs Road, Crosshouse	
Development plan reference:	Volume 2, pages 19-21, Site 258H, Kilmaurs Road, Crosshouse	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
John Cole (PLDP/16) Lands Improvement (PLDP/273/1)		
Provision of the development plan to which the issue relates:	Site 258H is located to the north of Crosshouse and is identified in the proposed plan for the development of 125 houses.	
Planning authority's summary of the representation(s):		
<p>John Cole (PLDP/16) objects to the inclusion of site 258H and refers to a Scottish Land Court case (of which no specifics or reference number is given) which was upheld concerning development on this site.</p> <p>Lands Improvement (PLDP/273/1) welcomes the continued inclusion of this site in the forthcoming Local Development Plan. However, they note the capacity difference between the proposed plan (125 units) and the extant planning permission in principle (reference 13/0824/PPP) (140 units).</p>		
Modifications sought by those submitting representations:		
<p>John Cole (PLDP/16) seeks the removal of site 258H from the Plan.</p> <p>Lands Improvement (PLDP/273/1) support the continued inclusion of this site but request that the capacity is increased to 140 houses to reflect the extant planning permission in principle on site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Site 258H has a current planning consent, is considered to be effective and should therefore not be removed from the plan. A lack of detail on the Scottish Land Court case means the Council has not been formally notified of any legal reason as to why the site cannot be identified for development in the plan.</p> <p>With regard to the capacity of the site, the actual consented capacity of 140 is not reflected in the plan as consent was granted at around the same as the plan was being produced. Given the relatively small difference in numbers (15 units), the Council does not consider it necessary to make an amendment to the plan in this regard.</p>		
Reporter's conclusions:		
<p>1. The site is a large field to the north of the village of Crosshouse, rising gently to the north. It appeared to be in agricultural use at the time of my site visit.</p>		

2. It is allocated as Site 258H in the plan, for residential development of 125 houses on a total site area of 8.03 hectares.

3. A representation objects to the allocation for the site for housing, and states that a Scottish Land Court case was recently decided in favour of the representee, which prevents the land from being developed. No details of the case were provided with the submission.

4. The site has the benefit of planning permission in principle (Reference: 13/0824/PPP) for 140 houses. I find that sites with valid planning permission for the allocated use(s) and which have not been developed should be identified as such in the Plan. However, the site capacity should be updated.

5. It may be that the court case referred to would have the effect of halting development of the site for residential purposes. However, I have no evidence before me to demonstrate how the outcome of the Scottish Land Court case may affect the delivery of the site, and it may be that the issues pertinent to the case are capable of being resolved in the future by the parties involved. If the representation is correct, then control of any proposed development at the site would lie with the representee, and his or her interests would be served not through the Local Development Plan, where ownership is not a material planning consideration in terms of allocating appropriate sites, but through the legal process.

Reporter's recommendations:

The plan should be modified by updating the indicative capacity of site 258H to 140 units.

Issue 78	Non-inclusion of land at Gatehead Road, Crosshouse for residential purposes or future growth area	
Development plan reference:	Volume 1, Schedule 2 and Volume 2, Pages 19-21, Crosshouse	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Hope Homes Scotland (PLDP/99/2)		
Provision of the development plan to which the issue relates:	Non allocation of land at Gatehead Road, Crosshouse for residential purposes or as a Future Growth Area. The area of land in question is greenfield and outwith, but adjacent to the settlement boundary of Crosshouse.	
Planning authority's summary of the representation(s):		
<p>Hope Homes Scotland (PLDP/99/2) object to the non-inclusion of a site at Gatehead Road, Crosshouse as either a housing opportunity site or as a “future housing growth area” within the emerging East Ayrshire LDP. The aim of the LDP should reflect the key change in policy principle of SPP and introduce a presumption in favour of development that contributes to sustainable development. In addition, more housing development site allocations must be made in terms of the emerging LDP to ensure at least a minimum five year effective land supply in each sub market area at all times in addition to longer term allocations in all settlements. However, further issues should be taken into consideration and given greater weight when identifying these sites. The LDP must also identify longer term housing sites in all areas to build spare capacity into the system. In the short term, the focus should be more about facilitating development and helping to achieve more houses on the ground.</p> <p>The site is considered to be within a sustainable location close to local facilities and public transport links in a settlement capable of expansion. There has been continued commitment to this site by Hope Homes, who submitted representation on the site to the Main Issues Report. The MIR suggested the site as a residential development opportunity site. Despite the content of this submission, the site was not included in the Proposed East Ayrshire LDP.</p> <p>Note: Supporting information attached to original representation which supports the effectiveness of the site for residential development.</p>		
Modifications sought by those submitting representations:		
<p>Hope Homes Scotland (PLDP/99/2) The following modifications are sought:</p> <ul style="list-style-type: none"> • Identification of the Gatehead Road, Crosshouse site as a housing development opportunity site within the emerging East Ayrshire LDP • Identification of the site as a “future housing growth area” within the emerging LDP (should it not be identified as a housing development opportunity site within the initial plan period) • Identification of the site as a housing development opportunity site within the Proposed LDP (Schedule 2: Housing Sites) 		

- Identification of the site within the Proposed LDP (Volume 2, Crosshouse Development Opportunities ‘Table: Crosshouse 1’)
- As a consequence of the above, the identification of the site as a housing development opportunity site on the Crosshouse Settlement Map (Volume 2, Map 8)
- Identification of the site within the proposed LDP (Volume 2, Crosshouse Development Opportunities) and to be identified as a “future housing growth area” (should it not be identified as a residential development opportunity site within the initial plan period)
- As a consequence of the above, the identification of the site as a “future housing growth area” on the Crosshouse Settlement Map (Volume 2, Map 8)
- In terms of the supply of housing land within the emerging plan, the fundamental aim of the LDP should reflect the key change in policy principle of SPP and should read “to introduce a presumption in favour of development that contributes to sustainable development”.
- Additional housing development site allocations must be made in terms of the emerging LDP to ensure at least a minimum of five year effective land supply in each sub market area at all times, in addition to longer term allocations in all settlements (and the circumstances under which these can be released for development) all in order to build spare capacity into the system.
- The fundamental aim of the LDP must be a focus on getting more housing units on the ground and providing a generous and effective housing land supply. To achieve this aim, more sites need to be identified in the LDP and effective sites which provide economic and community benefits and that have developer interest. In the short term, the focus should be about facilitating development and achieving more houses on the ground.

Summary of responses (including reasons) by planning authority:

The Council disagree with Hope Homes Scotland’s assertion that the Local Development requires to allocate more residential sites to meet with a five year minimum effecting housing land supply whilst identifying longer term housing sites in all areas to build spare capacity into the system. The Council is of the view that there is no requirement to allocate more sites and the reasons for this are set out in Issue 13 Housing Land Supply. It should be noted that the Local Development Plan also identifies areas of land as Future Growth Areas to address housing land requirements from 2025-2035 in certain settlements.

Although the Council is of the view that the proposed area of land is generally suitable for housing development, sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in Crosshouse. The addition of a further site is not considered necessary within the town at this time.

The Council is also of the view that the area of land sought for inclusion by Hope Homes should not be identified as a Future Growth Area as no strategic area for growth requires to be identified for Crosshouse at this time.

In conclusion, the Council is of the view that no changes are required to be made to the Local Development Plan in this regard.

Reporter's conclusions:

1 The proposed site is located to the south west of the village of Crosshouse, and to the south of the B751 Gatehouse Road. It is outside the settlement boundary, and at the time of my site visit appeared to be in agricultural use. It is generally flat, with a slight rise to the south.

2. The representations seek to have the site allocated as either a residential development opportunity site, or a future growth area. Although the potential number of units is not explicitly identified in the submission, the level of housing that could be accommodated is considered to deliver a strategic expansion of the settlement, and would compensate for sites considered unlikely to be effective in the plan period, elsewhere in the plan area and it is suggested that the subject site could contribute to meeting any subsequent shortfall in the Housing Land Supply (HLS).

3. It is submitted in representations that the site would be effective in accordance with Scottish Planning Policy, Planning Advice Note 52: *Affordable Housing and Land Supply*. Accompanying information has also been submitted with the representations, providing detailed background information on the capability of the site and its surrounds to accommodate the potential development.

4. The Entec Landscape Study 2005 indicates that in landscape terms it is considered that the local landscape character has the capacity to accommodate housing development up to approximately one third the size of Crosshouse with greatest capacity being located on the northwest and eastern edges of the village.

5. I agree that the site appears to be effective and capable of delivering homes in the village. Its location is broadly consistent with the conclusions of the Entec Landscape Study, and residential development would be generally consistent with the policy objectives of the Plan.

6. However, Crosshouse is not identified in the Spatial Strategy of the Proposed Plan as an area for large scale development, nor is the village identified as a Future Growth Area. I find that despite the individual characteristics of the site, at this point in the plan process it would not be compliant with the Spatial Strategy or Policy OP1.

7. At Issue 13 of this examination, we concluded that in the ten years following the plan period, it is likely that additional land will be required for at least 4,000 houses. It is expected that the majority of these houses will be built at locations in Kilmarnock, Stewarton and Galston described in volume 2 of the plan as Future Growth Areas. The remainder would be directed to locations in settlements (not excluding other locations within the above three settlements) which have the infrastructure and landscape capacity to accommodate them and which respect the principles of the vision and spatial strategy.

8. Reference is made in submissions to a shortfall in the housing land supply figure for the Kilmarnock and Loudon sub-housing market area, in which Crosshouse is included. As mentioned in issue 13 above, we are satisfied that any overall shortfall may be met through the contributions of other sites that have come to light since publication of the draft plan. Moreover, we have established that sufficient effective housing land will be available for development in the housing market area over the plan period to meet the housing land requirement.

9. There is sufficient land for housing allocated in Crosshouse, including site 258H, which has the benefit of planning permission in principle. Representations in Issue 77 of this examination suggest that site 258H may not be effective due to land control issues but there is no evidence before me to definitively conclude that is the case. Should additional housing land be required to deliver the five year effective housing land supply in this plan, then this site could be a candidate site for inclusion in the Housing Land Supply. However, there is no requirement, at this point in time, to identify additional housing land or a Future Growth Area in Crosshouse.

Reporter's recommendations:

I recommend no modification to the Plan.

Issue 79	Site 436H: Holmhead Hospital, Cumnock	
Development plan reference:	Volume 2, Pages 22-27, Site 436H: Holmhead Hospital, Cumnock	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs Spreadbury (PLDP/20)		
Provision of the development plan to which the issue relates:	Site 436H is a brownfield site within the settlement boundary of Cumnock. The site extends to 2.26 hectares and is allocated for residential purposes with an indicative capacity of 40 residential units.	
Planning authority's summary of the representation(s):		
<p>Mr & Mrs Spreadbury (PLDP/20) object to the inclusion of any development on site 436H. They purchased their property on the edge of the site due to the fact that it was not overlooked which was a vital feature due to the ill health of one of the couple.</p> <p>Also of concern is:</p> <ul style="list-style-type: none"> - Disturbance during construction; - Damage to the woodland - The increase in traffic and the resultant impact upon safety - Loss of shelter and perceived safety and security of existing residents and pets 		
Modifications sought by those submitting representations:		
Mr & Mrs Spreadbury (PLDP/20) request the removal of site 436H from the proposed plan.		
Summary of responses (including reasons) by planning authority:		
<p>Regarding the representation from Mr & Mrs Spreadbury (PLDP/20), the Council, during the determination of any planning application for the site, will consider the impact of the development on the privacy of surrounding properties to ensure that there are no adverse impacts and that those properties are not overlooked. The Council would point out that there will always be an element of disturbance during any period of construction; however, the Council will seek to minimise any disturbance to surrounding properties through planning conditions.</p> <p>In relation to the concerns about damage to woodland and the loss of shelter, the Council would point out that the wooded areas within the site are protected by a Tree Preservation Order. The Council will ensure that development of the site will not adversely impact on the trees within the site and that they are incorporated into the design of the development.</p> <p>With regard to the concerns about the increase in road traffic and impact upon safety, the</p>		

Council would point out that the Ayrshire Roads Alliance has not objected to the allocation of the site within the Local Development Plan. However, the Ayrshire Roads Alliance has requested that a Transport Assessment is submitted as part of any planning application for the site. The Transport Assessment is required to identify the transport effects of the proposal and the sustainable transport measures to be introduced to cater for the travel needs associated with the development. The requirement for a Transport Assessment has been included as note on the site within Volume 2, Page 23 of the Local Development Plan.

In conclusion, the Council is of the view that there is no impediment to the development of the site and that it should be continued to be allocated for residential purposes within the Local Development Plan.

Reporter's conclusions:

Context

1. This site is one of 7 sites listed in Cumnock 1 as opportunities for residential development within Cumnock. The site is stated to have a capacity for 40 houses. Although the site specifically relates to the former Holmhead Hospital (now demolished), it is directly adjacent to a larger development site on agricultural land to the north and west with an indicative capacity for 120 houses, in respect of which no representations have been lodged. In the event that the larger housing site proceeds, this site would then constitute a gap site within the urban area, and being the site of a former hospital, would also fall to be considered as brownfield development.

Environmental effects

2. With respect to the effect on residential amenity, I acknowledge that the character of the area would change to some extent, from the site of a former hospital and associated buildings to a housing area. However, in general terms this would be compatible with the existing housing development in the surrounding area.

3. From my site inspection, I have noted that there is a significant area of open space between the footprint of the demolished hospital buildings and the houses to the south along Hunters Way. The ground also rises from south to north, so new housing is likely to be in an elevated position with respect to the housing on Hunters Way. This raises the prospect of potential overlooking between the existing houses on Hunters Way and new houses on the site.

4. I therefore recognise the concerns expressed in the representation about overlooking and security with respect to existing residential properties. However, I am satisfied from my inspection of the site that new housing could be designed in such a way as to minimise visual impact and loss of privacy. The layout could ensure that there is a sufficient distance between residential properties, and possibly further softening the visual impact through appropriate landscaping. These matters would be addressed through the development management process. In addition, security would be maintained through the design of the new development by appropriate boundary treatment along the rear of the properties on Hunters Way. I acknowledge that there would be some disturbance during the construction phase, as there would be for any new development, but as the council indicates, this could be minimised through the use of appropriate conditions on any planning permission granted. In any event, any such disruption would be for a

temporary period.

5. There is a small area of mature woodland towards the south west corner of the site, through which pedestrian access is readily gained into the site. There are also mature trees within the site and along the boundaries. The council states that these are protected by a tree preservation order, and therefore I would expect that as much existing woodland and mature trees would be retained within the overall development of the site as possible. Note (vii) of the development opportunity requires mitigation and/or enhancement measures contained within the environmental report. This includes the protection and integration of existing trees and the provision of amenity space. This would further protect and/or enhance the residential amenity of the area.

Transport infrastructure

6. The volume of additional traffic likely to be generated with respect to the development of the site would be in addition to that generated by new housing development to the north and west. However, vehicular access would be likely to be provided to the new housing in the area from Auchinleck Road (B7083), reducing the proportion of new traffic that would be generated on Hospital Road.

7. Note (v) requires a transport assessment to be submitted, which would identify any required transport interventions including sustainable transport measures. Taking this into account, I have no evidence before me to suggest that the local road network could not accommodate the proposed increase in housing development in the area, without adversely affecting traffic and pedestrian safety, including housing on this site.

Reporter's recommendations:

No modifications.

Issue 80	Site 270B: Cumnock Business Park, Cumnock	
Development plan reference:	Volume 2, Pages 22-27, Site 270B: Cumnock Business Park, Cumnock	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Woodland Trust Scotland (PLDP323/3)		
Provision of the development plan to which the issue relates:	Site 270B is located within the settlement boundary of Cumnock. The site extends to 5.41 hectares and is allocated for Class 4, 5 and 6 business and industrial uses.	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/3) objects to Site 270B: Cumnock Business Park, Cumnock, Cumnock as it is adjacent to an area of Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/3) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being adjacent to the site and to ensure that the area of ancient woodland does not suffer from edge effects.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council would point out that the trust may have made a typographical error and their representation should be in relation to Site 270B: Cumnock Business Park. The Council would advise the Woodland Trust that the Business Park is fully developed and is unlikely to have any impact on the adjacent Ancient Woodland.</p> <p>That being said, the Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early on in the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
1. Woodland Trust Scotland has submitted a representation which relates to a number of		

proposals or development opportunity sites within the local development plan area that are within or adjacent to areas of designated ancient woodland. The trust is particularly concerned about the impacts from development on sites that are adjacent to ancient woodland because such impacts (which are set out within the representation) are not so widely appreciated as direct impacts.

2. The trust has recommended that there should be a buffer of at least 50 metres between development sites and adjacent ancient woodland, and that survey work is carried out to determine the impact on particular species. However, the impact on adjacent woodland depends upon the relationship between the particular development site and the area of ancient woodland concerned. I do not therefore consider that a standard requirement for a buffer and survey work can be applied to all development sites adjacent to ancient woodland.

3. One of the development sites identified is site 270B which relates to the Cumnock Business Park, and is one of two sites identified under Cumnock 2, which states that the council will safeguard the sites for continuing industrial use and as preferred areas to which new industrial and business development will be directed. There is ancient woodland in the vicinity of this site. However, the Cumnock Business Park is already fully developed; with existing buildings being set within extensive landscaped grounds.

4. I recognise that there is potential for the expansion of existing uses and possible new uses. It is possible that further development could have an effect on existing areas of ancient woodland in the vicinity. However, Policy ENV9 of the local development plan states that the council will support the retention of individual trees, hedgerows and woodlands within both settlements and rural areas, where such trees contribute to the amenity, nature conservation and landscape value of the area. There will a presumption against the felling of ancient semi-natural woodlands and trees protected by tree preservation orders.

5. So there is already provision within the policies of the local development plan to protect woodland, and particularly ancient semi-natural woodlands, with respect to all development proposals, and this can be ensured through the development management process, with respect to all proposals for development within the Cumnock Business Park. There is no reason in my view to suggest that there is any significant threat to ancient woodland in the vicinity of the Cumnock Business Park which would justify the designation of a 50 metre buffer between the site and any adjacent areas of ancient woodland, or a requirement for survey work to be undertaken.

6. I have considered the possibility of adding a note to Cumnock 2 to in order to specifically refer to the need to consider the effect on areas of ancient woodland in the vicinity. However, in the circumstances, I find that there is insufficient evidence of any potential significant adverse effect upon such ancient woodland, from the further development of the business park, which would justify identifying such a constraint within the development opportunity.

Reporter's recommendations:

No modifications.

Issue 81	Site 001MXD: Glaisnock Glen, Cumnock	
Development plan reference:	001MXD: Glaisnock Glen, Cumnock	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr David Litman (PLDP/15); Mr Johnathan Broughton (PLDP/67)		
Provision of the development plan to which the issue relates:	The site is located to the South of Cumnock and has been identified as a Mixed Use Site whereby the site is cross funded for business and industrial uses by compatible but limited enabling development, normally residential. Policy IND 4 details the criteria for development of the mixed use sites.	
Planning authority's summary of the representation(s):		
<p>Mr David Litman (PLDP/15) states that more detail is required to explain what is meant by the term 'mixed use' and that the development site should be mainly residential.</p> <p>Mr Johnathan Broughton (PLDP/67) states that Policy IND 4 would make any development on their site completely unviable with the consequence that their future prosperity, potential, and the jobs which may have been created would be curtailed.</p>		
Modifications sought by those submitting representations:		
<p>Mr David Litman (PLDP/15) states that the development site should be mainly residential.</p> <p>Mr Johnathan Broughton (PLDP/67) suggests that their site to the north east of site 001MXD should be excluded from the mixed use development in line with Policy IND4. Alternatively existing Policy IND 4 should relate only to new development on vacant land and not extensions to existing buildings.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The purpose of the mixed use sites, denoted with MXD and coloured yellow on the LDP maps, and detailed in paragraph 5.1.7, was to stimulate economic development on existing business and industrial sites through the allocation of associated and compatible enabling development (normally residential). The Council considers that this approach is fully consistent with the provisions of SPP.</p> <p>The Council is therefore of the view that paragraph 5.1.7 adequately explains what the term 'mixed use' relates to within the Local Development and that no further definition of mixed use is required in relation to representation from Mr David Litman (PLDP/15) in this regard.</p> <p>Furthermore, the Council disagree that the site should be re-allocated entirely for residential purposes as advocated by Mr Litman. The Review of Land Supply for Business and Industry in East Ayrshire (May 2013), undertaken by Ryden on behalf of the</p>		

Council, scored the site within the top 15 business and industrial locations within East Ayrshire, which demonstrates that the business and industrial allocation is still relevant in the current economic climate. The site, however, has been subject to the economic downturn and the Council believe that enabling development to bring forward economic development on the site is required. As a result, and in line with the Council's spatial strategy, the site was reallocated to a mixed use development site, as detailed in paragraph 5.1.7 and subject to the provisions of Policy IND 4. The majority of the site will still be primarily used for business and industrial development.

The re-allocation of this site entirely to residential, in the opinion of the Council, would not be in accordance with SPP, as it would remove a serviceable business and industrial site from East Ayrshire's business and industrial land supply and would dilute the range and choice of business and industrial locations on offer within Cumnock. The Council is therefore of the view that site should continue to be allocated as a mixed use development site within the Local Development Plan.

In light of the representation from **Mr Johnathan Broughton (PLDP/67)**, the Council considers that an amendment to the boundaries of the MXD sites may be appropriate, in preference to an amendment to Policy IND 4, as the intention of the MXD designations was only to apply to vacant land within the boundaries of these sites. The Council would therefore have no objection if the Reporter is agreeable and considers that a change is required to three of the MXD boundaries to ensure that they only refer to the undeveloped parts of these sites. The Council consider that this would not represent a major change in the Council's overall approach and would rectify an error within the Local Development Plan maps. The Council suggest that the settlement maps within Volume 2 of the Local Development Plan be amended to relate only to areas of vacant land within the following site designations:

001 MXD: Glaisnock Glen, Cumnock;
 003 MXD: Ayr Road, Kilmarnock; and
 004 MXD: Furnace Road, Muirkirk

Reporter's conclusions:

Context

1. This site is identified on the settlement map for Cumnock (Map 9) as a mixed use development opportunity, and is included in the proposed plan under the development opportunities for Cumnock as a site which will be safeguarded for mixed use development in line with policy IND 4. Policy IND 4 provides the policy context for mixed use development sites and states that proposals for development within the areas identified as suitable for mixed use on the local development plan maps will be acceptable to the council where they meet a number of specified criteria, including that the site is primarily developed for business and industrial development, uses on the site are compatible with each other, and a comprehensive masterplan and business plan have been prepared. The policy also clarifies that other uses will only be permitted where they enable business and industrial development.

2. Paragraph 5.1.7 of the local development plan refers to existing business and industrial sites which may require enabling development (normally housing) to cross fund business and industrial development. These sites are designated as mixed use sites in the plan. It is stated that the amount of enabling development permitted on each

designated mixed use site will be restricted to the minimum amount necessary to finance the business and industrial element of the overall development.

The designation of the site on the settlement map for Cumnock

3. This site comprises existing business and industrial development, in the form of the Cumnock Factory Outlet (which clearly has a significant element of retailing, but which appears to also have a vacant industrial unit within the site) accessed from Craigens Road, and two other business/industrial units accessed from Glaisnock Glen to the south. Notwithstanding the vacant unit, these appear to constitute thriving business uses on fully developed sites (although I recognise that there may be the possibility of further expansion). The buildings and their curtilage are well maintained and there is an extensive parking area for the factory outlet. The remainder of the site is a cleared and vacant area which is accessed from Craigens Road. There appears to have been a former business/industrial use on the site, the buildings for which have now been demolished.

4. One of the representations is on behalf of the Cumnock Factory Outlet, to the effect that designating the site for mixed use in the context of Policy IND 4 would impose additional restrictions on the future development of the site. Permission may be sought for a change of use of the vacant industrial unit to retail, and an extension of the existing buildings.

5. The council states that the mixed use designations are only intended to apply to vacant land within the boundary of such sites. One option would be to amend Policy IND 4 to explicitly state this, but I agree with the council that it would be more appropriate to ensure, where appropriate, that designations under Policy IND 4 only apply to undeveloped sites (or previously developed sites where development is clearly redundant or has been cleared). They would then not prejudice existing development on the site, with respect to which Policy IND 4 may restrict any future development.

6. This course of action would result in this mixed use site only relating to the cleared area to the east of the existing business and industrial units. Policy IND 4 would then not relate to the future development of the Cumnock Factory Outlet or the vacant industrial unit on the site, which would simply fall to be considered in the context of the remaining policies of the plan. The council has referred to 3 sites including this site where such a course of action would be appropriate. However, the other sites are not the subject of representations and so are not examined in this report.

Appropriate uses for the remainder of the site

7. I consider that the plan contains sufficient detail in order to explain what is meant by mixed use.

8. One representation suggests that the development of the site should be mainly residential development. However, the council considers the site to be in the top 15 business and industrial locations within East Ayrshire. This follows a review of the land supply for business and industry undertaken on behalf of the council. I have no evidence before me to dispute the findings of that review. Furthermore, I consider that the site remains appropriate for business and industry.

Reporter's recommendations:

Modify the plan as follows:

Amend the boundary of Cumnock 3 site 001MXD on the settlement map for Cumnock (Map 9), by excluding the area of the existing business and industrial uses in the western part of the site. The new western boundary of the site should be the field boundary shown on the Ordnance Survey base map immediately to the west of the electricity sub station shown on the map.

Issue 82	Site 383M: Caponacre, Cumnock	
Development plan reference:	Volume 2, Pages 22 – 27, Site 383M: Caponacre, Cumnock	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Thirdpart Properties Limited (PLDP/105); Mrs Christine & Mr William Wilson (PLDP169/2); Kerr & Smith (PLDP/256); Ms Ruth Patterson (PLDP/306/1)</p>		
Provision of the development plan to which the issue relates:	<p>Site 383M is a miscellaneous development site within the settlement boundary of Cumnock. The site extends to 22.26 hectares and is allocated for mixed use development including community uses, garden centre, car showroom and business and industry. Small-scale housing and ancillary retailing will also be permitted.</p>	
Planning authority's summary of the representation(s):		
<p>Whilst supportive of the site and the range of uses proposed, Thirdpart Properties Limited (PLDP/105) has concerns over the restriction on the scale of housing. They are also concerned about the need for a developer to submit a masterplan as they expect the site to be delivered by more than one party.</p> <p>Mrs Christine & Mr William Wilson (PLDP169/2) suggest that this site is suitable for a school.</p> <p>Kerr & Smith (PLDP/256) are tenants within the site and point out that development of the site may prove complex due to multiple ownership within it. They offer a range of ideas for site enhancement which includes:</p> <ul style="list-style-type: none"> • The enhancement of woodlands • Agricultural use • The provision of an alternative entrance to the cemetery from the estate • The provision of an official truck stop • The achievement of enterprise status • The Council's involvement to lessen anti-social behaviour • A driver training facility • Directional signage <p>Ms Ruth Patterson (PLDP/306/1) states that allocating Caponacre Industrial Estate to Mixed Use Development is unacceptable and runs contrary to Policy IND 4. Existing infrastructure exists at Caponacre and so cross development is not needed to fund this. As there is no alternative Strategic Business Location for Cumnock the proposed mix use allocation is a sign that the Council thinks industry and business is not sustainable in the area. Whilst big business may not be attracted to the area, business incubation units, small workshops and enterprise cells, a hatchery type arrangement and shared office spaces for small companies would perhaps be a more successful strategy.</p>		

Modifications sought by those submitting representations:
<p>Thirdpart Properties Limited (PLDP/105) seek the rewording of Cumnock 5 to:</p> <p><i>The Council will safeguard the following site for mixed use development including community uses, garden centre, car showroom, business and industry, housing and retailing.</i></p> <p>They also request that Note (iv) is amended. Instead of requiring that the developer submits a masterplan to the Council for approval prior to the submission of a planning application, this should be amended to detail that the Council will prepare a Development Brief for this site, in consultation with the landowners and local stakeholders.</p> <p>Mrs Christine & Mr William Wilson (PLDP169/2) would like the site to be re-allocated from 'industrial' to 'school search site'.</p> <p>Kerr & Smith (PLDP/256) seek the establishment of a formal consultation forum to allow discussion of options for this site raised through the development planning process. They also seek to discuss individual proposals.</p> <p>Ms Ruth Patterson (PLDP/306/1) requests designation of the area as a Strategic Business Location with some inward investment in order that a successful enterprise area be developed to help revive business and industry in the town and move away from the reliance on tourism and retail.</p>
Summary of responses (including reasons) by planning authority:
<p>With regard to the representation from Thirdpart Properties Limited (PLDP/105), the Council is of the view that only small-scale housing will be acceptable on the site as sufficient housing land has already been identified within Cumnock. The site is also only suitable for ancillary retailing to meet the needs of users within the site; therefore allowing retail development per se within the site would be contrary to the provisions of SPP and would impact on the vitality and viability of Cumnock town centre. The Council is therefore of the view that the site designation does not require to be changed in this regard.</p> <p>The Council does not agree that it should be responsible for producing a Development Brief for the site as the Council is firmly of the view that, due to the size, scale and potential mixture of uses on the site, only a masterplan is acceptable. The responsibility for submitting a masterplan clearly lies with the owners of the site and the developer/developers bring forward development proposals within it. The Council is therefore of the view that note (ii) attached to Site 383M on Page 25 of Volume 2 does not require to be amended.</p> <p>In response to the representation from Mrs Christine & Mr William Wilson (PLDP169/2), the Council are firmly of the view that Site 383M is not suitable for a school and as a result, no changes to the site designation is required in this regard. (Please Note that issue 85 deals with all the representations to PROP 5: Broomfield Park, which this representation also relates to).</p> <p>The Council would point out that Kerr & Smith (PLDP/256) and other owners and tenants within the site have had an opportunity at Main Issues Report stage to engage with the Council in the preparation of the Local Development Plan, as Caponacre was</p>

raised as an issue. Only one representation was received in relation to Issue 20 which was not from an owner or tenant within the site. The Council is firmly of the opinion that Kerr and Smith should have raised their ideas for site enhancement at this stage.

The Council therefore do not consider the points raised by Kerr and Smith to represent an objection to the site or the Local Development Plan as they are merely seeking a forum to discuss the development of the site, which is not the function of the Local Development Plan. The Council is therefore of the view that the representation from Kerr and Smith should not be considered as part of the examination.

In relation to the representation from **Ms Ruth Patterson (PLDP/306/1)**, the Council would point out that there is a difference with sites allocated with 'MXD' and 'M' references. Policy IND 4 only implements those sites with 'MXD' after the number whilst those sites with an 'M' are subject to the applicable policies within the Local Development in accordance with the acceptable uses for the site. The Council would therefore contend that Ms Patterson is incorrect in her view that the Site 383M is contrary to Policy IND 4 as Policy IND 4 would not be used to assess any development proposals for the site.

Contrary to the thoughts of Ms Patterson, the Council is still of the opinion that Caponacre is an attractive site for business and industrial uses and the widening out of acceptable uses within the site will not adversely impact on the attractiveness of the site to the market in this regard and that in fact, this would increase the likelihood of development taking place at this site. The Council does believe that the site will benefit from a mix of uses that will complement and assist with business and industrial development within the site.

In conclusion, the Council is of the view that Site 383M should be continued to be allocated for miscellaneous development within the Local Development Plan.

Reporter's conclusions:

Context

1. Caponacre is a miscellaneous opportunity site which will be safeguarded for mixed use development including community uses, garden centre, car showroom and business and industry. Small scale housing and ancillary retailing will also be permitted.
2. The existing adopted local plan identifies the site for continuing industrial use and as a preferred area to which new industrial and business development will be directed. Paragraph 3.33 states that a new approach is advocated for it to become a thriving, well designed and laid out business district so that it can add to Cumnock's revitalisation. The range of acceptable uses on the site has been widened.

Business and industry

3. Concern is expressed about the reduction in the site's role for business and industry. From my site inspection, I have noted that the existing development on the site is essentially industrial and business, although it also includes the Ayrshire College premises in the north eastern part of the site. This is not surprising given the historical development of the site as a traditional industrial estate, and the development opportunity identified in the existing adopted local plan. However, whilst there are some business and industrial uses (including quite recent development) which appear to be operating

from the site successfully (generally in the eastern part of the site) there are two large older industrial buildings in the western part of the site which are mostly boarded up and vacant.

4. In addition, there are fairly large undeveloped areas at the entrance to the site from Glaisnock Road, and along the south west boundary of the site adjacent to the A76. There is no direct access from the A76, but there is good access into the site both from Glaisnock Road to the north east and from Cairn Road to the north west. There is recent and ongoing housing development to the north west, but outwith the site.

5. Given the significant overall potential for development on the site, and the fact that there are other sites within Cumnock identified for business and industry and mixed use, I find that there is insufficient evidence to suggest that the council's change in direction is inappropriate. The site could still continue to contribute to the development opportunities for business and industrial development along with some other uses as proposed. There is no reason why the potential for business incubation units, small workshops and shared office space for small companies (as described in the representation) could not be developed on the site in the context of the miscellaneous development opportunity now proposed.

6. The representation however seeks the site's designation as a strategic business location, which would then fall within the remit of Policy IND 1 of the local development plan. In view of my findings in the above paragraph, I find that this would not be appropriate. In particular, there is no evidence before me to suggest that Caponacre has a similar strategic capacity for business development to those sites already designated under Policy IND 1.

Housing

7. I note that the council considers that sufficient housing land has been identified within Cumnock. However, Policy RES 1 encourages and supports residential development on housing development opportunity sites and other redevelopment sites within the settlement boundary. This policy acknowledges that housing development within the settlement boundary is appropriate in addition to the housing development opportunity sites. In the longer term, such would also reduce the pressure on the development of greenfield sites outwith the settlement boundary.

8. Whilst I recognise that part of the Caponacre development opportunity is still essentially greenfield land, it is already a development site within the existing adopted local plan. If policy IND 4 were still to apply, I can see that there would be some logic in restricting housing development to small scale proposals. However, the nature of the miscellaneous development opportunities within the plan is such that, as long as development is consistent with other policies in the plan, there is no reason in my view to restrict the scale of housing development in principle. There is no existing housing development on the site, so introducing pockets of small scale housing may not be the best way of integrating the overall uses on the site.

9. In any event, there is no definition of small scale within the terms of the development opportunity, and without this the use of the term small scale is not particularly meaningful. I therefore find that housing should simply be listed as one of the appropriate uses, without predetermining its scale. The scale would thus be left to consideration in the planning brief (see below) or through individual proposals, provided this was in line with

the vision in paragraph 3.33.

Retail

10. I find that the situation is however significantly different with respect to retail development, where Scottish Planning Policy and the policies in the local development plan together provide a sequential approach to retail development, with priority being given to town centres. I find that there is no justification to depart from the approach set out within the retail policies of the plan. There is therefore no basis to identify retail use in general terms as an appropriate use within the Caponacre development opportunity.

11. This does not mean that all retail use would be inappropriate. I note that the council has clarified in its response above that it considers the site only suitable for ancillary retail to meet the needs of users within the site. Clearly, a garden centre and car showroom would be likely to involve retail use; some other business and industrial development may also require some ancillary retail use. In the representation, concern is expressed that the development opportunity does not include guidance on what would be considered ancillary. I find that it should therefore be clarified that ancillary retail use will be permitted where this is directly related to a use which is considered appropriate for the site, and is otherwise consistent with the retail policies in the plan.

Schools

12. There is already an education-related use on the site in the form of the Ayrshire College premises. The existing text does not exclude education uses, although this is not one of the identified uses for the site.

13. However, one of the representations seeks the designation of this site as a school search site. This would constitute an alternative site for the proposed education and community campus at Broomfield Park (PROP 5), which is separately examined within Issue 85. This would significantly change the role of Caponacre, and would have the effect of undermining existing viable uses on the site, together with the vision for the site set out under the placemaking principles for Cumnock. I find that there is no basis for the consideration of such a significant change through this examination.

Potential enhancements including other uses

14. One of the representations suggests a number of potential enhancements (including other uses) which it is considered should be further discussed by a consultation forum. I agree with the council's response above to the extent that there is no requirement for any modifications to the local development plan with respect to the establishment of a consultation forum for stakeholders. This is not a matter for the local development plan.

Masterplan or site brief

15. For such a significant development opportunity, it is important that a comprehensive approach is taken to the development of the site, consistent with the vision set out in paragraph 3.33. This could be achieved through a masterplan process, but that would require all the stakeholders to have an interest in the overall development of the site and be working to a similar timescale for development. There is clearly a difficulty here in that the range of potential uses is quite wide, and individual development proposals are not necessarily going to be part of a single comprehensive development, either in terms of

uses being related to one another, or in terms of timescale.

16. The fact that the site is already partially developed, and has the benefit of a network of existing vehicular accesses through the site, which defines the remaining development areas makes the process more straightforward. Furthermore, the notes relating to the development opportunity set out key development principles for the site, including the need for a transport assessment, flood risk assessment and the approach to environmental mitigation or enhancement. These could be extended to provide further guidance about where specific uses may be appropriate or guidance on the layout and design of development on the site.

17. Relatively limited further work is required in order to provide a more detailed framework for development. This may simply constitute an extension of the development principles already set out in the notes, perhaps including an indicative diagram providing a visual representation of the way in which development could be integrated on the site.

18. However, I find that the requirement for stakeholders to produce a masterplan is too onerous, and that the appropriate means of providing further guidance would be for the council to provide a site brief for development. I think that the council has overestimated the difficulties of preparing such a brief, which simply requires careful consideration of the key principles for the development of the site in order to achieve the vision.

Reporter's recommendations:

Modify the plan as follows:

1. Amend the description of the development opportunity set out in Cumnock 5:

The council will safeguard the following site for mixed use development including community uses, garden centre, car showroom, business and industry and housing. Retailing ancillary to a use considered appropriate for the site will also be permitted where this is consistent with the retail policies in the plan.

2. Amend note (iv):

The council will prepare a brief for the development of site 383M in consultation with stakeholders who have an interest in the site.

Issue 83	Cumnock Town Centre Living Boundary	
Development plan reference:	Volume 2, Pages 22-27, Cumnock	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Mrs Patricia Hewitt (PLDP/109/2)		
Provision of the development plan to which the issue relates:	The Town Centre Living Boundary encourages people to live within 5 walk of the town centre.	
Planning authority's summary of the representation(s):		
Mrs Patricia Hewitt (PLDP/109/2) objects to the town centre living boundary for Cumnock as it encroaches on Woodroad Park. Mrs Hewitt is of the view that Woodroad Park should be continued to be safeguarded through Policy INF 6 as no case has been made for any housing development within the park.		
Modifications sought by those submitting representations:		
Mrs Patricia Hewitt (PLDP/109/2) requests that the town centre living boundary excludes Woodroad Park		
Summary of responses (including reasons) by planning authority:		
<p>Town Centre Living is one of the key priorities for the Council, and as such, the Local Development Plan reflects this aspiration. The town centre living boundaries, detailed within the Local Development Plan, are to encourage people to live within a 5 minute walk of either Kilmarnock or Cumnock Town Centre.</p> <p>Although the Cumnock town centre living boundary has Woodroad Park within its boundary, this does not signify that housing development is proposed or would be acceptable on Woodroad Park. The town centre living boundary designation does not specify any type of development which would be acceptable within it, nor does it outweigh Policy INF 6, in relation to safeguarded open space, or any other applicable policies within the Local Development Plan.</p> <p>The Council is therefore of the view that the Cumnock town centre living boundary does not require to be amended in this instance.</p>		
Reporter's conclusions:		
<p>1. Policy TC4 recognises the contribution that living in (or near to) the town centre makes to the overall vitality and viability of town centres, and states that the council will support changes of use and the development of new residential properties within the network of centres. In addition, with respect to the Kilmarnock and Cumnock Town Centres, the policy states that the council will actively support and promote residential opportunities</p>		

within town centre living boundaries. The town centre living boundary for Cumnock is shown on the settlement map for Cumnock (Map 9).

2. The council has indicated in its response above that this boundary essentially relates to an area which is within 5 minutes walk of the town centre. Other than defining this fairly large area within which there is active support for residential use, Policy TC4 is not a site specific policy. Individual sites for residential development are not endorsed through this policy. Other than specific development opportunities in the town centre living boundary defined through Cumnock 1 (of which there is one), any residential opportunities promoted through Policy TC4 and the town centre living boundaries would be gap, infill or other redevelopment sites in the context of Policy RES 1.

3. It may be argued that there is an inherent conflict in including protected open space within the town centre living boundary, as it appears unlikely that housing development would be promoted on protected open space, including Woodroad Park. Indeed, this open space could probably have been left out without undermining the desire to promote residential opportunities within the town centre. Furthermore, I do not agree with the council's response to the extent that the town centre living boundary designation does not specify any type of development which would be acceptable within it, because it clearly promotes residential use.

4. However, Policy INF 6: Safeguarded Open Space would apply to any residential development proposed within the park area. This states that development which results in loss of areas of safeguarded open space will be acceptable only in exceptional circumstances where alternative provision of equal community benefit can be made available close to the site and where the proposal meets the provisions of the council's green infrastructure strategy.

5. As the plan includes protection for open space including within the town centre living boundary, it is not necessary to delete Woodroad Park from within that boundary.

Reporter's recommendations:

No modifications.

Issue 84	Non-inclusion of land at Skerrington Mill, Cumnock for residential purposes	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 22-27, Cumnock	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr William and Mrs Beatrice Smith (PLDP/23)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site at Skerrington Mill, Cumnock. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, pages 22-27 is being sought.	
Planning authority's summary of the representation(s):		
<p>Mr William and Mrs Beatrice Smith (PLDP/23) object to the non-inclusion of land at Skerrington Mill, Cumnock in the Proposed Plan for residential purposes. The land is accessed from Cameron Crescent/John Allan Drive, Cumnock and bordered to the South by the A76 bypass between Dettingen and Skerrington Roundabouts. Also following the river Glaisnock opposite Caponacre industrial estate.</p> <p>Adjacent land has already been developed for residential use and it seems reasonable to expand this opportunity, offering southern options for development within the town boundaries. This location has easy access from the A76 Skerrington Roundabout and is well serviced by public transport. Local services are within walking distance including school, shops, restaurant and refreshment. In addition, employment opportunities exist within close proximity to the land from a range of local employers.</p>		
Modifications sought by those submitting representations:		
<p>Mr William and Mrs Beatrice Smith (PLDP/23) The Council should give consideration to including this parcel of land in the EALDP for Cumnock as Residential Development Land, category H classification.</p>		
Summary of responses (including reasons) by planning authority:		
<p>With regard to the representation from Mr William and Mrs Beatrice Smith (PLDP/23), the Council is of the opinion that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Cumnock. The addition of a further site is not considered necessary within the town at this time.</p> <p>Furthermore, the Council is of the view that site would be extremely difficult to develop without significant upgrading to the road infrastructure and due to the substantial risk of flooding within the site from the Glaisnock Water.</p> <p>The Council is therefore of the view that no changes to the Local Development Plan require to be made in this instance.</p>		

Reporter’s conclusions:

1. The site lies within the settlement area and is not designated for any particular use on the settlement map for Cumnock (Map 9). It lies between the Caponacre Industrial Estate to the west and existing housing and the Cumnock Business Park to the east. The site is currently in use as agricultural pastureland.
2. From my inspection, it appears that, as well as being in productive agricultural use, the site contributes significantly to the amenity of the area. From the recent housing development at John Allan Drive and Cameron Crescent, and from the footpath running along the eastern boundary of the Caponacre Industrial Estate, the site provides an attractive greenspace separating the housing and business development areas. The development of the site would therefore be likely to have some adverse impact on the existing amenity of the area.
3. The location is relatively well served in terms of access to the A76, and by public transport, and is within reasonably close proximity to schools, community facilities and other services.
4. However, the council expresses concern about the need for significant upgrading of the road infrastructure and from my site inspection there would appear to be potential difficulties in using John Alan Drive to access the site, even though there is a gap in the existing housing which could facilitate such access.
5. The site is directly adjacent to the Glaisnock Water, and the council’s view that there would be a substantial risk of flooding from the river has not been countered.
6. Bearing in mind our conclusions on Issue 13, there is no over-riding need to allocate more land for housing in East Ayrshire as a whole. The council states that sufficient land for housing has already been identified to accommodate growth over the plan period, including within Cumnock, and this has not been disputed.

Reporter’s recommendations:

No modifications.

Issue 85	Broomfield Park, Cumnock: PROP 5	
Development plan reference:	Volume 2: PROP 5 - Broomfield, Cumnock	Reporter: Lance Guilford
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr Craig Laidlaw (PLDP/2) Mr Stuart Fleming (PLDP/8) Mr William and Mrs Agnes Smith (PLDP/9) Dr James Brooks (PLDP/18) Mrs Janet M Brooks (PLDP/19) Mr Samuel Wilson (PLDP/24) Mr David Purdie (PLDP/39) Mr Charles and Mrs Patricia Beadle (PLDP/52) Ms Janet Smith (PLDP/55) Mr Allan Gray (PLDP/65) Mrs Barbara Mitchell (PLDP/70) Mrs Yvonne Baulk (PLDP/76) Ms Moira Murray (PLDP/80) Mr James McMurdo (PLDP/82) Mr Scott Alexander (PLDP/83) Mr Tim Baulk (PLDP/84) Ms Alison Brown (PLDP/85) Ms Clare Spencer (PLDP/86) Mr Nigel Spencer (PLDP/87) Mr Kenneth Harrison (PLDP/88) Mrs Juliet Maxwell (PLDP/89) Ms Audrey Stillie (PLDP/93) Mr Ross Standing (PLDP/96) Mrs Louise Gemmell-McMillan (PLDP/97) Mrs Ainsley Kyle (PLDP/100) Mrs Fay Harris (PLDP/101) Ms Morag Harrison (PLDP/102) Ms Jennifer Goodyear (PLDP/104) Mr Gordon Hendry (PLDP/108) Mrs Patricia Hewitt (PLDP/109/1) Mrs Jennifer Gray (PLDP/116) Mr John R Little (PLDP/117) Ms Sandra Docherty (PLDP/118) Ms June Kay (PLDP/121) Mr S Falconer (PLDP/124) Ms Louise Quinn (PLDP/125) Mr and Mrs A H Graham (PLDP/126) Ms Jennifer Aiston (PLDP/127) Mr John Swanson (PLDP/128) Mr John King (PLDP/129) Mr John and Mrs Wendy Sharp (PLDP/130) Thurlow (PLDP/131)</p>	<p>Mr Allan and Mrs Julie Crooks (PLDP/163) Ms Sadie Wilson (PLDP/165) Ms Rhona Harrison (PLDP/168) Mr William and Mrs Christine Wilson (PLDP/169) J Steel (PLDP/171) J R Lacern (PLDP/173) Mr and Mrs G McTurk (PLDP/174) Ms Julie Robson (PLDP/176) Mr Frank Wilson (PLDP/177) Mr Ian McJannet (PLDP/178) Mr Fred Goodyear (PLDP/179) Mr Jim McCormack (PLDP/180) S Dujon (PLDP/181) Mr Billy Rae (PLDP/183) Mrs Annalene Campbell (PLDP/184) Mr Robert Whyte (PLDP/185) Mr Robert Anderson (PLDP/186) Mr B A Mitchell (PLDP/187) Ms Anne Douglas (PLDP/188) Mr B Ross (PLDP/189) Mr Samuel Hobson (PLDP/190) Mrs E McGarvie (PLDP/191) Ms Jennifer Mugggrudge (PLDP/192) W Nairn (PLDP/193) S Harrison Jnr (PLDP/194) Mr Edward A Bone (PLDP/195) Mr John and Mrs Barbara Alexander (PLDP/196) Mrs Mary Montgomery (PLDP/197) Ms Linda Walker (PLDP/198) Mrs G Hendry (PLDP/199) Mr Jim Gibson (PLDP/200) Ms Jean Clark (PLDP/201) Mr David Purdie (PLDP/202) Mr and Mrs J Lees (PLDP/203) J H Price (PLDP/204) Ms Catherine McCormack (PLDP/205) S L McCall and T Johnstone (PLDP/206) Ms Margaret Kerr (PLDP/207) Ms Shona Mitchell (PLDP/208) J and A Baxter (PLDP/209) Mrs Brenda Loy (PLDP/210) Ms Isobel Stevenson (PLDP/211)</p>	

<p>Ms Margaret Nicol (PLDP/132) Mr Graham McCreadie (PLDP/133) Mr Robert Affleck (PLDP/134) Ms Margaret Stevenson (PLDP/135) Mr and Mrs D Dunsmore (PLDP/136) Francis McDonald (PLDP/137) Mr David Allan (PLDP/138) Mr Benjamin Allan (PLDP/139) Ms Rhona Harrison (PLDP/140) Mrs L Wardrop (PLDP/141) Mr William Harrison (PLDP/142) Mrs Rosemary Allan (PLDP/143/1 & 143/2) Ms Laura Clapperton (PLDP/144) Mr and Mrs Alex Mason (PLDP/145) Ms Fiona Caldwell (PLDP/146) Mr Allan and Elizabeth Davidson (PLDP/147) Ms Maureen Rowan (PLDP/148) Ms Morag Harrison (PLDP/150) Mr Matthew Clifford (PLDP/151) Ms Bridget King (PLDP/152) Mr Kenneth Harrison (PLDP/154/1 & 154/2) Ms Kate McCreadie (PLDP/155) Mr Craig Laidlaw (PLDP/157) Ms Janice McWilliam (PLDP/158) Mr Chris Robson (PLDP/160) Mr Kirk Campbell (PLDP/161) Ms Audrey Laidlaw (PLDP/162)</p>	<p>Ms Leanne Malcolm (PLDP/213) A Harrison (PLDP/214) S Harrison (PLDP/215) Ms Nan Kilday (PLDP/216) Mr Wes Moyle (PLDP/217) Mr Gordon Cunningham (PLDP/218) Mrs Jean Littlejohn (PLDP/219) Mr John and Heather Seniop (PLDP/220) Mr Alan Hill (PLDP/221) Ms Lynsey Wilson (PLDP/222) Mr Rodger Thomson (PLDP/223) Mr Reg Slinsey (PLDP/224) Mr John Kilday (PLDP/225) Ms Margaret Wallace (PLDP/239) Mr Anthony Ayre (PLDP/247) Mr and Hugh and Mrs Kate Mitchell (PLDP/250) Ms Lynsey Livingstone (PLDP/251) Mr Kenneth Wyllie (PLDP/253) Mrs Louise Ayre (PLDP/254) Mr David Elliot (PLDP/255) Ms Donna Davidson (PLDP/277) Ms Maureen Patterson (PLDP/283) Ms Gillian Standing (PLDP/288) Barshare Primary School Parent Council (PLDP/300) Ms Ruth Patterson (PLDP/306/4; 306/5; 306/6 and 306/7) Ms Alexa Scott (PLDP/308) Mr Scot Murray (PLDP/311) Mrs Lesley Hill (PLDP/318) Sportscotland (PLDP/319/12) Alex Morrison (PLDP/212) (letter of support)</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>PROP 5 states that the Council will investigate the feasibility of a new education and community campus at Broomfield Park, Cumnock. The park is allocated as safeguarded open space.</p>
<p>Planning authority's summary of the representation(s):</p>	
<p><u>Scottish Planning Policy</u></p> <p>76, 80, 82, 83, 84, 85, 87, 88, 89, 102, 116, 121, 143/2, 144, 154/1, 162, 168, 247, 254</p> <p>The proposal must be assessed in terms of SPP. The current consultation fails to provide any evidence and is contrary to SPP.</p> <p><u>PLDP Spatial Strategy/ Policy and Council Policy</u></p> <p>2, 76, 80, 82, 83, 84, 85, 87, 88, 89, 102, 109/1, 116, 121, 143/1, 143/2, 144, 154/1, 162, 168, 247, 254, 283, 306/5, 306/6, 306/7, 318</p> <p>The proposal must be assessed in terms of the adopted local plan and the Proposed local</p>	

development plan. The current consultation fails to provide any evidence and the proposal is contrary to the East Ayrshire Local Plan 2010, the Spatial Strategy and Proposed Local Development Plan. In particular it does not accord with policies OP1, INF 6, INF 7 and ENV11 of the Proposed Local Development Plan.

Broomfield is safeguarded from such development in both the adopted East Ayrshire Local Plan 2010 and the Proposed Local Development Plan through Policy INF 7. No case has been made for overriding these policies.

Loss of open space and associated recreation and sports facilities

8, 9, 18, 19, 24, 39, 52, 55, 70, 86, 93, 96, 97, 100, 101, 104, 118, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143/1, 145, 146, 147, 150, 151, 154/2, 155, 157, 158, 160, 161, 163, 165, 169/1, 171, 173, 174, 176, 177, 178, 179, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 224, 225, 239, 250, 251, 253, 255, 277, 288, 308, 311, 318

Object to the reclassification of Broomfield from “protected open space” to a “school search site”. There is no justification for changing the use of Broomfield for the largest school in Europe.

There is concern about the loss of recreational facilities and future events. The proposed super campus is oversized and would not enhance the town; the loss of the playing fields is unnecessary where a less ambitious school development could take place thus protecting the sporting facilities and green space.

Broomfield Park is virtually the only quality open space in Cumnock; is a community asset; has natural environment and biodiversity value; is frequently used by the community for sports and recreational purposes; promotes healthy lifestyles; and is a safe environment for the community to use in comparison to Woodroad Park. The use of Woodroad Park is not a feasible suggestion for re-allocation of the playing fields. The loss of the space would affect the health of residents. Other areas of open space and facilities in Cumnock have already been lost and not replaced.

The reclassification of Broomfield will destroy one of the few advantages Cumnock has and it will ruin the chance of local people to have a safe and healthy recreation resource.

The proposal for a school campus at Broomfield does not indicate alternative provision for replacing the loss of amenities and facilities, particularly during the construction period.

Question raised in relation to the relocation of existing clubs that use Broomfield Park and whether children would still have the opportunity to take part in them. Question also raised in relation to the selection of the site due to there being no cost implications.

A super school is not the right choice for the town and not on ground that is used for leisure purposes. Broomfield Park, Cumnock should be preserved and protected as green space. The school could be built on other sites that are not green field land.

Non-inclusion of proposal in EALP and MIR**86, 283**

The proposed School was not included in the MIR and was therefore not subject to interrogation. This major development should not have been included in the proposed Local Development Plan without full investigation and consultation. In line with SPP 11 there is a presumption against development on open spaces which are valued and functional. Broomfield is at present zoned as a safeguarded open space, used and valued by many individuals and sports groups. There is no indication of how and where replacement open space will be provided.

The proposal should have been contained within the Local Plan 2010 and it is being rushed through without thorough thought or explanation with the Local Development Plan. There has been a complete failure by the Council to consider other options available for the school.

Communication**18, 19**

There is a lack of consistency in communication and the accuracy of the information provided on the plans for the school and its impact on local residents.

Consultation**319/12**

Sportscotland highlight the provisions of SPP and indicate that they are a statutory consultee where an outdoor sports facility may be lost or its future use prejudiced. Sportscotland are required to be consulted on any proposal or planning application that would result in the loss or reconfiguration of the existing playing fields.

Design and Lack of masterplan

2, 70, 76, 80, 82, 83, 84, 85, 87, 88, 89, 93, 96, 97, 102, 116, 117, 118, 121, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143/1, 143/2, 144, 145, 147, 150, 151, 152, 154/1, 154/2, 155, 157, 158, 160, 161, 162, 163, 165, 168, 169/1, 171, 173, 174, 176, 177, 178, 179, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 213, 214, 215, 217, 218, 219, 220, 223, 224, 247, 250, 253, 254, 277

A masterplan has not been prepared to determine the suitability of Broomfield Park for such a proposal. It is also unclear what size the school needs to be to address future house building plans and crucially the educational impact.

There is a lack of information on design.

Non-consideration of Alternative Sites/ Site Selection Process

2, 18, 19, 70, 76, 80, 82, 83, 84, 85, 86, 87, 88, 89, 93, 96, 97, 102, 116, 117, 118, 121,

124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143/1, 143/2, 144, 145, 147, 150, 152, 154/1, 154/2, 155, 157, 158, 160, 161, 162, 163, 165, 168, 169/1, 171, 173, 174, 176, 177, 178, 178, 179, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 213, 214, 215, 217, 218, 219, 220, 223, 224, 247, 250, 253, 254, 277, 308

There is no evidence that alternative sites, particularly derelict sites have been considered or that a site selection process has been undertaken.

Question raised in relation to whether the lower part of Broomfield Park which is developable if flooding mitigation works are carried out.

The planning department have confirmed that the lower field of Broomfield Park is developable subject to the cost of mitigating flooding issues. Reasons are required to why this is not an alternative option.

The site selection process has been 'over simplified' and is driven primarily by costs. No consideration has been given to the impact on existing and planned surrounding houses.

Use of Caponacre Industrial Estate; Existing Cumnock Academy Site & Thistle Business Park; Woodroad Park

169/2, 181, 203, 255

Caponacre should be used for the school.

The senior school, college and business park enterprises should be accommodated on the current Cumnock Academy and Thistle Business Park sites and consolidating any business/factory units at Caponacre Industrial Estate. Woodroad Park would provide a safe location for a primary, early learning centre and special needs school to replace Barshare, Greenmill and Hillside Schools.

Future Use of Existing School Sites

86

The LDP does not include the intended uses for the four other existing school sites.

PROP5/Map 9 Hatching/Area Identified

2, 76, 80, 82, 83, 84, 85, 86, 87, 88, 89, 102, 116, 121, 143/2, 144, 154/1, 162, 168, 247, 254, 283, 306/4, 318

The PROP5 area hatched on Map 9 is too small for a school and is misleading as it indicates that the majority of the site will remain as public open space.

The settlement map boundary for PROP 5 is misleading as the proposed search area for the new learning campus is clearly site specific and without a masterplan for the development of the site, such a designation misrepresents the proposal.

There is no justification for changing the use of Broomfield for the largest school in

Europe. East Ayrshire Council Education and Social Services Department have produced a plan for the proposed campus and this is not what is represented within the Local Development Plan in terms of the area for the school, the proposed car park on the Cumnock Academy site and the business start-up unit.

Ownership of Land and Title Deeds

9

Question raised in relation to whether the ground was bought or gifted to the Council and whether there would be any burdens of the deeds restricting the use of the ground.

Education, Health and Wellbeing

9, 18, 19, 70, 76, 80, 82, 83, 84, 85, 87, 88, 89, 93, 96, 97, 102, 116, 117, 118, 121, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143/1, 143/2, 144, 145, 147, 150, 151, 152, 154/1, 154/2, 155, 157, 158, 160, 161, 162, 163, 165, 168, 169/1, 171, 173, 174, 176, 177, 178, 179, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 213, 214, 215, 217, 218, 219, 220, 223, 224, 247, 250, 253, 254, 277

Objections are made to the reclassification of Broomfield from “protected open space” to a “school search site” in terms of the significant size of the school.

Healthier lifestyles are promoted by the Scottish Government, NHS etc. and the development of a school is contrary to this.

There are concerns about the impact on resident’s social and health wellbeing from the potential loss of Broomfield. There are also concerns about the environmental and health impacts deriving from the construction period; the scale of the development; future capacity of the campus and the impacts on Auchinleck from the removal of Auchinleck Academy, particularly in relation to deprivation and the implications of children walking to school when they are not entitled to free or subsidised travel.

No assessment has been undertaken regarding school roll projections and how this relates to allocated housing sites.

Road Safety/Traffic/Transport/Infrastructure

18, 19, 52, 70, 76, 80, 82, 83, 84, 85, 87, 88, 89, 93, 96, 97, 100, 102, 108, 117, 118, 121, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143/1, 143/2, 144, 145, 147, 150, 151, 152, 154/1, 154/2, 155, 157, 158, 160, 161, 162, 163, 165, 168, 169/1, 171, 173, 174, 176, 177, 178, 179, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 213, 214, 215, 217, 218, 219, 220, 223, 224, 247, 250, 253, 254, 277

There are concerns with the potential use of the existing Cumnock Academy as a car park and the safety implications of this and with the use of existing paths as routes to and from the proposed campus.

There will be implications on road safety, traffic and infrastructure, air pollution and the health of residents. Alternative sites closer to the A76 should be considered to avoid congestion through two communities.

The development would result in traffic congestion issues. The path network is inadequate and existing infrastructure is insufficient. There are concerns about walking distances and the implications of children walking to school when they are not entitled to free or subsidised travel. No specific planning details are provided.

Proposed access to the site is subject to poor drainage and in the absence of any evidence to suggest otherwise, the proposal would not accord with Policy ENV 11. There are known sewerage capacity, traffic and transport issues within the area which would be unacceptably increased by the siting of the proposed campus at Broomfield to the detriment of traffic safety.

Flooding

191

The southern part of Broomfield is unsuitable for development due to flooding issues.

Amenity

137, 161, 184, 189

Concerns about the amenity of the area being affected by the potential development of a school in this area.

Access and Recreation

208

Broomfield is part of the River Ayr Walk. Questions are raised about the compatibility of this recreational resource with a new school. Woodroad Park is not a comparable open space and raises issues of design and site selection.

Future Facilities

24, 221

Further details are sought about what sporting facilities will remain at Broomfield and if these would be free to use. Further information is requested on where the playing fields would be located during construction.

Other Planning Issues

2, 70, 76, 80, 82, 83, 84, 85, 87, 88, 89, 93, 96, 97, 100, 102, 104, 116, 117, 118, 121, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143/1, 143/2, 145, 147, 150, 151, 152, 154/1, 154/2, 155, 157, 158, 160, 161, 162, 163, 165, 168, 169/1, 171, 173, 174, 176, 177, 178, 179, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 213, 214, 215, 217, 218, 219, 220, 223, 224,

247, 250, 254, 277

Full details of the proposed school development should be provided.

Question in relation to what impact the proposed school will have on the local area.

The undeveloped Knockroon site is a 'builder's yard' and more upheaval in the area is not wanted.

The Council should concentrate on providing a new precinct, which should have been completed by now.

The school roll will be too high. It is unclear what size the school needs to be to address future house building plans and educational impact. No assessment has been undertaken regarding school roll projections and how this relates to allocated housing sites.

The community will no longer be able to use the park outwith school hours or without paying for it.

Issues Raised In Relation to Non Planning Related Matters

18, 19, 104, 108, 253

Reference to the statutory consultation on the proposed Knockroon Campus undertaken by the Council's Education and Social Services.

The proposal could have negative impacts on property values in the area.

There are concerns about what impact the new school will have in terms of anti-social behaviour, particularly with increased numbers of school children in the area and in relation to the loss of the playing field and activities for young people to do.

Modifications sought by those submitting representations:

2, 8, 9, 18, 19, 39, 52, 76, 80, 82, 83, 84, 85, 87, 89, 102, 108, 121, 143/2, 144, 154/1, 162, 168, 247, 254, 283, 306/5, 306/6, 306/7, 318

Remove PROP 5 (Page 26, Volume 2: Settlement Maps) from the Proposed Local Development Plan.

2, 283, 306/4, 318

Remove PROP5 from Map 9.

24

Guarantee is sought that should the Council locate the new school campus at Broomfield that the existing recreational facilities are provided in an enhanced form on the new school campus, 7 days a week for the use of the local communities and are free of cost or at least at costs that are affordable. The existing Broomfield facilities should also remain available for use during the construction period of the new campus, including allowing time for new pitches to mature before being used.

55

Retain Broomfield Park as green belt.

70, 97, 100, 101, 104, 109/1, 117, 118, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143/1, 145, 147, 148, 150, 151, 152, 154/2, 155, 157, 158, 160, 161, 163, 169/1, 173, 174, 176, 178, 179, 180, 181, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 204, 205, 206, 207, 208, 209, 210, 213, 214, 215, 217, 218, 221, 222, 223, 224, 239, 250, 251, 253, 277, 311

Retain Broomfield Park is retained as protected open space.

86

Remove the hatched area from Broomfield and permission should not be given for any School or building on that location. If the hatched area is to be left in then more detailed information on how it will affect Cumnock in terms of transport, abandoned school buildings, the effect on adjacent areas, and the replacement of green infrastructure, landscape and recreational facilities is needed.

96

Do not merge Cumnock and Auchinleck Academy.

169/2

Reclassify Caponacre Industrial Estate from industrial to a school search site.

216, 225

Suggest that Caponacre would be an appropriate alternative site.

223

The existing school should be used instead of Broomfield.

255

Accommodate the senior school, college and business enterprises on current Academy and Thistle Business Park sites and consolidating any businesses/factory units at Caponacre Industrial Estate. Woodroad Park would provide a safe location for a primary, early learning centre and special needs school to replace Barshare, Greenmill and Hillside Schools.

318

Delete Paragraph 3.26 (Volume 1); Delete PROP 5 (Volume 2).

319/12

Amend the text of page 26, Volume 2 to read as follows (suggested amendment is in italics): "The Council, *in consultation with SportsScotland*, will investigate the feasibility of a

new education and community campus at Broomfield Park, Cumnock.

212

Alex Morrison supports the campus at Broomfield.

Summary of responses (including reasons) by planning authority:

Background

A formal 6 week consultation was held by the Council's Educational and Social Services in February and March 2015 in relation to:

- the proposed co-location of Hillside School either with a new Primary School, Supported Learning Centre and Early Childhood Centre or a new Secondary School and Supported Learning Centre and new Primary School, Supported Learning Centre and Early Childhood Centre;
- the proposed closure of Barshare Primary School, Supported Learning Centre and Early Childhood Centre and Greenmill Primary School and Early Childhood Centre to form a new Primary School, Supported Learning Centre and Early Childhood Centre; and
- the proposed Closure of Auchinleck Academy and Cumnock Academy and Support Learning Centre to form a new Secondary School and Supported Learning Centre on the Broomfield Playing Fields.

Overall, the Council received a total of 712 responses to the formal consultation including a petition with 833 names appended. Previous consultations in the form of various community meetings and engagement discussions were also held throughout 2014 and at earlier dates. These involved heads of establishment, parent councils, staff, young people and certain community groups.

Overall, the consultation process has been carried out in accordance with the Schools (Consultation) (Scotland) Act 2010 and the closure of the existing schools affected was approved by Scottish Ministers in August 2015 with the recommendation that the Council engage fully with local communities at each stage in the development proposal process. This means that the Council can now move forward in realising its vision for future education provision for the Cumnock and Auchinleck areas.

The approved proposal includes:

- a merged primary school, incorporating Greenmill Primary School and Early Childhood Centre and Barshare Primary School, Supported Learning Centre and Early Childhood Centre
- Hillside School
- A merged Auchinleck Academy and Cumnock Academy and Supported Learning Centre
- Further education and business enterprise facilities

The proposed campus will also include sports and recreation facilities to be accessible to the community. It is intended that construction will begin in 2017 with completion by 2019.

The East Ayrshire Main Issues Report was published for consultation in November 2012

prior to there being any consideration for a new education campus in Cumnock. This was also the case for the East Ayrshire Local Plan 2010. In terms of the Proposed Plan, PROP5 which states the Council's intention to investigate the feasibility of a new education and community campus at Broomfield Park, Cumnock reflects the status of the proposal at the time of its publication.

Broomfield is considered to be the most appropriate location for the education and community campus due to:

- The size of the site;
- the relative location of the area to both Auchinleck, Cumnock and other surrounding areas;
- anticipated minimal land constraints e.g. contamination, transport, flooding etc.;
- accessibility to and from the area;
- the availability and ownership of the land;
- costs of developing on the land; and
- minimal disruption during construction

It should be noted that £1M has been set aside in the capital programme to undertake any works required to address matters such as safe walking routes. Further site investigations and masterplanning will be required to determine the suitability of Broomfield Park for the siting of the proposed new education and community campus.

Addressing the Issues Raised:

Scottish Planning Policy; PLDP Spatial Strategy/Policy and Other Council Policy

The Proposed Plan's Spatial Strategy and Policies all conform to the principles of Scottish Planning Policy (SPP), in particular the PLDP Spatial Strategy and Policy OP1 seek to, where possible, give priority to the reuse of brownfield land and buildings but also seeks to identify development opportunities in locations with the infrastructure and landscape capacity to accommodate them. The Campus proposal seeks to bring together multiple education uses. Due to the need for a suitably sized site to accommodate the proposed campus it has not been possible to locate on brownfield land in an appropriate location.

It is important to point out that the Council identifies the education campus as a LDP Proposal at this stage. The Council is currently of the view that this site is the most appropriate for a proposal of this scale. This proposal will, however, still require to be subject to further site investigations and assessments prior to the planning application process. Once a planning application is submitted, the proposal will be assessed against all relevant LDP policies, the draft Green Infrastructure Strategy for East Ayrshire and all other relevant material considerations.

It is important to note, however, that the draft Green Infrastructure Strategy for East Ayrshire identifies a surplus of open space within Cumnock. This will be taken into account as part of the assessment of any planning application for the proposal. SPP states that outdoor sports facilities should be safeguarded from development except where the relevant strategy and consultation with Sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision. Again, the Council will consult Sportscotland at every stage in the development process as required.

Loss of Open Space and associated recreation and sports facilities; Future Facilities

The concerns over the loss of open space and associated recreation and sports facilities are noted. However, it is intended that the new campus will provide an enhanced set of facilities for the community with no overall losses. Any proposals in relation to new and enhanced facilities will be done through liaison with existing community groups such as Cumnock Rugby Club, Cumnock Juniors and by working with leisure groups and local youth sports clubs to provide a comprehensive range of indoor and outdoor facilities. The new campus will have appropriate sports halls and fitness areas complemented by 3G pitches for a range of activities. Access to the site by casual users and the provision of suitable running facilities will continue to be investigated and included in ongoing discussions between the Council and users.

Non-Inclusion of Proposal in the MIR and EALP 2010

The East Ayrshire Main Issues Report was published for consultation in November 2012 prior to there being any consideration for a new education campus in Cumnock. This was also the case for the East Ayrshire Local Plan 2010.

Communication

The Scottish Government recently approved the Council's proposals to implement its decision to close the affected early childhood centres, schools, and associated supported learning centres. Having reviewed the Council's proposal paper and consultation report and carefully considered all the representations received, the Scottish Minister's considered that the Council had fulfilled its obligations under the Schools (Consultation) (Scotland) Act 2010. When taking the proposal forward, Ministers recommend that the Council continue to work with communities and stakeholders in Cumnock and Auchinleck to respond to any concerns and that it seeks to maintain a high level of public engagement during the development of the new campus. In terms of planning, the proposal has been part of the Development Plan process at the earliest opportunity and incorporated into the PLDP under PROP5.

Consultation

Sportscotland were consulted on the Proposed Plan despite not being a statutory consultee and their comments in this regard are welcomed and noted. The Council acknowledges that Sportscotland will be a statutory consultee in the planning application process and is committed to working closely with them as the proposal for the school progresses.

Design and Lack of Masterplan

The proposal is at an early stage in the development process and no finalised masterplan has been developed as yet. A masterplan is generally used to develop a proposal for a specific site with a detailed development and design concept emerging from a finalised masterplan. There is no specific requirement on when a masterplan should be prepared, however the Planning Service of the Council would encourage this early in the process of a site being developed. The development of a framework and masterplan will allow for more detailed proposals and design concepts to come forward.

Non-consideration of Alternative Sites/Site Selection Process; Use of Caponacre Industrial Estate, Existing Cumnock Academy Site & Thistle Business Park & Woodroad Park

Broomfield is considered to be the most appropriate location for the education and community campus due to:

- The size of the site;
- the relative location of the area to both Auchinleck, Cumnock and other surrounding areas;
- anticipated minimal land constraints e.g. contamination, transport, flooding etc.;
- accessibility to and from the area;
- the availability and ownership of the land;
- costs of developing on the land; and
- minimal disruption during construction

There are no alternative appropriately located and sized sites which meet all of the Council's requirements.

It should be noted that £1M has been set aside in the capital programme to undertake any works required to address matters such as safe walking routes. Further site investigations and masterplanning will be required to determine the suitability of Broomfield Park for the siting of the proposed new education and community campus and this will be done as part of the planning application process.

In terms of the alternative sites being put forward in representations, i.e. Caponacre Industrial Estate, the existing Cumnock Academy site, Thistle Business Park and Woodroad Park these are either not large enough to accommodate the education and community campus alongside its parking and playing fields requirements, cannot be satisfactorily accessed or are in private ownership or are a combination of these factors.

Future Use of Existing School Sites

As part of the overall proposal, the Council acknowledges that school sites outwith the proposal site might in future be declared as surplus to requirements. The Council will ensure that no sites become derelict or unsightly and will, where appropriate, market the sites. It might also be the case that certain facilities will be retained for community use. However the detail of this has not been approved.

Future proposals would be required to be subject to the relevant policies contained in the adopted Local Development Plan in force at the time of a planning application being submitted.

PROP5/Map9 Hatching/Area Identified

The hatched area on the map of PROP5 is indicative and does not outline a defined boundary. This will be defined through the masterplanning and planning application process.

Ownership of Land and Title Deeds

There are no title deed burdens on the Broomfield Park area, in terms of restricting the use of the ground. Furthermore, there are no conditions in the title deeds of the land

which require continued leisure use or prohibit the construction of buildings on the Park. Historically, the land forming the Broomfield Playing Fields was purchased in part by Cumnock Town Council and, in part by Ayr County Council.

Education, Health and Wellbeing

There will be enhanced community facilities available at the proposed new campus which will have a positive impact on the health of local communities. Additionally the sports centre at Auchinleck will remain open when the school buildings are demolished and the Council has recently brokered an arrangement with Cumnock Rugby Club and Cumnock Juniors to develop participation in sport for all sections of the community. East Ayrshire Council will work closely with local groups to consult on what is needed locally in terms of council provision. It will also enhance the education facilities available to local school pupils. The proposals have been confirmed and praised by Education Scotland including the prospect of modern facilities and surroundings.

Road Safety/Traffic/Transport/Infrastructure; Flooding; Amenity; Access and Recreation

Any issues will be addressed through the masterplanning and planning application processes. In principle, however, the Council is of the view that Broomfield Park could, subject to further investigation and assessments, accommodate the new education and community campus without unacceptable impacts. It is important to note that site investigations carried out so far have not identified any significant issues in relation to transport, infrastructure, flooding, amenity, access and recreation. The proposal is at an early stage in the development process and no finalised masterplan has been developed as yet.

Future Facilities

The matters raised in relation to the details of what sporting facilities will remain at Broomfield, if these would be free to use and what would be available to use during the construction period will be addressed through a finalised masterplan and the planning application process. Additionally the sports centre at Auchinleck will remain open when the school buildings are demolished and the Council has recently brokered an arrangement with Cumnock Rugby Club and Cumnock Juniors to develop participation in sport for all sections of the community. There will be enhanced community facilities available at the proposed new campus. East Ayrshire Council will work closely with local groups to consult on what is needed locally in terms of council provision.

Other Planning Issues

The matters raised in relation to the details of the proposed school, its size, the school roll and its overall impact will be addressed through a finalised masterplan and the planning application process.

In terms of school roll projections and how this relates to the allocation of housing sites, the detailed design of the new school and its eventual capacity will require to take full account of the housing sites identified in the Cumnock and Auchinleck area.

In terms of the new precinct, through the Cumnock placemaking strategy, priority is given to the redevelopment of the Glaisnock shopping centre and complementary public realm improvements to help rejuvenate the town centre. The delivery of this proposal is

anticipated to be 2015 to 2018.

Non Planning Related Matters

Some of the issues raised in relation to anti-social behaviour, the merging of Auchinleck Academy and Cumnock Academy, certain aspects of health and any impacts on property values are matters that cannot be addressed by the Local Development Plan as they are not planning matters.

Conclusion

It should be noted that following receipt of representations, at a meeting of East Ayrshire Council Cabinet on 17 June 2015, a decision was taken to proceed with the proposal for a new education and community campus at Broomfield Park. The record of this decision was passed to the Governance & Scrutiny Committee at East Ayrshire Council for its consideration. The outcome of these deliberations, on 18 June 2015, was to support the decision made by Cabinet and to agree that Scottish Ministers could be informed of the decision. For information, Cabinet was aware of the representations made in relation to PROP5. On 7th August 2015, Scottish ministers approved the Council’s proposals to implement its decision to close the affected early childhood centres, schools, and associated supported learning centres. Ministers recommend that the Council continue to work with communities and stakeholders in Cumnock and Auchinleck to respond to any concerns and that it seeks to maintain a high level of public engagement during the development of the new campus.

Given the commitment to proceed with the vision for new education provision in Cumnock, the Council is of the view that PROP 5 should remain in the LDP.

However, given the progress that has taken place since the proposed plan was published the Reporter may wish to consider rewording PROP 5 to take account of recent events, in particular that the Council has approved the decision for the new education and community campus with Scottish Ministers approving the proposals to implement the decision to close the schools affected. If the Reporter agrees that such rewording is necessary and appropriate, the Council would have no objection to PROP 5 being changed to read:

“The Council will continue to support investigations into the provision of a new education and community campus at Broomfield Playing Fields, Cumnock”.

It is considered that this does not change the underlying aims of this proposal.

Reporter’s conclusions:

Context

1. PROP 5 states that the council will investigate the feasibility of a new education and community campus at Broomfield Park, Cumnock. Paragraph 3.26 of Volume 1 states that as part of its school rationalisation programme, the council is examining options for amalgamating schools in Cumnock and Auchinleck and locating them on a new campus in Cumnock. At the time of publication of the plan no final decision had been made as to the location of such a campus. So paragraph 3.26 indicates that the Broomfield area of Cumnock is considered by the council to be potential location. It is shown on the

settlement map as an indicative area with undefined boundaries.

2. Broomfield Park is a large area of open space in the north-west of Cumnock incorporating an athletics track, a changing pavilion, and several football and rugby pitches. Adjoining the park are: a school (Cumnock Academy) linked to the park by a pedestrian bridge; a leisure centre and car park; recent housing development; land allocated for housing; and land allocated for a waste management depot. The Lugar Water, lined by trees, divides the park from further open space to the south-west.

3. The representations relating to this issue primarily seek the deletion of PROP 5 from the proposed plan and from settlement Map 9 for Cumnock. Some seek new education provision on alternative sites including Caponacre. However, in the event that the proposal is retained, some representations seek a requirement that existing and/or enhanced recreational facilities are retained or provided, and others seek the inclusion of specific details of the proposed development within the local development plan.

4. From the council's response, it is clear that matters have moved forward from the position described above, to the extent that the council has now made a decision to proceed with the proposal for a new education and community campus at Broomfield Park. This follows a consultation process under the Schools (Consultation) (Scotland) Act 2010, and Scottish Ministers have approved the council's proposals to close the affected early childhood centres, schools and associated supported learning centre. Within the consultation document there is a statement to the effect that the proposal will be incorporated in the local development plan.

Main Issues Report

5. The proposal for Broomfield only became sufficiently developed for inclusion in the proposed plan after the main issues report stage. Paragraph 71 of Circular 6/2013 states that the main issues report is the principal opportunity for consulting stakeholders on the content of the plan and involving the wider public. This is where alternative strategies or approaches to development, including alternative sites for development, are discussed.

6. This does not necessarily prevent the inclusion of a proposal that has not been considered in the main issues report, where circumstances justify this, as above. However, it requires me to consider the alternatives in this examination. There has been engagement with stakeholders through an education procedure, namely the extensive consultation exercise under the Schools (Consultation) (Scotland) Act 2010, which raised planning as well as education issues. The extent of the representations indicates the local community's awareness of the planning issues raised by the proposal.

Principle of providing an amalgamated education and community campus

7. The council's proposal (as approved by the council as education authority) is for the following:

- a merged primary school, incorporating Greenmill Primary School and Early Childhood Centre and Barshare Primary School, Supported Learning Centre and Early Childhood Centre
- Hillside School
- A merged Auchinleck Academy and Cumnock Academy and Supported Learning Centre

- Further education and business enterprise facilities

all to be provided on a site (defined in the consultation document) at Broomfield Park.

8. This appears to be intended to meet a significant element of the education needs for Cumnock and Auchinleck within a single campus. Many of the representations consider that there is insufficient justification for amalgamating the proposed education facilities together in this way, and that therefore this does not provide the right approach to education for children in these communities. The consultation document includes an analysis of falling school rolls, and identifies surplus capacity within primary and secondary schools, leading to a requirement to improve efficiency.

9. Insofar as this approach has been justified in terms of education policy, it lies outwith my remit, which is limited to planning matters, and I have been given no convincing planning justification to reject a single combined campus in principle.

10. I also note the response of Education Scotland which is in general terms supportive of the council's approach.

Alternative sites

11. The size of site required for a combined use campus and the exacting requirements for accessibility, avoidance of physical constraints, etc. will inevitably restrict the options for location.

12. The council has conducted a review of the available site options, assessing them in relation to size, location, constraints, availability and ownership, development costs and construction disruption. It has concluded that there are no other suitable sites of appropriate location and size which meet all of its requirements.

13. A number of the representations express concern about whether sufficient consideration has been given to alternative sites for the proposed campus. They have put forward several alternatives and I have given careful consideration to the evidence which they have submitted regarding those sites.

14. Caponacre Industrial Estate is examined under Issue 82 and I refer to my conclusions that it is not suitable for the proposed campus. The other alternatives sites proposed are Cumnock Academy, Thistle Business Park and Woodroad Park. I have not been offered any convincing basis for rejecting the council's assessment that these are either not large enough or cannot be satisfactorily accessed or are in private ownership or are subject to a combination of these factors.

Spatial Strategy

15. The spatial strategy of the plan aims to promote high quality, sustainable development, namely development that balances the costs and benefits of a proposal over the longer term. In this case, I consider that the provision of modern and improved education and community accommodation and facilities for the Cumnock and Auchinleck areas weighs heavily in favour of the proposal.

16. The spatial strategy also aims to give priority to the use of brownfield land and buildings. Policy OP1 requires proposals, where possible, to reuse vacant previously

developed land in preference to greenfield land. This is a significant theme within the representations.

17. Part of the site of the proposed campus would occupy greenfield land. However, I see no convincing basis to dispute the council's contention that the Broomfield site is the most appropriate location and that there are no alternative brownfield or greenfield sites more appropriately located which meet all the requirements of the campus. This is related to the size of the campus required for the equivalent of 2 secondary schools and 3 primary schools, together with the other supporting learning, business and community facilities.

18. A further matter is that the proposal for the education and community campus as set out in the consultation document, and as approved by the council as education authority, includes the site of the existing Cumnock Academy within the overall development site, thus removing the issue of what to do with one of the sites which may be surplus to the requirements of the education authority. The other sites which may become surplus to requirements would constitute urban development sites, and they are not identified as development proposals within the proposed plan.

19. However, there is a framework of policies which should enable appropriate future development on these sites, including Policy RES 1 which encourages the residential development of gap, infill or other redevelopment sites within settlement boundaries where they meet with all other LDP policies and requirements. This should deter the prospect of an increased number of long term vacant or derelict sites within the area resulting from the proposed school closures.

20. Other matters raised in the representations relate to the location of the site with respect to the existing urban areas of Cumnock and Auchinleck. Since the site lies within the northern part of the Cumnock urban area, it is fairly centrally located and therefore enjoys good accessibility to the residents of Cumnock and Auchinleck for secondary school education. The 3 primary schools to be replaced are located close to the A70 and are relatively close to the proposed education and community campus. Although concern about the proposal having an adverse effect on the Cumnock Town Centre is raised within the representations, I do not consider that there is any evidence to suggest that the campus would have any significant effect on the function or operation of the town centre.

21. However, the importance of a travel plan should not be underestimated, and it appears that the most significant change would be the requirement for access to the proposed new campus for secondary school pupils from Auchinleck. This is further examined under the heading of transport below, but as long as school bus services and a safe walking route to school are appropriately provided for, in the context of this and other access requirements to the education facilities provided (from the relevant catchment areas), I find that the proposed development would be sustainable in transport terms.

22. Overall, I find that PROP 5 is consistent with the spatial strategy set out in the proposed plan.

Loss of protected open space

23. Paragraph 224 of Scottish Planning Policy requires local development plans to identify and protect valued and functional open space identified in the open space audit and strategy. Paragraph 225 states that local development plans should seek to enhance

existing and promote the creation of new green infrastructure.

24. The site is designated as safeguarded open space on the settlement map for Cumnock, a designation which has been carried forward from the adopted local plan. Policy INF 6 states that there will be a presumption against development on safeguarded open space with the exception of uses which are compatible with, and sympathetic to, the sporting and recreational use of the site itself. Any such development should not result in either a reduction or erosion of the site's overall amenity and recreational value or a deficiency of open space provision in the area or settlement concerned. Development which results in the partial or complete loss of areas of safeguarded open space will be acceptable only in exceptional circumstances where alternative provision of equal community benefit can be made available close to the site and where the proposal meets with the provisions of the council's green infrastructure strategy.

25. Since the proposed education and community use would result in the loss of part of the open space, in terms of compatibility between the proposal and Policy INF 6, the proposal would require to be regarded as one of the exceptional circumstances allowed for by the policy. However, the draft Green Infrastructure Strategy for East Ayrshire identifies a surplus of open space within Cumnock. Moreover, there would appear to be scope to enhance some of the existing green infrastructure as part of the scheme.

Safeguarding sports and recreational facilities

26. Paragraph 226 of Scottish Planning Policy states that outdoor sports facilities should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy and consultation with SportScotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

Paragraph 228 then states that local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

27. The first two bullet points in paragraph 226 do not apply, and with respect to the last bullet point, there is no evidence before me to suggest that there is an excess of provision within the local area. Many of the representations refer to the existing facilities being extensively used by the local community. One describes the site as the "jewel in the crown" of local recreational facilities, and reference is made to the use of the site for local highland games.

28. As to replacement of facilities at another location, Woodroad Leisure Park, to the east of Auchinleck Road, is discussed in representations. Although its ability to provide

replacement facilities has been questioned, I note that the plan proposes upgrading of its connections to the rest of the town and along the river, and of its footpaths and facilities. Within the proposed new development, there is clearly the potential, and intention, for the provision of better quality facilities on the Broomfield Park site.

29. The primary facility on Broomfield Park appears to be the pavilion and running track, which is currently directly accessible from the nearby car park and leisure centre. I noted at my site inspection that there is already use of the running track by local schools, as my site inspection happened to coincide with what appeared to be a local sports day with convoys of school children accessing the playing fields using pavements on the Auchinleck to Cumnock Road.

30. On the same level and to the north of the running track there are 2 existing rugby pitches and a football pitch. To the west, and at a lower level, there appear to be 2 football pitches and a further rugby pitch. It is probably fair to say that these facilities represent a low intensity of recreational use at the present time. The council state their intention to provide an enhanced set of facilities for the community with no overall losses. These would include sports halls, fitness areas and synthetic playing pitches. Access for casual users and suitable running facilities are still under investigation. However, the exact quantity and quality of sports facilities that would be required in order to provide an equivalent or enhanced provision from that which exists at the present time would be a matter for further discussion with community interests and SportScotland.

31. To this has to be added the more informal role of the site for outdoor recreation, and particularly for walking and access to the wider countryside. For example, within the representations there is reference to a riverside walk to Auchinleck. However, it is likely that such could be retained around an education and community campus.

32. Importantly, SportScotland have raised no objection in principle to the proposal, but seek consultation as the investigation of the new facility progresses.

33. Whilst the current facilities are clearly used by existing schools, they appear to be readily accessible to the local community. Representations express concern that recreational facilities directly linked to new schools may not be as accessible or welcoming. The proposed development is described as an education and community campus, and I find that community access would be a matter for the detailed design, layout and management of the overall campus.

Landscape

34. The amount of open space would be significantly reduced by buildings on the site associated with the proposed campus and to some extent this would be likely to have an adverse impact on the landscape character of the area. This is an unavoidable consequence of the proposed development. I have no doubt that this could be significantly mitigated by the design and layout of development on the site, including the proposed new recreational facilities, and by retaining most of the woodland and mature trees particularly along the boundary of the site with the A76. New structural landscaping could also in time provide a good landscape framework for the proposed campus.

Residential amenity

35. Concern is expressed in the representations with respect to the direct impact of the

proposal on the residential amenity of the recent housing development at Terringzean View, to the west of Auchinleck Road. At the moment, the running track is adjacent to this housing whereas the council's concept diagram shows the school buildings and playgrounds in that location. I recognise that these would be likely to give rise to greater impact on the residential amenity of this housing area than at present. .

36. However, schools are generally located in relatively close proximity to housing, and are not considered incompatible uses. On this large site, there will be scope for careful layout and design of school buildings and playgrounds, and appropriate visual and noise barriers including soft landscaping. With such mitigation, I find that the effect on residential amenity would not be unacceptable.

Transport

37. The proposed education and community campus essentially replaces existing facilities within Cumnock and Auchinleck, which is therefore not likely to generate significant additional traffic onto the trunk and local road network as a whole. Since most of the additional traffic would be locally generated, I do not anticipate that there would be significant additional traffic on the A76. The one exception to this may be additional contracted school bus trips, which is further examined below.

38. A preliminary (outline) transport assessment has been undertaken within the education consultation document. The predicted number of daily generated car trips has been identified as 432 for the merged secondary school accommodation, and 367 for the merged primary schools and other learning facilities.

39. This would include a significant number of trips being generated onto the B7083 Auchinleck Road, which is already a fairly busy vehicular route from Auchinleck in the north to the Cumnock Town Centre in the south, notwithstanding that some traffic could access the proposed campus using the A76 and A70 to the west (the existing access to Cumnock Academy), without using Auchinleck Road.

40. An assessment of the facilities required for contracted school transport bus and taxi services is made, and provision is included for this within the concept diagram. The proposed vehicular access to the site is a combination of an improved junction on the B7083 Auchinleck Road at Underwood Road, and utilising the existing access to the Cumnock Academy (generally for school buses and pupils); with pupils then accessing the schools by a new bridge over the Cumnock Water. The aim of this is to spread the vehicular traffic generated between Auchinleck Road and Ayr Road, with buses in particular making full use of the A76 for access to the site. This could obviously be secured through the contract arrangements.

41. At this stage, the outline transport assessment simply states that junction improvements would be required at the proposed accesses from Auchinleck Road and Ayr Road, which would be likely to be signalised. Other transport interventions, though possibly of a smaller scale, may be required as a result of the full transport assessment.

42. Quite a full analysis of safe routes to school has already been undertaken by the council's road safety officer, and key walking routes have been identified, with an assessment that the Cumnock urban area is well served by footpaths and road crossing facilities. However, four areas have been identified where additional facilities or other mitigation measures would be required.

43. In overall terms, I find that the outline transport assessment undertaken through the consultation document is sufficient to suggest that the proposed education and community campus could be accommodated on the proposed site without any significant adverse transportation effects. Indeed, there may be opportunities to improve the transport arrangements and provide safer routes to school.

Other Infrastructure

44. A number of other infrastructure matters are raised within the representations. Part of the site is identified within the Scottish Environmental Protection Agency’s flood maps as being at significant risk from fluvial flooding. This comprises the lower land (adjacent to the Lugar Water) within the western part of Broomfield Park, and the site of the existing Cumnock Academy. A small area of the site is also identified as being at risk from pluvial flooding, including a part of the running track.

45. Areas at risk of flooding are also shown in maps within the consultation document. This suggests that the new buildings within the proposed education and community campus should be located on the higher eastern part of Broomfield Park, where the running track is currently located. The site of Cumnock Academy is at risk of flooding, and its relocation within Broomfield Park would appear to be a positive benefit. In the concept diagram, areas at risk of flooding are shown for vehicle parking and recreation facilities, which can be subject to appropriate management procedures when a flood event is predicted to occur. All these matters can be addressed by a flood risk assessment at the development management stage.

46. I note the reference within the representations to sewerage capacity issues, and the need to upgrade electricity services. However, my understanding is that any necessary upgrade to such facilities would be made in order to facilitate the proposed development. Reference is also made to litter and pollution, but I find that there is no evidence that such should be regarded as a constraint to the proposed development. They are matters of enforcement, with powers to regulate and manage them vested in the council and the Scottish Environment Protection Agency respectively.

47. With respect to any increase in carbon emissions, particularly from the transport requirements, and since these are largely replacement facilities in overall terms, I do not consider that there would be any significant increase as a result of the proposed development. Indeed, with appropriate emphasis on active travel to school, and more efficient use of bus travel, there is the prospect of reducing carbon emissions.

Overall

48. The plan requires to be modified to reflect the up-to-date position regarding the proposal.

Reporter’s recommendations:

Modify the local development plan as follows:

1. Amend PROP 5 in the following terms:

The council will continue to investigate the development of a new education and community campus at Broomfield Park, Cumnock. A masterplan approach will be taken

to the development of the site.

2. Volume 1, paragraph 3.26 – replace the existing paragraph as follows:

As part of its school rationalisation programme, the council has examined options for amalgamating schools in Cumnock and Auchinleck and locating them on a new campus in Cumnock. A consultation exercise has been undertaken under the Schools (Consultation) (Scotland) Act 2010. The council as education authority has now made a decision to proceed with a new education and community campus at Broomfield Park. A proposal for this is described under the proposed interventions for Cumnock below.

3. Insert a new paragraph after paragraph 3.35 of Volume 1:

Education and Community Campus at Broomfield Park, Cumnock

The council will continue to investigate the development of a new education and community campus at Broomfield Park, Cumnock, under PROP 5. The campus is intended to incorporate a merged Auchinleck Academy and Cumnock Academy, merged primary school facilities to replace Greenmill Primary School, Barshare Primary School and Hillside School, associated supported learning and early childhood centres and further education and business enterprise facilities. The site being investigated focuses on the indicative area shown on the settlement map for Cumnock (Map 9). The exact nature of the development and the boundaries of the site have yet to be determined through the planning process. Development of the campus will follow a masterplan approach to ensure that the proposal is environmentally acceptable and that appropriate infrastructure is provided. The proposals will include the retention or provision of sports and recreation facilities on the campus for education and community use.

Issue 86	Site 276H Sillyhole, Dalmellington	
Development plan reference:	Volume 2, page 29 and Dalmellington LDP map, Site 276H	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
John Murphy (PLDP/34) Pamela Hainey (PLDP/307)		
Provision of the development plan to which the issue relates:	Site 276H lies on the north western edge of Dalmellington and is identified for the development of 70 houses.	
Planning authority's summary of the representation(s):		
<p>John Murphy (PLDP/34) and Pamela Hainey (PLDP/307) object to the inclusion of this site in the plan on the basis that there is no demand for housing in Dalmellington. Recent residential development has failed to sell and has been the subject of vandalism and demolition and housing stock up for resale has failed to attract buyers.</p> <p>Both representations raise concerns over sewage capacity and flooding. John Murphy (PLDP/34) raises concerns in respect of the foreseen detrimental impact on the beauty of the surrounding environment.</p> <p>Pamela Hainey (PLDP/307) objects to the inclusion of this site in the Plan on the basis that it is overdevelopment and no information has been given on the type of dwellings. The site is currently used for recreation and is prone to flooding. There are problems in respect of capacity for the early childhood centre and primary school and there are proposals to downgrade the high school which will further impact on the low demand for housing in the area. Health facilities including the doctor and dentist will struggle in terms of capacity. Concerns are raised over subsidence and the requirement for roads upgrades.</p>		
Modifications sought by those submitting representations:		
<p>Both representations seek the removal of this site from the plan.</p> <p>Pamela Hainey (PLDP/307) seeks its exclusion from policy until such time as facilities are sufficiently upgraded for existing residents to avoid existing residents leaving the village.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council is aware that housebuilding in Dalmellington and in the wider Doon Valley area has slowed in recent years due to the economic downturn and that there are no signs of recovery as yet. However, this does not necessarily mean that there is no demand for housing. It is considered more likely that those smaller housing developers who operated in towns such as Dalmellington went out of business at the downturn and that those currently seeking new houses may not be able to access finance to purchase a</p>		

home.

The Council is required through the LDP to make sufficient land available to meet housing needs and demand in the area for the next 10 years. The site at Sillyhole is therefore identified to meet those needs and to be available for when the housing market in Dalmellington recovers sufficiently for new development to start.

With regard to flood risk on the site, there may be issues on a small portion of the site on its western edge but these will likely be overcome by undertaking a flood risk assessment and carrying out necessary mitigation measures. SEPA has not objected to the inclusion of this site. No school capacity issues in Dalmellington have been raised by the Council's Education Services. Likewise, the health authority were consulted in the preparation of the plan and have expressed no concern over the capacity of health facilities. The Council has no reason to believe that there would be subsidence issues with the development of this site and any road upgrades would be identified through a transport assessment and would form an integral part of the development. None of these matters suggest that the site should be deleted from the plan.

Reporter's conclusions:

1. Like the rest of the Doon Valley, Dalmellington has suffered from a downturn in housebuilding during the economic downturn, but that does not mean that the council should not allocate land in readiness for recovery of the market. The Sillyhole site was allocated in the 2010 local plan and its continued allocation will help to meet the housing land requirement in this area.
2. Representations refer to a development on McAdam Way where unsold houses were demolished, two having previously been burnt out. I have very little information on the circumstances surrounding this development and therefore cannot use this to justify concluding that development of another site should be rejected.
3. SEPA have raised no objection to the inclusion of the site on the grounds of flood risk or otherwise. Any necessary flood mitigation measures can be identified by carrying out a flood risk assessment and development made conditional on implementation of those measures.
4. Similarly, a developer applying for planning permission would be required to submit a transport assessment which would identify any necessary road upgrades, so the council could make those a requirement of the grant of approval.
5. Since neither the council's education services nor the health authority have expressed concerns regarding schooling or health facilities in relation to this allocation, I have no reason to recommend deletion of the site on those grounds.
6. No evidence has been submitted regarding subsidence risks on the site. Whilst there may be some casual use of the land for walking, children's play and enjoying the views, that would not constitute sufficient reason for deleting the site.

Reporter's recommendations:

No modifications.

Issue 87	Non-inclusion of land at Water of Coyle, Drongan for residential purposes or future housing growth area	
Development plan reference:	Volume 1, Schedule 2 and Volume 2, Pages 38-40, Drongan	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Hope Homes Scotland (PLDP/99/1)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of land at Water of Coyle, Drongan. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, pages 38-40 is being sought.	
Planning authority's summary of the representation(s):		
<p>Hope Homes Scotland (PLDP/99/1) object to the non-inclusion of a site at Water of Coyle, Drongan as either a housing opportunity site (subject to masterplan) or as a “future housing growth area” within the emerging East Ayrshire LDP. The aim of the LDP should reflect the key change in policy principle of SPP and introduce a presumption in favour of development that contributes to sustainable development. In addition, more housing development site allocations must be made in terms of the emerging LDP to ensure at least a minimum five year effective land supply in each sub market area at all times in addition to longer term allocations in all settlements. However, further issues should be taken into consideration and given greater weight when identifying these sites. The LDP must also identify longer term housing sites in all areas to build spare capacity into the system. In the short term, the focus should be more about facilitating development and helping to achieve more houses on the ground.</p> <p>Part of the site was identified as a residential opportunity in the East Ayrshire Local Plan 2010 and this has been carried forward as a site in the LDP (site known as Mill O’Shield Road). The identification of the Water of Coyle masterplan site as a housing opportunity site would provide a phased release of land for residential development within substantial recreational open space, a network of paths and a more sensitive merging of the countryside. Despite the content of a submission at the MIR stage, and the Council’s response which stated that it was accepted that parts of the site, particularly the north eastern portion was generally acceptable for housing development, the site was not included in the Proposed LDP.</p> <p>Note: Supporting information attached to original representation which supports the effectiveness of the masterplan site for residential development.</p>		
Modifications sought by those submitting representations:		
<p>Hope Homes Scotland (PLDP/99/1) The following modifications are sought:</p> <ul style="list-style-type: none"> • Identification of a site at Water of Coyle, Drongan as a housing development opportunity site (subject to masterplan) within the emerging East Ayrshire LDP; • Identification of the Water of Coyle, Drongan masterplan site as a “future housing 		

- growth area” within the emerging East Ayrshire LDP;
- Identification of the masterplan site as a housing development opportunity site within the Proposed LDP (Schedule 2: Housing Sites);
 - Identification of the masterplan site within the East Ayrshire LDP (Volume 2, Drongan Development Opportunities);
 - As a consequence of the above, identification of the masterplan site as a housing development opportunity site within the East Ayrshire LDP (Volume 2, Map 12);
 - Identification of the masterplan site within the Proposed East Ayrshire LDP (Volume 2, Drongan Development Opportunities) and identified and referred to as a “future housing growth area” (should the site be identified as a residential development opportunity site within the initial plan period);
 - As a consequence of the above, identification of the masterplan site as a “future housing growth area” within the East Ayrshire LDP (Volume 2, Map 12);
 - In terms of the supply of housing land within the emerging plan, the fundamental aim of the LDP should reflect the key change in policy principle of SPP and should read “to introduce a presumption in favour of development that contributes to sustainable development”;
 - Additional housing development site allocations must be made in terms of the emerging LDP to ensure at least a minimum of five year effective land supply in each sub market area at all times, in addition to longer term allocations in all settlements (and the circumstances under which these can be released for development) all in order to build spare capacity into the system; and
 - The fundamental aim of the LDP must be a focus on getting more housing units on the ground and providing a generous and effective housing land supply. To achieve this aim, more sites need to be identified in the LDP and effective sites which provide economic and community benefits and that have developer interest. In the short term, the focus should be about facilitating development and achieving more houses on the ground.

Summary of responses (including reasons) by planning authority:

In relation to the representation from **Hope Homes Scotland (PLDP/99/1)**, the Council would point out that only a portion of Phase 3 and the entirety of Phase 4 is identified within the Entec Landscape Study (2005) as having potential for development in landscape terms. Phase 2 has not been identified as an area where development would be acceptable in landscape terms and is therefore not considered appropriate for development in terms of its impact on the landscape.

The Council disagree with Hope Homes Scotland’s assertion that the Local Development Plan requires to allocate more residential sites to meet with a five year minimum effecting housing land supply whilst identifying longer term housing sites in all areas to build spare capacity into the system. This is particularly relevant in Drongan where neither of the two greenfield release sites with a combined capacity of 155 units have been taken forward despite having being identified for housing development in the East Ayrshire Local Plan 2010. It is noted that one of these undeveloped sites is in control of Hope Homes.

The Council is of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the Plan in Drongan. The addition of further sites is not considered necessary within the town at this time.

The Council is also of the view that the areas of land sought for inclusion by Hope Homes

should not be identified as a Future Growth Area. The completion rates within the Cumnock Housing Market Area over the last 12 years have been relatively low and, as stated above, the Council is of the view that Drongan already has a generous amount of housing land identified within the settlement boundaries to accommodate growth for the foreseeable future.

Furthermore, the Reporter concluded in his report into the East Ayrshire Local Plan 2010 that, based on the available evidence, a sufficient case or justification had not been made to demonstrate that the Water of Coyle area would be the most appropriate direction for the Council to promote and encourage longer term development beyond the Local Plan 2010 period within Drongan. The Council shares the views of the Reporter on this matter, and as stated above, is concerned about the damage or detriment that future growth in this area is likely to have.

In conclusion, the Council is of the opinion that no changes to the Local Development Plan are required to be made in this regard.

Reporter's conclusions:

Non-inclusion

1. SPP states that local development plans should provide a minimum of 5 years effective housing land supply at all times. Although the representation from Hope Homes challenges this, it does not include any evidence or analysis to demonstrate that the proposed plan would fail to provide such a supply.
2. The presumption in favour of development that contributes to sustainable development (introduced in SPP 2014) is intended to enable development that balances the costs and benefits of a proposal over the longer term. The sustainability of this proposal is qualified by its landscape implications, the existence of a selection of other housing opportunity sites within Drongan (including attractive greenfield sites), and the need to avoid over-allocation given the lack of progress on those sites allocated in the 2010 local plan.
3. Within the submitted masterplan, the existing allocated site at Mill O'Shield Rd forms phase 1 of the larger area now being proposed. However, it is one of the sites mentioned above on which no progress has yet been made. Drongan lies within the Cumnock Area sub-HMA where development has been sluggish for some years and where the council's analysis suggests that recovery of the market could lag behind the Kilmarnock and Loudoun sub-HMA. Although Drongan's relative proximity to Ayr might assist its prospects, there is nevertheless a risk of allocating more land than could realistically be developed in the plan period.
4. Based on my site visit, I agree with the analysis of this locality in the Entec Landscape Study (2005). This identified areas around the town with various degrees of potential for development. Phase 2 and part of phase 3 in the masterplan fall outwith any of those areas with potential in landscape terms and their relatively open character would result in development which would have a wider landscape impact than other potential sites. The scope for additional development to soften what, in places, are rather severe edges to the settlement in this vicinity is not a sufficient reason to accept sizeable areas of new housing.

Future Housing Growth Area

5. As for Future Housing Growth Areas, the plan’s approach is to focus on settlements in the northern part of East Ayrshire, where the market is relatively more buoyant, whilst accepting that other settlements could be considered subject to having the infrastructure and landscape capacity to accommodate them and respecting the principles of the vision and spatial strategy.

6. Drongan lies to the south and as, I have concluded above, landscape considerations do not favour the site. Within Drongan, the Entec Study recommended that the northern edge of the settlement offered the greatest landscape potential for development, and my site visit gave me no reason to dispute this.

Reporter’s recommendations:

No modifications.

Issue 88	Non-inclusion of Land at Stewarton Road, Dunlop for residential purposes	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 41-43, Dunlop	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Neil Howie (PLDP/35)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site Stewarton Road, Dunlop. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, page 41-43 is being sought.	
Planning authority's summary of the representation(s):		
<p>Mr Neil Howie (PLDP/35) The representation relates to: Volume 1 Paragraphs 2.8; 2.14-2.16 and 2.27 and Volume 2; Settlement Maps; Dunlop Pages 41, 42 and 43.</p> <p>There is no disagreement with the key aim of the Spatial Strategy of promoting sustainable development and the associated objectives. It is agreed that most pressure for development lies in the north with an emphasis on Kilmarnock and the northern settlements, including Dunlop. Notwithstanding this position however, it is not accepted that the preservation of the character of Dunlop requires that only very small scale development should be considered as appropriate over the next 10-20 years. Whilst it is recognised that a major village expansion could potentially undermine its existing character, it is considered that sensitive development of a moderate scale could contribute positively to alleviating development pressure and increasing housing choice in the area.</p> <p>In this context, it is considered that the land at Stewarton Road, Dunlop could offer potential for an appropriate residential development. This site includes the area of the recreation ground which formerly operated at this location.</p> <p>This site has previously been assessed by the Council during the production of the East Ayrshire Local Plan 2010 and overall received a positive assessment. However, it was not considered appropriate to include the site for release as the former Hapland Mill industrial site was under development for residential use which has now been completed.</p> <p>Modest expansion of the settlement on the Stewarton Road site would further strengthen and consolidate the community and capitalise on the economic benefits achieved in recent years and would further underpin support for local services.</p> <p>The release of the Stewarton Road site is in alignment with the overall vision of the spatial strategy being in a sustainable location immediately adjacent to the settlement. In addition, the topography of the land lends itself to development which will respect the landform and geology of the site. The site is in close proximity to local facilities and services with significant scope to reduce the need to travel, in addition to facilitating walking and cycling. A Public Right of Way exists through the site which will require to be maintained and which will contribute to a reduction in dependency on the private car, facilitate integration with the existing settlement and enable ease of accessibility through</p>		

the site. The sensitive development of the site will also capitalise on the proximity of the settlement to the strategic road network and the Glasgow conurbation.

It has been previously accepted by the Council that the site is physically capable of development and that positive environmental impacts may accrue. In addition, no loss of prime or good quality agricultural land will occur as a result of developing this site.

In the previous assessment conducted by East Ayrshire Council the site was identified as an area of low landscape sensitivity to development and also an “Area Most Suitable for Development”. New development could be readily integrated into the existing settlement and could therefore be acceptable in terms of urban form, settlement pattern and identity. Of particular note is the comment that no detriment to local distinctiveness would occur. This is a particularly important point in the context of the EALDP Proposed Plan whereby the justification for limiting development to a very small scale within the Plan term is that it is considered that development above this level would pose a threat to the character to the village. The assessment also referred to the potential for the southern half of the site, comprising the former cricket ground, to remain in recreational use and be retained as a green space for recreation and amenity purposes. Therefore there is potential, through facilitating the development of the Stewarton Road site, to re-instate a former recreational use that would represent a net benefit to the area.

Given that the current development plan was adopted in 2010, only five years ago, and that the Hapland Mill site was already approved for residential development then, there appears to be some inconsistency between the comments made regarding the Stewarton Road site at that time and the stance adopted now within the EALDP Proposed Plan.

Whilst it is accepted that a large scale village expansion could be detrimental to the existing character of Dunlop, it is not fully understood why further residential development is so strictly limited within the Proposed Plan. Sensitive, sustainable development of a modest scale and the retention of character are not mutually exclusive factors. A fuller evidential justification is therefore required as to why the Council now considers that development, other than that identified at site 404H would be detrimental to the character of the village, given that previously it was considered that residential development of the Stewarton Road site could hypothetically be effected without damage or detriment to the area.

A high quality development of this site, which also incorporates provision for affordable housing in line with Policy RES 3, will expand housing choice whilst reducing the considerable development pressure on greenfield locations around Dunlop.

In considering the suitability of this site for promotion as a development site, consultation was carried out with the Ayrshire Roads Alliance and the Council’s Educational and Social Services.

The Ayrshire Roads Alliance has confirmed that a satisfactory access to the site can be readily achieved from Stewarton Road, subject to various detailed requirements regarding sightlines, carriageway width and footways being met. A Transport Assessment will be required to accompany any future planning application. Education and Social Services have confirmed that Dunlop Primary School is currently operating at around 90% capacity. However, no detailed information has been provided at this stage as to the implications for educational provision in Dunlop as a result of development of the Stewarton Road site. This will require further investigation in order to precisely determine

<p>the full extent of implications.</p>
<p>Modifications sought by those submitting representations:</p>
<p>Mr Neil Howie (PLDP/35) requests that the Council should give consideration to modifying the East Ayrshire Local Development Plan Proposed Plan to include the Stewarton Road site for release for residential development within the timescale of the Plan.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>Although the proposed site is physically capable of development and in landscape terms, is within an area consider most suitable for development, the Council is keen to preserve the conservation village character of Dunlop and the addition of a large housing site on the southern edge of the settlement could compromise this. The Council is therefore of the opinion that only small scale housing releases would preserve the important conservation character of the village, given the already significant expansion that has taken place in recent years, albeit on brownfield land.</p> <p>In addition, the Council is of the view that the allocation of the proposed site could result in capacity issues at Dunlop Primary School as this school is currently nearing capacity.</p> <p>The Council is therefore of the view that no changes are required to the Local Development Plan to be made as a result of this representation.</p>
<p>Reporter's conclusions:</p>
<ol style="list-style-type: none"> 1. The proposed site is located to the south of the village of Dunlop, and to the west of the Stewarton Road. It is outside the settlement boundary, and at the time of my site visit appeared not to be in productive use. The foundation remains of buildings are visible at the southern end of the site. It is generally flat, with a slight rise to the south. 2. The representation objects to the non-inclusion of the site for housing in the plan. Although the potential number of units is not explicitly identified in the submission, the level of housing that could be accommodated is considered to deliver a strategic expansion of the settlement, and would compensate for the lack of sites available for development in Dunlop, and it is suggested that the subject site could contribute to meeting any subsequent shortfall in the Housing Land Supply (HLS). 3. It is submitted in representations that the site would be effective in accordance with Scottish Planning Policy and the proposed plan. Accompanying information has also been submitted with the representations, providing detailed background information on the capability of the site and its surrounds to accommodate the potential development. 4. Its location is adjacent to the edge of the settlement, and some distance from the conservation area. Residential development on this site would be generally consistent with the policy objectives of the plan. The council does not dispute this, and I agree that the site appears to be effective and capable of delivering homes in the village. However, the same could be said for many other such non-allocated sites. 5. Dunlop is not identified in the Spatial Strategy of the proposed plan as an area for

large scale development, nor is the village identified as a Future Growth Area. I find that despite the individual characteristics of the site, at this point in the plan process it would not be compliant with the Spatial Strategy or Policy OP1. At Volume 2, page 41 of the proposed plan, the council states that it is seeking to retain Dunlop as a local centre, in order to preserve its character as a conservation village.

6. Moreover, we have established that sufficient effective housing land will be available for development in nearby settlements over the plan period to meet the housing land requirement.

7. There is sufficient land for housing allocated in Dunlop to meet the policy aspirations of the council as set out in the plan, including site 404H. There is no requirement, at this point in time, to identify additional housing land in Dunlop. The issue of school capacity at the primary school may be relevant in determining any future planning applications in Dunlop, but I have no evidence before me to demonstrate that it is a determining issue in my consideration of the allocation of this site.

Reporter’s recommendations:

I recommend no modification to the plan.

Issue 89	Site 297H, Kilmaurs Road, Fenwick	
Development plan reference:	Volume 2, Page 44 and Fenwick LDP Map: Residential Development Opportunity Site 297H, Kilmaurs Road, Fenwick	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
H J Paterson (PLDP 114/3)		
Provision of the development plan to which the issue relates:	Site 297H is located on the edge of the conservation village of Laigh Fenwick. It is identified for the development of 6 houses in the LDP.	
Planning authority's summary of the representation(s):		
<p>Paterson Partners (PLDP 114/3) support the inclusion of this site in the Plan, and refer to planning consents and developer interest which demonstrate that the site is attractive. However, an increase in capacity from 6 to 16-20 dwellings is sought, which it is argued would not impact detrimentally on the design of the site nor upon existing infrastructure or be of a different density to sites such as 405H: Dunselma, Fenwick. This modification is sought as it will enable the owner to sell the site to a national house builder who has made an offer subject to this change.</p>		
Modifications sought by those submitting representations:		
<p>Paterson Partners (PLDP/114/3) seek a modification to the plan to amend the capacity of the site from 6 to 16-20 dwellings.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council is aware that the indicative capacity of 6 units for this site represents a low density given the size of the site. This was based on two planning consents that have been granted for this site, the most recent of these being in October 2013. This capacity of 6 units is, however, indicative only and a higher density development may be acceptable at this location. The Council's approach is to reflect the capacities of most recent consents for LDP sites where there is one. For the information of the reporter, an application has recently been submitted to the Council for this site for a higher density development but at the time of writing no decision on the proposal has been taken. The reporter may therefore wish to seek further information from the Council to establish whether this new planning consent for the site has been granted. However, given that no new consent is in place, the Council is of the view that no change to the plan is necessary at this time.</p>		
Reporter's conclusions:		
<p>1. Site 297H is a triangular area of grassland located between recent housing development at Weavers Court and Kilmaurs Road. The land is just outwith the Laigh Fenwick Conservation area. Kilmaurs Road rises up towards the Kilmaurs Hotel and the M77. At the time this representation was made, the site had an extant permission for 6</p>		

large houses with an associated agreed section 75 financial contribution for planning obligations. The representation seeks an increase in housing capacity to 16-20 units. The site is not within easy walking or cycling distance of local facilities in Fenwick. However, the extant planning permission is a significant material consideration.

2. The housing development at Weavers Court consists of a row of large, 2 to 2½ storey houses, that are partly terraced and otherwise closely spaced. The Kilmaurs Hotel is a large modern building with car parking accessed via Kilmaurs Road. I agree with the council that the indicative capacity of 6 units for this site is relatively low and does not represent efficient use of land as a resource.

3. The council has now confirmed that an application for the erection of 18 dwellings including associated roads, drainage and landscaping (ref: 15/0567/PP) was approved on 3 May 2016. Consequently the capacity of the site should now be set at 18 dwellings.

Reporter’s recommendations:

The plan be modified by amending Volume 2, page 44, table headed “Fenwick and Laigh Fenwick 1” to indicate a capacity of 18 for site 297H.

Issue 90	Site 405H: Dunselma, Fenwick	
Development plan reference:	Volume 2, page 44 and Fenwick Settlement map, Site 405H: Dunselma	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>ASJ Ventures Limited (PLDP/5) ASJ Ventures Limited (PLDP/6) Klin Holdings Limited (PLDP/264/1) Terrace Hill (PLDP/322) (letter of support)</p>		
Provision of the development plan to which the issue relates:	Site 405H is a partial brownfield site within the settlement boundary of Fenwick and is allocated for residential use. The site extends to 1.31 hectares and has an indicative capacity of 20 residential units.	
Planning authority's summary of the representation(s):		
<p>PLDP/5 and PLDP/6 object to the inclusion of site 405H as they deem it ineffective as a result of the lack of development despite previous zonings and consents. They state that this is prejudicial to the Council's requirement to have an up to date supply of land in the Local Plan as required by Scottish Planning Policy and the Council's Housing Needs and Demand Assessment. The site is for sale at an unrealistic value.</p> <p>PLDP/264/1 states that site 405H: Dunselma has landscape impact issues including TPOs, biodiversity, and flooding. The lack of any specific evidence to confirm that these matters can be addressed confirms that this sites cannot reasonably be considered effective and appropriate to include in the Proposed Plan. In relation to the effectiveness of the sites currently proposed the 2012 housing land audit notes that the Dunselma site could deliver 20 units overall, and was in fact supposed to have delivered 10 of these by now. There are clearly challenges with this site in terms of deliverability, in conflict with Scottish Planning Policy objectives for the speeding up of housing delivery. There are clear grounds to query the effectiveness of the land being allocated in Fenwick/Laigh Fenwick in the Proposed Plan, as well as the appropriateness of this new allocations in terms of significant technical/environmental matters that have not yet been address i.e. landscape and other environmental impact, flood risk, transport, land ownership. As there has been no evidence presented to address these matters (as acknowledged in the Environmental Report) they should be deleted.</p> <p>PLDP/322 supports the residential allocation of this site and states that while a previous detailed planning permission on this site has now expired without being implemented, the site is considered to represent an appropriate location for a future residential development being a brownfield site, within the established settlement boundary and within close walking distance to local amenities and public transport facilities.</p>		
Modifications sought by those submitting representations:		
<p>PLDP/5 and PLDP/6 seek the exclusion of allocation 405H and promote alternative sites (For PLDP/5 see Issue 97 non-inclusion of land for residential purposes on Main Street,</p>		

Fenwick and, in terms of PLDP/6, see Issue 98, non-inclusion of land for residential purposes to the north-west of Laigh Fenwick for residential purposes).

PLDP/264/1 seeks the exclusion of allocation 405H and requests that alternative land be identified and suggests a site to the north of Weaver’s Court, Laigh Fenwick (see also Issue 100, non-inclusion of land at Weavers Court, Fenwick for residential purposes).

PLDP/322’s support for the site is welcomed.

Summary of responses (including reasons) by planning authority:

In response to the representations from **PLDP/5; PLDP/6 PLDP/264/1** regarding the effectiveness of the site, the Council acknowledges that a previous planning consent on the site has lapsed. However, the Council is of the view that the site is appropriate for residential uses as it is partially brownfield due to the demolition of the former nursing home, is within a sustainable location within the settlement boundary and is within walking distance to local facilities and public transport. Fenwick is also one of the most attractive housing markets within East Ayrshire and the Council is confident that the site will be developed within the Local Development Plan period.

The owner of the site has also submitted a letter of support for its continued allocation, which demonstrates that there is a continued interest in bringing the site forward for residential development. Therefore, the Council considers the site to be effective and in accordance with the provisions of SPP.

The Council is of the view that the sites sought for inclusion with the Local Development Plan in place of Site 405H by **PLDP/5; PDLP 6 and PLDP/264/1** are not considered necessary. The reasons for the Council’s views on these representations are contained within Issue 97 non-inclusion of land for residential purposes on Main Street, Fenwick for **PLDP/5**; Issue 98, non-inclusion of land for residential purposes to the north-west of Laigh Fenwick for residential purposes for **PLDP/6** and Issue 100 non-inclusion of land at Weavers Court, Fenwick for residential purposes for **PLDP/264/1**.

With regard to the representation from **PLDP/264/1** in terms of TPOs, biodiversity, and flooding within Site 405H, the Council is of the view that there are no major constraints which would prevent development taking place. Instead, these matters can be adequately addressed through the detailed design of the site and, as a result, the Council does not see any impediment to the site being developed.

The Council is therefore of the view that Site 405H: Dunselma should continue to be allocated for residential purposes within the Local Development Plan.

Reporter’s conclusions:

1. Permission was granted for 20 residential units at this site in 2008 and has now lapsed. It is partly brownfield, being the site of a former nursing home. There are remnant tarmac footpaths, garden trees and shrubs, and an area of hardstanding. The land is situated at a higher level from Main Road from where it slopes down towards the M77, which is located to the immediate west. It is in a sustainable village location close to local facilities, services and public transport.
2. Representations seek the deletion of the site on the basis that it is not effective and

that other sites in the village are preferable. These other sites are dealt with at issues 97 and 98 below. It is contended that the proposal is prejudicial to the council's requirement to have an up to date supply of land both in the Proposed Plan, as required by Scottish Planning Policy and the council's Housing Needs Assessment. The evidence put forward in this respect is that the land has not been developed despite zonings in the local plan and permissions over a number of years. It is contended that development is not financially viable on the basis of a quoted land value. However, the asking price for the land is not a matter that would deem it not to be effective.

3. The Environmental Report mentions a number of matters including a Tree Preservation Order and impacts upon biodiversity, flora and fauna. Due to the proximity of the M77 there are also likely to be issues with noise and vibration.

4. In response to my request for further information the council has advised that mitigation measures were applied and the site was reassessed resulting in significant positive impacts in terms of landscape and geology and significant positive/negative impacts on biodiversity, flora and fauna and health. The Scottish Environment Protection Agency did not object to the allocation of the site but indicated that the site is potentially at risk of flooding from a minor watercourse which runs through the middle of the site (the site owner's agent has indicated that this watercourse is actually adjacent to the western edge of the site). A requirement for a flood risk assessment has therefore been included as a note on page 45 of Volume 2 of the Proposed Plan. The Tree Preservation Order is a group order that covers the whole site, but the density of trees is low.

5. The ownership of the site has changed since the previous permission was granted. The agent for the new owners has submitted an application for permission in principle for 29 houses (ref: 16/0355/PP). A range of technical and environmental studies has been commissioned by the owners. The site owners are comfortable that any constraints may be resolved, that the site can contribute to the effective housing land supply and deliver development within the next 5 years/Proposed Plan period.

6. On the basis of the submissions from the council and landowner I agree that, subject to appropriate mitigation, the site is capable of being effective and contributing towards the housing land supply for the Proposed Plan area.

Reporter's recommendations:

No modification to the Plan.

Issue 91	Site 406H, Laigh Wylieland, Fenwick	
Development plan reference:	Volume 2, Page 44-46, Site 406H, Laigh Wylieland, Fenwick	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr & Mrs Parker (PLDP/10); H.L. Oldroyd (PLDP/33); Scott & Natasha Torbett (PLDP/41); William Smith (PLDP/51); Iain Ross (PLDP/71); Gordon, Kathleen and Lucy Kirkpatrick (PLDP/107); Greta Roberts (PLDP/123/3); Alistair Smith (PLDP/229); Klin Holdings Ltd (PLDP/264/2); Julie Hunter (PLDP/267); David Bendelow (PLDP/282); BDMR Partnership (PLDP/294); Moscow and Waterside Community Council (PLDP/296/1); Genevieve Werb and Alistair Kennedy (PLDP/298); Alexander MacKay Scott & Moira Allison Scott (PLDP/305); Mr Ian and Mrs Adrienne Partington (PLDP/315); Stewart & Sara Gibson (PLDP/317)</p>		
Provision of the development plan to which the issue relates:	Volume 1, Schedule 2, and Volume 2 Pages 44-46, site 406H, Laigh Wylieland, Fenwick	
Planning authority's summary of the representation(s):		
<p>PLDP/10, PLDP/41, PLDP/51, PLDP/71 and PLDP/315 state that the allocation of this site is contrary to the Fenwick Village Community Action Plan – Theme 5, Priority 1.</p> <p>PLDP/123/3, PLDP/267 and PLDP/317 are concerned about the erosion of the rural status of the village and the later about the potential eventual joining of Fenwick and Waterside. PLDP/41 and PLDP/296/1 raise similar concerns about the prominence of the site, its location outwith the village, creating ribboning and the fact that it is greenfield.</p> <p>PLDP/123/3, PLDP/264/2 and PLDP/294 refer to the 2010 Local Plan and the recommendation by the Reporter at examination to remove this allocation. The reasons why it was discounted from the 2010 plan remain unchanged and concern control and ownership of the site and roads issues.</p> <p>PLDP/10, PLDP/41, PLDP/51, PLDP/71, PLDP/267, PLDP/282, PLDP/298 and PLDP/315 raise environmental concerns as there is marshland which is a habitat to various species. PLDP/305, PLDP/317 also point out the potential impacts on habitats and landscapes (including trees – also PLDP/294). PLDP/264/2 suggests that there are landscape and archaeological sensitivities.</p> <p>There are complaints of a lack of infrastructure in terms of sewers (including previous</p>		

sewage escape) (PLDP/10, PLDP/33, PLDP/41, PLDP/71, PLDP/107, PLDP/229, PLDP/282, PLDP/298, PLDP/315), drainage (PLDP/71, PLDP/107, PLDP/298, PLDP/305), utilities (PLDP/267) education facilities (PLDP/10, PLDP/41, PLDP/267, PLDP/282, PLDP/317), no railway (PLDP/267), few shops (PLDP/267), playparks (PLDP/317) and parking (PLDP/10, PLDP/41, PLDP/71).

Run-off (PLDP/298) and flooding are also likely to be issues (PLDP/41, PLDP/51, PLDP/71, PLDP/107, PLDP/123/3, PLDP/229, PLDP/264/2, PLDP/267, PLDP/282, PLDP/298, PLDP/305 and PLDP/315) with a knock on impact upon the cost of insurance for residents (PLDP/298).

PLDP/264/2 states that the lack of evidence to confirm that flooding, landscape, transport and archaeological matters can be addressed renders the site ineffective and means it is inappropriate to include it in the plan.

PLDP/10, PLDP/41, PLDP/51, PLDP/33, PLDP/71, PLDP/282, PLDP/298, PLDP/305, PLDP/315 and PLDP/317 point out that Glencraig Terrace is a private road and therefore gaining access from residents will be difficult. There are references to its poor state of repair, its use for playing and its unsuitability for heavier vehicular use. There are also concerns over the use of Kirkton Road (PLDP/267) and the C66 between Waterside and Fenwick (PLDP/123/3) in terms of their capacity, safety and the requirements for upgrading. PLDP/107 queries the lack of information on a proposed access road to the site.

Resident's amenity is an issue for PLDP/41, PLDP/71, PLDP/267, PLDP/282, PLDP/315 and PLDP/317 who are concerned about privacy, overlooking and loss of light. Light and noise pollution worry PLDP/41, PLDP/71, PLDP/267 and PLDP/282.

Congestion is an issue for PLDP/33 and PLDP/229, PLDP/296/1 and road safety for PLDP/41, PLDP/71, PLDP/282, PLDP/298 and PLDP/305. PLDP/267 also raises the impact of additional development on existing congestion at Stewarton Cross.

PLDP/123/3 states that the other allocated sites in Fenwick and windfall sites provide sufficient housing allocations such that site 406H is not required. PLDP/264/2 states that based upon the effectiveness of previously allocated sites in Fenwick / Laigh Fenwick there are clear grounds to query the effectiveness and appropriateness of land being allocated.

PLDP/294 objects to the inclusion of site 406H as it has been achieved by deleting EALP 2010 site 368H, which is a site with no constraints which was supported by the Reporter at examination of the adopted 2010 Plan. Site '368H' was identified in the Main Issues Report as a preferred option.

Modifications sought by those submitting representations:

PLDP/41 and PLDP/315 advise changes in order that:

- The field north of Stewarton road be built on before even thinking of 406H because they are building closer to the M77 in Newton Mearns (East Renfrewshire) next to junction 4.
- There is land between Fenwick & Laigh Fenwick that should be developed before jutting out into the countryside.

PLDP/123/3, PLDP/264/2 and PLDP/294 request that site 406H be removed from the plan.

PLDP/264/2 requests that alternative land be identified and suggests a site to the north of Weaver's Court, Laigh Fenwick (see also Issue 100, Non-Inclusion of land at Weavers Court, Fenwick for residential purposes).

PLDP/294 requests that alternative land be identified and suggests former site 369H (see also Issue 99, Non-Inclusion of land at Stewarton Road (North) Fenwick).

PLDP/296/1 requires the widening of the road and the instatement of a footpath. Site 405H, which is brownfield should be prioritised instead.

PLDP/298 request:

- A transport statement which demonstrates that suitable access can be achieved and shows where (also PLDP/264/2 and PLDP/294)
- That the Council consults residents on access and considers adopting Glenraig Terrace
- The implementation of traffic calming measures
- A detailed flood risk assessment
- Improvements to drainage and sewerage
- An environmental assessment of the site.

PLDP/317 lists a range of pre-requisites for consent and conditions to be added to any consent granted. These include:

- The appointment of a landscape consultant to ensure an appropriate site layout and gradient
- A standalone vehicular route into the site and the upgrading of the Laigh Wyllielands Road with a footpath
- Conditions to ensure that roof eaves terminate no higher than ground floor ceiling height
- Ensuring suitable distances from the boundaries of properties at Glenraig Terrace
- Upgrading of the existing playpark
- Appointment of an external landscape consultant, retention of the Scots Pine trees
- Completion of an appropriate assessment and Ecological Impact Assessment

Summary of responses (including reasons) by planning authority:

The Council is aware that the Fenwick Community Action Plan produced by the residents of Fenwick states that one of the main priorities is no more housing development. This is clearly at odds with Scottish Planning Policy which states that planning authorities should identify sufficient land to meet housing needs and demands. The Council as planning authority does not therefore see this as sufficient justification to remove the site from the plan.

Modest housing releases such as those proposed in Fenwick will not , in the view of the Council erode the rural character of Fenwick and there is not considered to be any danger of coalescence of Fenwick and Waterside as there is a significant distance

between the two villages. The site in question is not considered to be in a prominent location nor is it located outwith the village; it is located on the edge of the village. Development of the site would not result in ribboning as a large part of the site is located to the rear of existing properties along the C66 road. With regard to the point that is made regarding the site's greenfield status, the LDP needs to identify a wide range of sites in order to attract house building to the area. Whilst every effort has been made to give priority to the redevelopment of brownfield land, it is inevitable that some greenfield sites will be identified as there is not sufficient brownfield land to accommodate all required housing.

It is acknowledged that the reporter carrying out the Examination of the East Ayrshire Local Plan 2010 removed this site at Laigh Wylieland from the plan and inserted another site in its place at Stewarton Road North. This was due largely to improvements that were required to be made to the C66 to satisfactorily access this site. The reporter was not made aware at that time that the owner of the Laigh Wylieland site has control over all land required to provide footpaths to serve the site. The owner of the site, Mr Dobson, made a representation at Main Issues Report stage (see supporting information) setting out where possible access to the site could be and stating definitively that his family has control over the land required to provide footpaths to the site. The situation has therefore changed from the last Examination as the reporter at that time did not have all the relevant ownership information in front of them. The site is considered to be effective in terms of ownership issues.

With regard to the issues raised regarding ground conditions and habitats, there are no natural resources that require to be protected on site and in terms of transportation, infrastructure and servicing, education capacity, no such constraints to development have come to the Council's attention in preparing the plan. Only a small portion of the site has flooding issues and these could be resolved at detailed design/planning application stage. With regard to archaeological sensitivities, the site does lie within an archaeological consultation area but it is not envisaged that this will preclude development of this site. It is further considered that the landscape at this location can accommodate a development of 20 units at this location as shown in the Entec's Landscape Assessment of Potential Development Areas carried out in 2004.

Ayrshire Roads Alliance, whilst requesting that a Transport Statement is submitted for the site, stated no concerns over access and road safety for site 406H given that Mr Dobson has control over the areas of the verge of the C66 that may be required for development.

Concerns over privacy, overlooking and loss of light for existing nearby residents are detailed matters that would be dealt with at planning application stage. It is, however, considered that the design of the development could easily avoid such issues arising.

Given that there are no physical constraints to ownership and that the owner of the land is actively pursuing development of the site, it is considered to be an effective site.

It is considered that Fenwick and Laigh Fenwick can comfortably accommodate the four modestly sized housing sites that are proposed through the plan. Given its close proximity to the M77 and Glasgow, it is one of East Ayrshire's most marketable settlements and the Council is of the view that the identification of housing sites consistent with the size and scale of the settlement are fully justified and appropriate.

The requests and prerequisites being requested are all detailed matters for planning

application stage. It would not be appropriate to list these as part of the LDP.

Reporter's conclusions:

Fenwick Village Community Action Plan

1. I recognise that the proposed allocation of site 406H and any other housing opportunity site in the village would be contrary to one of the main priorities of theme 5 of the Community Action Plan, which is no more housing development. However, this conflicts with the policy principles in Scottish Planning Policy for enabling the delivery of new homes. These include the requirement to: "identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times". Further housing development is necessary in Fenwick to help meet the housing land requirement for East Ayrshire within the Proposed Plan period.

Spread of housing between Fenwick and Waterside

2. The proposed housing site would only marginally erode the gap between Fenwick and Waterside, taking into account the proposed development in that hamlet. There would still be a significant area of agricultural land between the two settlements.

Ribbon development

3. Reference is made by the Moscow and Waterside Community Council to policy RES 8: Rural Development in the Countryside, which seeks to ensure that ribbon development is avoided along road frontages in the countryside. However, in view of the size and shape of the proposed site it would be possible to design a housing layout which avoided ribbon development.

Greenfield land, countryside and landscape

4. It is clear that the housing land requirement for the Proposed Plan period cannot be met solely by the use of brownfield sites, or by avoiding the development of greenfield sites on the edge of settlements. The reporter in the previous local plan examination concluded that the site at Laigh Fenwick would extend built development beyond the eastern edge of Fenwick onto locally elevated open land to the south of Kirkton Road. She noted that the East Ayrshire Landscape Assessment of Potential Development Areas Study identified the eastern side of Fenwick, including this site, as having potential for development and agreed that a limited housing development could be accommodated without resulting in unacceptable landscape impacts, including on the overall setting of Fenwick and Laigh Fenwick. There has been no significant change in circumstances to suggest an alternative viewpoint.

Flooding and drainage

5. The council has confirmed that only a small portion of the site has flooding issues. The area affected lies at the southern edge of the site and involves surface water. I agree that this matter along with infrastructure for surface and foul water drainage is capable of resolution at the planning application stage. Suitable mitigation measures for flood risk are likely to be achievable in view of the small area of land that is affected. However, I note that properties in Glenraig Terrace were affected by surface water run-off from the

site in 2012. This is a matter that would also have to be resolved should the site be developed.

Archaeology

6. The council has confirmed that a substantial part of the site lies within an area that may have archaeological remains because of the presence of a former steading. I am satisfied that requirements to investigate and record any remains and finds could be achieved through the imposition of an appropriate condition if a planning application for development is determined.

Ecology

7. In view of the submissions regarding wildlife, including bats and marshland habitat I would expect that the council would require an ecological survey of the site and suitable mitigation measures as part of any planning application. The retention of existing tree and shrub cover, including the stand of pine trees should also be given consideration.

School capacity and health services

8. The council has not indicated that school and health services would be inadequate if the site was developed for housing.

Access and road safety

9. The landowner has provided further information on land ownership since the site was rejected as a housing allocation in the previous local plan examination. In response to my request for further information the Ayrshire Roads Alliance has confirmed that all necessary land for access improvements lies within the control of the landowner or the Ayrshire Roads Alliance Department.

10. There are two possible vehicular access points to the site that appear to be achievable and would avoid any access to GlenCraig Terrace. It is unlikely that a pedestrian footpath of an acceptable gradient could be created through the hillside at the edge of the site with its protected tree cover. However, the Ayrshire Roads Alliance considers that the existing footway at Kirkton Road could be extended to provide pedestrian access to the nearest proposed vehicular access point.

11. I am satisfied that vehicular and pedestrian access could be provided to serve the site with its indicative capacity of 20 dwellings with no significant harm to the environmental quality of this part of the village. A Transport Statement would be required for the site as noted on page 44 of volume 2 of the Proposed Plan. However, as was the case in the previous Local Plan examination, I have no indication that any road improvements have been programmed.

Residential amenity

12. The impact of any development on the living conditions of existing neighbours in terms of loss of light, outlook, privacy, noise and light pollution are matters that could be resolved at the planning application stage when the form, design and layout of housing development would be assessed by the council and when there would be an opportunity for public consultation.

Housing land supply

13. The spatial strategy in the Proposed Plan indicates that there will be some small scale development in rural villages such as Fenwick. At issue 13 above we have confirmed that site 174H at Skernieland Road, Fenwick has been completed. This leaves indicative capacity for 18 dwellings at site 297H at Kilmaurs Road, 20 dwellings at site 405H Dunselma and 20 dwellings at Stewarton Road North (see issue 99 above). The total for Fenwick in the Proposed Plan period would be 58, excluding any windfall development.

14. Given the recent completion of the site at Skernieland Road, and the potential for up to 58 houses on other sites in Fenwick, I consider that to allocate additional land at Laigh Wylieland at present would exceed what could be considered as small scale expansion of the village. I am also conscious that to allocate an additional greenfield site could inhibit the chance of achieving development of the brownfield site at Dunselma that is within the settlement boundary for Fenwick, because of the resultant level of land supply and the effect of market forces. Moreover, site 406H has not been carried over from the existing Local Plan and is a new site. Therefore, although site 406H appears to be capable of being effective it should not be allocated for housing development at the present time. However, this is a matter that could be considered as part of the next local development plan review.

Reporter's recommendations:

Modify the Plan as follows.

1. Delete site 406H Laigh Wylieland from volume 1, page 121, Schedule 2: Housing sites.
2. Delete site 406H from volume 2, page 44, table headed Fenwick and Laigh Fenwick 1, together with relevant references in the accompanying notes.
3. Delete site 406H from volume 2, Map 14 Fenwick page 46.

Issue 92	Park and Ride Facilities in Fenwick	
Development plan reference:	Volume 2: Fenwick	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Mrs Greta Roberts (PLDP/123/4)		
Provision of the development plan to which the issue relates:	Volume 2 identifies sites where specific development types are allowed; safeguards sites for specific uses; and identifies specific local plan policies and proposals.	
Planning authority's summary of the representation(s):		
<p>Mrs Greta Roberts (PLDP/123/4) representation is in relation to a lack of Park and Ride Facilities within the village. Fenwick is experiencing problems from surrounding areas using the area for Park and Ride for public transport into Glasgow. The increase in Park and Ride vehicles is particularly noticeable in High Fenwick and on the Main Street, where many residents need on-street parking, and near the War Memorial further north.</p> <p>This uncontrolled parking is also causing congestion & road safety problems in High Fenwick, particularly near the John Fulton Hall and the Primary School.</p>		
Modifications sought by those submitting representations:		
<p>Mrs Greta Roberts (PLDP/123/4) requests that consideration to be given to proposing a Park and Ride Area, as the number of commuters' parked cars within the village detracts from the residential/visual amenity of the Conservation Village. Mrs Roberts suggests that land may be available to the west of Skernieland Road near the War Memorial, which could be accessed from the old road into High Fenwick, for a Park and Ride area.</p>		
Summary of responses (including reasons) by planning authority:		
<p>In relation to the representation from Mrs Greta Roberts (PLDP/123/4) the Council is of the view that it would make more sense to pursue a site towards the North West of Kilmarnock, which is currently on the X76 route and would be more economical to implement and deliver than Park and Ride facilities in Fenwick to accommodate the X77 Service. There are various areas of land in this vicinity that may be suitable for the provision of Park and Ride Facilities and PROP 17, within the Kilmarnock section of Volume 2 (Page 71), details that the Council will explore opportunities and identify land for a Park and Ride facility at an interchange to the north west of Kilmarnock in partnership with SPT.</p> <p>The Ayrshire Roads Alliance is of the opinion that it would be more difficult to provide a Park and Ride facility within Fenwick due to the following issues:</p> <ul style="list-style-type: none"> • At present, the X77 Stops unofficially on the On and Off Ramps of the M77. Providing footway connections to these points could prove fairly problematic and 		

also costly.

- An alternative would be to discuss the possibility with Stagecoach of bringing the service into Stewarton Road, Fenwick and provide a turning loop. Alternatively the Mini Roundabout, located just before the War Memorial, would require to be re-modelled to allow the roundabout to be used for turning. Neither of these are straightforward solutions and the land required for either of these options is in private ownership and would result in the land having to be leased or bought from these landowners.
- In the absence for any particular demand for this service in Fenwick, Stagecoach would have to consider how additional journey time and extra delay would undermine the bus services express function and economic viability.

As a result of the above, the Council is of the view that no changes should be made to the Local Development Plan in relation to this issue.

Reporter’s conclusions:

1. It is requested that consideration be given to proposing a park and ride facility in the village as a means of reducing the amount of commuter parking and consequent adverse effects for residential and visual amenity. It is submitted that uncontrolled parking is causing congestion and road safety problems in High Fenwick, particularly near the John Fulton Hall (playgroup) and the primary school. It was apparent at my site inspection that there was a significant amount of on-street parking in the village, particularly in the vicinity of the war memorial. I am advised that the Fenwick area is becoming a nodal point for commuters travelling by express buses to Glasgow from its hinterland, including the Stewarton and Waterside localities.

2. I accept the practical difficulties and economic considerations raised by the Ayrshire Roads Alliance in relation to the suggestion of a park and ride development. Indeed, it seems to me that providing a facility in the village could result in attracting an increase in users and consequent detrimental impacts from commuter traffic. A potential site is suggested to the west of Skernieland Road. However, no plan has been submitted. As an alternative to providing parking space the council could consider parking restrictions as a means of mitigating the visual impact of parking within the conservation area, or where an assessment reveals any highway or pedestrian safety issues.

3. Proposal PROP 17 of the Proposed Plan indicates that the council will explore opportunities and identify land for a bus based park and ride facility at an interchange towards the north-west of Kilmarnock in partnership with SPT. This would in my opinion be a preferable solution to providing a park and ride facility in Fenwick. It could provide an alternative for commuters which, if appropriately sited, could avoid conflict with residential amenity and take pressure off Fenwick and High Fenwick.

Reporter’s recommendations:

No modification of the Plan.

Issue 93	Non-inclusion of land at East Fenwick south of 406H Laigh Wylieland for residential purposes	
Development plan reference:	Volume 1, Schedule 2 and Volume 2, Pages 44-46, Fenwick and Laigh Fenwick	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Taylor Wimpey and AWG (PLDP/106/2)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site south of Site 406H Laigh Wylieland. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, page 44-46 is being sought.	
Planning authority's summary of the representation(s):		
<p>Taylor Wimpey and AWG (PLDP/106/2) object to the non-inclusion of the site at East Fenwick south of 406H Laigh Wylieland within the Rural Protection Area (RES4) and seek its allocation as a housing development opportunity site under RES 1 of the LDP.</p> <p>The LDP states that the Spatial Strategy recognises that most pressure for development lies in the north with a particular focus on Kilmarnock and the northern settlements of Stewarton, Fenwick, Kilmaurs and Dunlop and to a lesser extent Galston. This is due to their proximity to the strategic road network and the Glasgow conurbation.</p> <p>Fenwick is identified within the Northern Area and should be considered for additional housing development as it has the capacity to absorb additional development.</p> <p>The allocation of the site to the north (ref 406H) of the subject site provides a new context in which to assess the site. The allocation of site 406H confirms the subject site at East Fenwick as an appropriate infill/rounding off opportunity.</p> <p>In this regard we consider the site at East Fenwick could provide approximately 100-120 units.</p> <p>Taylor Wimpey and AWG have an active and live interest in the site at East Fenwick and are willing developers. This site can deliver housing during the plan period.</p> <p>Note: Supporting information attached to original representation.</p>		
Modifications sought by those submitting representations:		
<p>Taylor Wimpey and AWG (PLDP/106/2) Remove the site at East Fenwick from the Rural Protection Area (policy RES4) and instead allocate as a housing development opportunity site under RES 1 of the LDP.</p>		
Summary of responses (including reasons) by planning authority:		
<p>In response to the representation for Taylor Wimpey and AWG (PLDP/106/2), the Council is of the view that while the majority of the site is identified within the Entec</p>		

Landscape Study (2005) as having potential for development, the proposed site would represent a significant expansion to the settlement of Fenwick, which is not commensurate with the size and scale of the village.

Furthermore, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the LDP period in the plan in Fenwick and Laigh Fenwick. The addition of a further site is not considered necessary within the village at this time. The Council is also keen to preserve the conservation village character of Fenwick and Laigh Fenwick and an oversupply of housing sites could compromise this.

The Council is therefore of the view that no changes to the Local Development Plan are required in this regard.

Reporter’s conclusions:

1. Taylor Wimpey and AWG seek the removal of land at East Fenwick from the Rural Protection Area and allocation as a housing development opportunity site. They consider that the site could provide around 120-150 housing units within the Proposed Plan period. The site is open pasture land.
2. The western part of this large site is identified in the ENTEC Landscape Study as having potential for development. It adds (site 2/2) that site constraints include the proximity to higher land at Wylielandhill. Medium to low density housing was recommended in the lower lying areas with the establishment of a mature urban edge to preserve the rural setting.
3. The vision for Fenwick in the Proposed Plan is that high quality, smaller scale developments will have taken place over the next 20 years, exploiting the proximity of the village to the M77 and Glasgow whilst maintaining its character. The proposed site would be a significantly large development and would conflict with that vision. It would also be prominent in the countryside at the edge of the village. In any event, we are satisfied that sufficient effective housing land will be available for development in Fenwick and Laigh Fenwick over the Proposed Plan period to meet the housing land requirement.

Reporter’s recommendations:

No modification to the Plan.

Issue 94	Non-inclusion of land at junction of Maunsheaugh Road and Main Road, Fenwick for residential purposes	
Development plan reference:	Volume 1, Schedule 2 and Volume 2, Pages 44-46, Fenwick and Laigh Fenwick	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Dawn Group (PLDP/111/1)		
Provision of the development plan to which the issue relates:	Non-inclusion of an area of land for residential purposes at the junction of Maunsheaugh Road and Main Road, Fenwick, which is outwith but adjacent to the settlement boundary of Fenwick.	
Planning authority's summary of the representation(s):		
<p>Dawn Group (PLDP/111/1) seeks the inclusion of the site at the junction of Maunseaugh Road and Main Road, Fenwick as a proposed housing release site.</p> <p>The proposed site is compliant with policies OP1 and OP2. In terms of placemaking, it is intended to develop the site in such a way as to maintain the separate identities of High Fenwick and Laigh Fenwick which is important to local residents. The boundary of the proposed development area within the site previously meant that Laigh Fenwick and High Fenwick might co-alescence physically. The proposed site is compliant with policies RES1, RES2, RES11 and ENV3. In terms of RES2, the site has a capacity limited to 5 units which is compatible with local resident's aspirations for the village. This should address concerns identified in the Fenwick Village Community Action Plan regarding the scale of housing expansion in the last 15 years. In addition, the development can sit comfortably within its landscape context which includes maintaining the separateness of High and Low Fenwick. In terms of ENV3, the development would not impact adversely on the setting of the area.</p> <p>In terms of connectivity, the site is within a sustainable location with easy access to the local path network, public transport provision and local facilities. In relation to effectiveness, the site is in single ownership and would be available for development during the first 5 years of the plan period. There are no known physical constraints, contamination, deficit funding. In addition the site is marketable being located within a popular village setting and is, in terms of infrastructure accessible to mains water supply and foul sewage capacity.</p> <p>The development of the site would retain not only the physical distinction of the village but also the sense of separateness between Laigh Fenwick and High Fenwick. A small development would be more compatible and appropriate under the circumstances.</p> <p>Note: Supporting information provided with original representation.</p>		
Modifications sought by those submitting representations:		
<p>Dawn Group (PLDP/111/1) Amend the proposed settlement/Policy RES4 boundary for Fenwick to include the site at the junction of Maunsheaugh Road and Main Road (see</p>		

supporting Figure 1) in the settlement. It is maintained (see attached Statement to original representation) that this can be achieved satisfactorily in relation to the requirements of the relevant policies of the proposed plan. No changes in the wording of any policy is being sought.

Summary of responses (including reasons) by planning authority:

The proposed site is located adjacent to, but outwith the settlement boundary of Fenwick and within an area that the ENTEC Landscape Assessment, carried out in 2005, defines as not having potential for development in landscape terms.

Furthermore, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the LDP period in the plan in Fenwick and Laigh Fenwick. The addition of a further site is not considered necessary within the village at this time. The Council is also keen to preserve the conservation village character of Fenwick and Laigh Fenwick and an oversupply of housing sites could compromise this.

The Council is therefore of the view that no changes to the Local Development Plan are required to be made in this regard.

Reporter's conclusions:

1. The proposed housing site is an area of overgrown, low lying land located at the southern end of Fenwick close to where there is a short gap between the settlement boundaries that enclose Fenwick and Laigh Fenwick to the south. To the north of the site is a sloping field that separates existing housing from Main Road. The Dawn Group seeks the amendment of the settlement boundary at Fenwick to release the site for 5 residential units. They submit that the site is effective and that a small development would be compatible with the desire of residents to maintain a distinction between the settlements of High and Low Fenwick.
2. The submitted plans indicate that a landscaped buffer zone would be created at the southern end of the site. However, it seems to me that the proposed housing would still represent an erosion of the physical separation between the two settlements and would harm the character and appearance of the countryside.
3. This view is broadly consistent with the findings of the ENTEC landscape study that the landscape setting for the settlements should be enhanced to the south at Laigh Fenwick to prevent settlement coalescence.
4. The vision for Fenwick in the Proposed Plan is that high quality, smaller scale developments will have taken place over the next 20 years, exploiting the proximity of the village to the M77 and Glasgow whilst maintaining its character.
5. In any event, we are satisfied that sufficient effective housing land will be available for development in Fenwick and Laigh Fenwick over the Proposed Plan period to meet the housing land requirement.

Reporter's recommendations:

No modification to the Plan.

Issue 95	Non-inclusion of land at Waterslap, Laigh Fenwick for residential purposes	
Development plan reference:	Volume 2, Pages 44-46, Fenwick and Laigh Fenwick	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
HJ Paterson (PLDP/114/1)		
Provision of the development plan to which the issue relates:	Non-inclusion of an area of land for residential purposes at Waterslap, Laigh Fenwick, which is outwith but adjacent to the settlement boundary of Laigh Fenwick.	
Planning authority's summary of the representation(s):		
<p>HJ Paterson (PLDP/114/1) representation is made to the EALDP, Laigh Fenwick Settlement Map and the Residential Development table, Page 44. Note that previous representations were made by the owners BSP to the Main Issues Report. The site at Waterslap, Fenwick should be identified as an effective housing site and included in the EALDP. It is an effective housing site with developer interest that can readily accommodate some 20 to 30 houses of a style to complement the design character of Laigh Fenwick. Development of the site would 'round off' this part of Laigh Fenwick, where a long term and defensible boundary can be achieved. The land is segregated from any viable agricultural unit and is at present an underutilised resource. The proposed design will complement the local area and the layout will facilitate improved parking facilities in the area removing cars from on-street parking. This will improve traffic safety in the village. The aspect and character of the site lends itself to development with limited impact upon the local area. The provision of open spaces and 'wild meadows' within the site ownership further enhances the design of the area. The site is outwith the SEPA floodplain unlike other sites within Fenwick and Laigh Fenwick settlement areas. The development of the site would avoid any issue of coalescence. In addition, all services are available. It is considered that there is limited impact upon the local environment, whereby enhanced 'wild meadows' are promoted.</p>		
Modifications sought by those submitting representations:		
<p>HJ Paterson (PLDP/114/1)</p> <ul style="list-style-type: none"> • The site known as "Waterslap" be identified as an effective housing site to the south of Laigh Fenwick. It is advocated that the site could provide for some 20-30 houses. • Modify the EALDP to identify the Waterslap Road Housing Site. 		
Summary of responses (including reasons) by planning authority:		
<p>In response to the representation from HJ Paterson (PLDP/114/1), the Council would agree that the site could be developed for housing as it is located within an area which the Entec Landscape Study (2005) identifies, in landscape terms, as being most suitable for development and there are no other obvious constraints to development present. The Council is, however, of the opinion that the scale of the proposed site would be too large</p>		

an expansion for the small conservation village of Laigh Fenwick and could detract from its character.

Furthermore, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Fenwick and Laigh Fenwick. The addition of a further site is not considered necessary within the village at this time. The Council is also keen to preserve the conservation village character of Fenwick and Laigh Fenwick and an oversupply of housing sites could compromise this.

The Council is therefore of the view that no changes to the Local Development Plan are required to be made in this regard.

Reporter’s conclusions:

1. The site is an almost triangular wedge of land located between the winding Fenwick Water and the B 751. It is relatively well contained in the landscape by the higher ground to the south-west.
2. The representation seeks the allocation of land, described as an under-utilised resource, for some 20-30 houses at Waterslap to ‘round off’ the southern part of Laigh Fenwick and to provide a long term defensible boundary to the settlement. It is submitted that the site is effective, subject to developer interest and services are available.
3. The Entec landscape study concluded that further capacity for small pockets of development exists around Leigh Fenwick on lower quality and less sensitive landscape character areas to the south and north-west. Medium to low density housing development was recommended (site 1/2) with the establishment of a mature urban edge to preserve and enhance the rural setting of the village and the adjacent Fenwick Water valley. The site is outwith the floodplain for Fenwick Water and the council has advised that there are no obvious constraints to development.
4. I note the claimed benefit that development could include parking facilities to reduce on-street parking and improve highway safety in the area. Enhanced “wild meadows” would be included in the scheme. I agree that there would be no issue regarding potential coalescence with another settlement.
5. However, the proposal would involve the development of a greenfield site and introduce new development of a significantly large scale in this part of Laigh Fenwick. It would add to recently completed and proposed new housing development in the vicinity. Moreover, we have established that sufficient effective housing land will be available for development in Fenwick and Laigh Fenwick over the Proposed Plan period to meet the housing land requirement, comprising sites with permission or carried over from the adopted Local Plan.

Reporter’s recommendations:

No modification to the Plan.

Issue 96	Non- inclusion of land to the south of Fulton's Crescent, Fenwick for residential purposes	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 44 - 46	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Mansell Homes (PLDP/276/1)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site south of Fulton's Crescent, Fenwick. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, page 44-46 is being sought.	
Planning authority's summary of the representation(s):		
<p>Mansell Homes (PLDP/276/1) objects to the non-allocation of a site at Fulton's Crescent, Fenwick as a housing opportunity.</p> <p>Mansell Homes seek the promotion of the site as a housing opportunity under policy RES 1 in the Proposed Plan. Note that Mansell Homes has submitted another representation objecting to the site allocation RES 4, Rural Protection Area.</p> <p>There is a shortfall of 188 units in the Kilmarnock Housing Market Area (table 1, para 4.1.10). It should be noted that there is an error in this table whereby the existing capacity of units is shown as 3641 units in the table, this should have been 3441 units.</p> <p>The site is being promoted for 26 residential units and two commercial units in the Proposed Plan. This small settlement expansion could contribute to the shortfall in units of 188 as outlined in the Proposed Plan. Following the success of the Mansell Homes development adjacent, reference 174H in the Proposed Plan, this site can be the next phase of this housing proposal.</p> <p>Whilst the commercial units are currently shown as a pharmacy or doctors surgery they could also be a new club house and changing facilities for the King George V Playing Fields. The intention is to undertake a comprehensive community engagement process to determine whether or not the local community supports the development and if so what community asset they would wish to see delivered.</p> <p>A cross subsidy model is proposed to deliver the community building(s) where the private housing will fully fund the full construction cost.</p> <p>Planning Advice Note 2/2010: Affordable Housing and Land Supply, states that an effective site has to be free of specific constraints. The following reasons demonstrate why the site it is an effective location for housing development:-</p> <ul style="list-style-type: none"> • The site is in the ownership or control of a party which can be expected to develop it or release it for development. Mansell Homes control the site. • The market is strong enough to fund the remedial work. There are no remediation costs on this site that would restrict development. • In terms of deficit funding, any public funding required to make the residential 		

development economically viable. There is no requirement for public funding.

- In terms of marketability, the site or a relevant part of it can be developed in the period under consideration. As demonstrated by Mansell in the adjacent site this is a marketable area and they wish to build on the success of the allocated site.
- Any required infrastructure can be provided realistically by the developer or another party. The developer can fund all infrastructure requirements.

Note: There are plans (a red line location plan and an indicative layout) which form part of the original representation.

Modifications sought by those submitting representations:

Mansell Homes (PLDP/276/1) The site at Fulton’s Crescent, Fenwick to be promoted as a new housing opportunity under policy RES 1 in the Proposed Plan for 26 units plus a community based commercial development opportunity.

Summary of responses (including reasons) by planning authority:

The Council acknowledges that there is a shortfall in the housing land supply in the Kilmarnock and Loudoun sub-HMA of 188 units. However, as is set out under Issue 13 relating to Housing Land Supply, paragraph 4.1.13 of the plan states that this shortfall will be met through miscellaneous development opportunity sites and windfall sites. Since the publication of the plan, this shortfall has already potentially been met by an increase in site capacities at two sites in Stewarton through planning applications (albeit only one of these sites had planning consent at the time of writing) and an appeal decision at a large greenfield site in Kilmarnock. The Council is therefore of the view that additional sites to meet this shortfall are not necessarily required.

The proposed provision of fully funded commercial units as part of the development is noted and it is accepted that these could provide facilities to benefit the community. It is also accepted that the site could be deemed effective were it to proceed. However, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the LDP period in the plan in Fenwick and Laigh Fenwick. The addition of a further site is not considered necessary within the village at this time. The Council is also keen to preserve the conservation village character of Fenwick and Laigh Fenwick and an oversupply of housing sites could compromise this. No changes to the plan are considered necessary.

This representation correctly points put a typographical error within table 1. This has been covered in Issue 13 Housing Land Supply.

Reporter’s conclusions:

1. The proposed site south of Fulton’s Crescent is located on a ridge of land that falls steeply in part to a pleasant rural valley formed by Fenwick Water. The site comprises rough pasture land and includes a circular balancing pond. It is immediately adjacent to a recent housing development at Skernieland Road (174H), a proposed extension to the cemetery (PROP11) and the King George V playing fields. Informal paths clearly allow a degree of public access in the general area. The site is within an edge of village location designated as Rural Protection Area in the Proposed Plan.

2. The representation seeks allocation of the site for 26 housing units and two commercial units. The housing would cross-subsidise the commercial units which could be a pharmacy or doctor’s surgery or, alternatively, a new club house for the King George V playing fields. I note the proposal to undertake a comprehensive community engagement project to determine local support and what type of asset would be appropriate.

3. It is submitted that the site would be effective in accordance with Planning Advice Note 52: *Affordable Housing and Land Supply*. The council accepts this contention and I have no evidence before me to suggest a contrary view. The site could be developed as an extension to the existing estate at Fulton’s Crescent. However, it would be desirable to provide a significant planted buffer zone to soften the visual contrast between the edge of any housing development and the adjacent countryside.

4. The Entec landscape study indicates that site is within an area classed as most suitable for development. It advised under site 3/1 that mixed 1-2 storey housing would be suitable, built into a masterplan for village extension. Medium to low density housing was recommended with an integrated urban edge to preserve the rural setting.

5. Reference is made in submissions to an error in the housing land supply figure for the Kilmarnock and Loudon sub-housing market area. However, as mentioned in issue 13 above, we are satisfied that the shortfall of 188 units may be met through the contributions of other sites that have come to light since publication of the draft plan.

6. Site 174H was a significantly large development compared to the size of Fenwick village. The proposal is for the development of a greenfield site that that would add to the scale of new development in this part of Fenwick. We have established that sufficient effective housing land will be available for development in Fenwick and Laigh Fenwick over the Proposed Plan period to meet the housing land requirement, comprising sites with permission or carried over from the adopted Local Plan. I have taken into account the proposed commercial units and community involvement in the proposal. However, these matters do not change my view that the site should not be allocated in the Proposed Plan.

Reporter’s recommendations:

No modification to the Plan.

Issue 97	Non-inclusion of land for residential purposes on Main Street, Fenwick	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 44 – 46	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
ASJ Ventures Limited (PLDP/5)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site on Main Street, Fenwick. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, page 44-46 is being sought.	
Planning authority's summary of the representation(s):		
<p>ASJ Ventures Limited (PLDP/5) is promoting a site at Main Street, Fenwick, for residential purposes. The boundary of the proposed site is denoted on maps contained within supporting information. The site is 3 acres and 30 units are sought on it which would have a lesser impact upon the community and conservation area than Site 405H (See also Issue 90, Site 405H: Dunselma). Site investigations have been completed but not submitted.</p>		
Modifications sought by those submitting representations:		
<p>ASJ Ventures Limited (PLDP/5) seeks the allocation of a site at Main Street, Fenwick for residential purposes.</p>		
Summary of responses (including reasons) by planning authority:		
<p>In response to the representation from ASJ Ventures Limited (PLDP/5), the Council would point out that the proposed area of land is identified within the Entec Landscape Study (2005) as not being suitable for development and is required for landscaping to reinforce and separate Fenwick from the A77.</p> <p>Furthermore, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the LDP period in the plan in Fenwick and Laigh Fenwick. The addition of a further site is not considered necessary within the village at this time. The Council is also keen to preserve the conservation village character of Fenwick and Laigh Fenwick and an oversupply of housing sites could compromise this.</p> <p>The Council is of the view that the Site 405H is a more appropriate site for residential uses, as it is a partial brownfield site within a sustainable location; is within the settlement boundary and is within walking distance to local facilities and public transport. (See also Issue 90 Site 405H: Dunselma).</p> <p>The Council is therefore of the view that no changes to the Local Development Plan require to be made in this regard.</p>		

Reporter’s conclusions:

1. The representation seeks the allocation of around 1.2 hectares (3 acres) of land for 30 residential units as an alternative to the Dunselma site ref: 405H. The effectiveness of the Dunselma site is dealt with at issue 90 above.
2. The site at Main Street comprises a linear area of pasture land. It is located between the rear of properties forming the historic core of the village and the M77 embankment. The existing access to the site is from Stewarton Road. Although this is wide, it is located close to the M77 slip roads. Consideration would need to be given to highway safety implications if this access was proposed to be used to serve housing development. Other issues would include the need to mitigate the visual impact and noise from traffic on the M77, plus the requirement to ensure that any development preserved or enhanced the adjacent Fenwick conservation area.
3. The ENTEC landscape study referred to the strong physical barrier created by the A77/M77 expansion and recommended that this be reinforced by the creation of a landscape buffer zone or area of increased woodland planting. It concluded that development along this edge of Fenwick should be restricted. Figure 8a of the study identifies the site as within an indicative landscape area defined as: “Areas of new or existing landscape planting to accompany development as buffer zones or screening”. Therefore, the study did not entirely rule out some development.
4. The vision for Fenwick in the Proposed Plan is that high quality, smaller scale developments will have taken place over the next 20 years, exploiting the proximity of the village to the M77 and Glasgow whilst maintaining its character.
5. I have concluded above that the Dunselma site is capable of becoming effective in the Proposed Plan period. It is also now the subject of an application for residential development in principle. It is also a brownfield site, whereas the land at Main Street subject to representation is primarily greenfield. In any event, we are satisfied that sufficient effective housing land will be available for development in Fenwick and Laigh Fenwick over the Proposed Plan period to meet the housing land requirement.

Reporter’s recommendations:

No modification to the Plan.

Issue 98	Non-inclusion of land for residential purposes to the north-west of Laigh Fenwick	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 44 – 46	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
ASJ Ventures Limited (PLDP/6)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site north-west of Laigh Fenwick. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, page 44-46 is being sought.	
Planning authority's summary of the representation(s):		
<p>ASJ Ventures Limited (PLDP/6) is promoting a site to the north-west of Laigh Fenwick for residential purposes instead of site 405H: Dunselma, Fenwick. The boundary of the proposed site is denoted on maps which accompany this representation. The site is approximately 2 hectares and 16 units are sought on it which would have a lesser impact upon the community and conservation area than Site 405H (See also Issue 90 Site 405H: Dunselma). Site investigations have been completed but not submitted.</p>		
Modifications sought by those submitting representations:		
<p>ASJ Ventures Limited (PLDP/6) seeks the allocation of a site to the north-west of Laigh Fenwick for residential purposes.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Although the proposed site is identified within the Entec Landscape Study (2005) as having potential for development, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the LDP period in the plan in Fenwick and Laigh Fenwick. The addition of a further site is not considered necessary within the village at this time. The Council is also keen to preserve the conservation village character of Fenwick and Laigh Fenwick and an oversupply of housing sites could compromise this.</p> <p>The Council is of the view that Site 405H is a more appropriate site for residential uses, as it is a partial brownfield site within a sustainable location; is within the settlement boundary and is within walking distance to local facilities and public transport. (See also Issue 90 Site 405H: Dunselma).</p> <p>The Council is therefore of the view that no changes to the Local Development Plan are required to be made in response to the representation from ASJ Ventures Limited (PLDP/6).</p>		
Reporter's conclusions:		
<p>1. The representation seeks the allocation of 0.8 hectares (2 acres) of land for 16</p>		

residential units as an alternative to allocation 405H Dunselma. This is a prominent open greenfield site located between the B751 and the village bowling green and clubhouse. It adjoins the settlement boundary and the boundary of the Laigh Fenwick Conservation Area.

2. The effectiveness of the Dunselma site is dealt with at issue 90 above. Dunselma is preferable to the site proposed in this issue, being partly brownfield and closer to facilities in Fenwick.

3. The Entec landscape study concluded that further capacity for small pockets of development exists around Laigh Fenwick on lower quality and less sensitive landscape character areas to the south and north-west. It added that some medium to low density housing development could be accommodated to the north of the village (site 10/3) provided that this was well integrated into the existing settlement and screened from the A77/M77.

4. However, I have concluded above that the Dunselma site is capable of being effective within the Proposed Plan period. Moreover, we are satisfied that sufficient effective housing land will be available for development in Fenwick and Laigh Fenwick over the Proposed Plan period to meet the housing land requirement.

Reporter's recommendations:

No modification to the Plan.

Issue 99	Non-inclusion of an area of land at Stewarton Road (North) Fenwick	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 44-46, Fenwick	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
BDMR Partnership (PLDP/294)		
Provision of the development plan to which the issue relates:	The representation relates to the non-inclusion of area of land at Stewarton Road North for residential development. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, pages 44-46 is being sought.	
Planning authority's summary of the representation(s):		
<p>BDMR Partnership (PLDP/294) object to the removal of Site 368H: Stewarton Road (North) Fenwick which is designated for residential development within the Adopted East Ayrshire Local Plan 2010 and has a notional capacity for 20 dwellings. BDMR are preparing a Planning Application for the erection of 20 dwelling houses at Stewarton Road North. The site at Stewarton Road North was subject to representations to the East Ayrshire Local Plan 2010 and the Reporter at that time supported the site at Stewarton Rd North.</p> <p>In relation to Stewarton Road North the Reporter concluded:</p> <ul style="list-style-type: none"> -the site could accommodate a limited housing development without adversely affecting local distinctiveness, landscape character or scenic value and without detracting from Fenwick's overall settlement form; -the site is a sustainable location within 400 m of bus services and 400m walk from a range of local facilities; -that noise from the M77 need not be a constraint; and -vehicular access could be provided from the former road to the east with pedestrian links to the housing area to the east. <p>The Stewarton Rd North site was identified in the Main Issues Report as being a site which would be rolled forward. The Council's justification for later deleting the Stewarton Rd North site appears to be that;</p> <ul style="list-style-type: none"> -there has been no interest in the site; -the site lies close to the M77 and is highly visible from it; -the site would need a significant landscape buffer to reduce noise and its visual impact; and -this would further reduce the developable area of this already long narrow site. 		

These justifications are in conflict with the Reporters comments in relation to the EIP which have already been supported by the Council in designating the site in the Adopted Local Plan. The mitigation measures to enhance the landscape buffer have already been accepted. Finally, no account appears to have been taken of the existing landscaping on the verge of the off ramp from the M77. This verge slopes upwards from the road to the site boundary and the landscaping scheme extends along the full width of the slope. The trees vary in height from two to five metres and already provide a substantial landscape buffer right up to the edge of the site. It is considered that even without the proposed additional landscaping, the verge planting already provides appropriate mitigation in terms of both visual and any noise impact.

BDMR Partnership's representation suggests removal of site 406H (Laigh Wylieland, Fenwick) and a reinstatement of site 368H, which given both sites have the same capacity, means that there is no need to deal with housing supply issues (see also Issue 91, Site 406H Laigh Wylieland, Fenwick).

Modifications sought by those submitting representations:

BDMR Partnership (PLDP/294) seek the reinstatement of site 368H Stewarton Road North in conjunction with the deletion of site 406H Laigh Wylieland.

Summary of responses (including reasons) by planning authority:

In response to the representation from **BDMR Partnership (PLDP/294)**, the Council would point out that the site is identified within the Entec Landscape Study (2005) as not being suitable for development and the area of land in question is required for landscaping purposes to reinforce and separate the village from the M77/A77.

Although the site has been allocated for residential purposes in the East Ayrshire Local Plan 2010, the Council is of the view that the site, going forward, should not be identified for residential purposes, due to its close proximity to the M77 and the site being highly visible from the motorway in a relatively elevated position. The site would also need a significant landscape buffer in order to reduce noise and its visual impact, which would further reduce the developable area of this already long narrow site. The Council does not agree with BDMR Partnership that a sufficient landscape buffer already exists.

With regard to BDMR Partnership's request to remove Site 406H and reinstate their land in its place, the Council is firmly of the view that Site 406H: Laigh Wylieland is a more appropriate site to be allocated for residential uses, as it is acceptable in landscape terms within the Entec Landscape Study and it is not within such a prominent location. (Issue 91 deals with the representations to Site 406H: Laigh Wylieland).

It is acknowledged that the Reporter carrying out the Examination of the East Ayrshire Local Plan 2010 removed the site at Laigh Wylieland from the plan and inserted the site at Stewarton Road North in its place. This was due largely to improvements that were required to be made to the C66 to satisfactorily access this site. The Reporter was not made aware at that time that the owner of the Laigh Wylieland site has control over land required to provide footpaths to serve the site. The owner of the site provided evidence at the Main Issues Report stage setting out where possible access to the site could be and stating definitively that his family has control over the land required to provide footpaths to

the site. The situation has therefore changed from the last Examination as the reporter at that time did not have all the relevant ownership information in front of them. Site 406H is therefore considered to be effective.

In conclusion, the Council is of the view that no changes require to be made to the Local Development Plan as a result of this representation. However, the Council would highlight to the Reporter that a planning application for the site at Stewarton Road North has been received. The Reporter may wish to liaise with the Council on the progress this application for planning permission in principle.

Reporter’s conclusions:

1. The representation seeks the allocation of an area of land bounded between Stewarton Road, existing housing at Blackfaulds Drive and the M77. The requested deletion of site 406H is dealt with at issue 91 above.
2. The site is vacant and was allocated for residential development in the East Ayrshire Local Plan 2010. It is, in part, close to the boundary of The Fenwick Conservation Area at Stewarton Road. An application in principle ref: 15/0528/PPP for the proposed erection of 20 dwellinghouses is under consideration by the council. The council appears to have omitted this site in the basis that an alternative site (406H Laigh Wylieland) is now considered to be effective and preferable in landscape terms.
3. In terms of the land at Stewarton Road North, the ENTEC landscape study referred to the strong physical barrier created by the A77/M77 expansion and recommended that this be reinforced by the creation of a landscape buffer zone or area of increased woodland planting. It concluded that development along this edge of Fenwick should be restricted. Figure 8a of the study identifies the site as within an indicative landscape area defined as: “Areas of new or existing landscape planting to accompany development as buffer zones or screening”. Therefore, the study did not entirely rule out development.
4. It would be possible to provide some housing at the site with associated planting to screen the visual impact of the M77 and its traffic. Measures to mitigate traffic noise levels would also be required. Care would also be needed to ensure that the layout and design of housing respected the location of the war memorial and preserved or enhanced the character and appearance of the Fenwick Conservation Area.
5. The Reporter in the examination for the current Local Plan concluded that, provided that suitable buffer planting was provided between houses and the M77, the site would be an appropriate residential development opportunity site. She advised that it was essential for the planting to be designed to provide a suitable western edge to Fenwick, to contain any new development effectively in visual terms, and to provide a satisfactory residential environment. This was likely to take up more of the north-western part of the site than indicated in the master plan that had been submitted. For those reasons the Reporter recommended a reduction in indicative capacity from 30 houses down to 20 houses.
6. The council accepted the Reporter’s recommendations and allocated the site in the Local Plan. I am not aware of any significant change in circumstances regarding the site at Stewarton Road North that would suggest that the site should not be rolled forward from the current Local Plan into the Proposed Plan.

Reporter's recommendations:

Modify the Plan by:

1. including the site at Stewarton Road North in volume 1, page121, Schedule 2: Housing Sites with a capacity of 20;
2. including the site with a capacity of 20 in the table headed Fenwick and Laigh Fenwick Development Opportunities in volume 2, page 44, and
3. including the site on Map 14: Fenwick in volume 2, page 46

Issue 100	Non-inclusion of land at Weavers Court, Fenwick for residential purposes	
Development plan reference:	Volume 1, Schedule 1 and Volume 2, Pages 44-46, Fenwick and Laigh Fenwick	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Klin Holdings Ltd (PLDP/264/3)		
Provision of the development plan to which the issue relates:	Non-inclusion of an area of land for residential purposes at Weavers Court, Laigh Fenwick, which is outwith but adjacent to the settlement boundary of Laigh Fenwick.	
Planning authority's summary of the representation(s):		
<p>Klin Holdings Ltd (PLDP/264/3) object to the non-allocation of a site to the north of Weaver's Court, Laigh Fenwick (see accompanying plan to original representation).</p> <p>The LDP identifies four housing sites at Fenwick. Two of these are historic commitments (Mansell site, Skernieland Road & Kilmaurs Road) and the additional two sites are compromised by significant environmental restrictions on development (405H, Dunselma & 406H, Laigh Wylieland)).</p> <p>Issues raised relate to the landscape impact including TPOs, biodiversity, flooding on site 405H (Klin Holdings Ltd (PLDP/264/1)) and archaeological sensitivities and the need for a transport statement for site 406H (Klin Holdings Ltd (PLDP/264/2)). The lack of any specific evidence to confirm that these matters can be addressed confirms that these sites cannot reasonably be considered effective and appropriate to include in the proposed plan. Therefore, Klin Holdings Ltd is promoting the additional/alternative site to the north of Weaver's Court, Laigh Fenwick. This site was considered at the previous local plan inquiry. The Reporter acknowledged that there was some scope for development in landscape/environmental terms and that access was available. There is scope to achieve suitable pedestrian/cycle routes to link into local facilities. In the previous local plan, site 406H was promoted but then rejected by the Reporter as being ineffective as lack of evidence meant that the necessary transport/access improvements were unlikely to be achieved within the local plan period. This remains unchanged.</p> <p>In relation to the effectiveness of the sites currently proposed for the 2012 housing land audit notes that the Dunselma site could deliver 20 units overall with 10 supposed to have been delivered by now. The audit confirms the programming for the site at Kilmaurs Road is post 2019. There are clearly challenges with both sites in terms of deliverability, in conflict with SPP objectives for speeding up of housing delivery. A previously allocated site at Stewarton Road which was allocated in the East Ayrshire Local Plan 2010 has been dropped further compromising the supply of new houses. In contrast the proposed additional site north of Weaver's Court could deliver 9-10 housing units (indicative capacity) in the short term.</p> <p>There are grounds to query the effectiveness of the land being allocated in Fenwick/Laigh Fenwick in the Proposed Plan as well as the appropriateness of the two new allocations in terms of significant technical/environmental matters that have not yet been addressed.</p>		

As there has been no evidence presented to address these matters that should be deleted.

Modifications sought by those submitting representations:

Klin Holdings Ltd (PLDP/264/3) Delete proposed housing opportunities 405H (Dunselma) and 406H (Laigh Wylieland) and allocate additional or alternative sites north of Weaver's Court, Laigh Fenwick (indicative capacity 10 units).

Summary of responses (including reasons) by planning authority:

In response to the representation from **Klin Holdings Ltd (PLDP/264/3)**, the Council do not agree that sites 405H and 406H are ineffective. Issue 90 considers the representations in light of Site 405H and Issue 91 considered the representation in relation to Site 406H. The Council is of the view that both sites are effective and can be developed within the timeframe of the Local Development Plan.

The area of land promoted by Kiln Holdings Ltd is a greenfield site outwith the settlement boundary of Laigh Fenwick. Only a portion of the site has been identified with the Entec Landscape Study (2005) as having potential for development, with the remainder of the site being within an area not suitable for development and required to provide a buffer zone and/or screening.

Although it is accepted that a portion of the site is suitable for development in landscape terms, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Fenwick and Laigh Fenwick. The addition of a further site is not considered necessary within the village at this time. The Council is also keen to preserve the conservation village character of Fenwick and Laigh Fenwick and an oversupply of housing sites could compromise this.

Furthermore, by removing Sites 405H and 406H from the Local Development Plan and replacing them with the site promoted by Kiln, there would be an overall reduction of 30 residential units within the Kilmarnock and Loudoun Sub Housing Market Area. Klin do not consider this shortfall or how to address it within their representation.

The Council is therefore of the view that no changes to the Local Development Plan are required in this regard.

Reporter's conclusions:

1. The representation requests the allocation of land north of Weaver's Court as an additional site, or alternative site, for proposed housing development opportunities 405H and 406H. Those sites are dealt with at Issues 90 and 91 above.
2. The land sought as an allocation for the early delivery of housing units is an area of grassland located between a bowling green, the M77 and new development at Weavers Court. The southern boundary adjoins the Laigh Fenwick Conservation Area.
3. The Entec landscape study identified that Laigh Fenwick North had some potential for medium to low density housing providing that it was well integrated into the village and

screened from the A77/M77. The reporter in the previous development plan inquiry did accept that, although the site does not relate particularly well to the existing village form, a housing development could be designed to integrate with the existing settlement and avoid adverse effects on trees covered by a preservation order and on the conservation area.

4. However, the reporter also considered that the site was sufficiently far from local facilities, including the primary school, to make walking and cycling unlikely to be an attractive proposition. Other sites were considered to be in more sustainable and appropriate locations in the village. I note that the representation advises that there is scope to achieve suitable pedestrian/cycle routes to link into local facilities. Land at Kilmaurs Road is also allocated as opportunity site 297H, as considered at Issue 89 above. However, there still remains a significant separation distance between the land north of Weavers Court and local facilities.

5. I have found above that site 405H Dunselma is capable of becoming effective within the proposed plan period. Although I have recommended that site 406H, Laigh Wylieland, should not be allocated in the proposed plan, I have recommended that a site at Stewarton Road North, which is in the adopted local plan, should be carried forward into the proposed plan. That site has a similar indicative capacity to 406H, at 20 dwellings. Sufficient land has been allocated in Fenwick and Laigh Fenwick to meet the housing requirement. There is no need to allocate the land at Weavers Court as an addition to housing development opportunities or as an alternative to other sites in the proposed plan.

Reporter's recommendations:

No modification to the plan.

Issue 101	Site 107H: Belvedere View, Galston	
Development plan reference:	Volume 2, Pages 47-51, Site 117H: Belvedere View, Galston	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr Andrew and Mrs Janice Clark (PLDP/61); Ms Bernadette Maxwell (PLDP/62); Mr George Lightbody (PLDP/103); Mr John Shaw (PLDP/237); Messrs Smith (PLDP/243/1); Mr John and Mrs Aileen Ferrier (PLDP/278)</p>		
Provision of the development plan to which the issue relates:	Site 107H is allocated for residential uses with an indicative capacity of 117 residential units. The site is greenfield and extends to 5.47 hectares and is located on the eastern boundary of Galston	
Planning authority's summary of the representation(s):		
<p>Mr Andrew and Mrs Janice Clark (PLDP/61) object to the allocation of the site on the grounds of drainage and road traffic. In relation to road traffic, Belvedere View is already a busy street and the development, in their opinion, could add an additional 200 cars within the area. Mr and Mrs Clark also raise issues relating to noise and dirt associated with the development of the site. In terms of drainage, Mr and Mrs Clark cite that existing residents experienced drainage problems within their gardens as a result of the first phase of the development.</p> <p>Ms Bernadette Maxwell (PLDP/62) objects to the allocation of the site. Ms Maxwell states that the site was previously occupied by mine workings and is of the opinion that it is not safe to build on the site. Ms Maxwell also is of the opinion that the site will bring additional traffic which will exacerbate an already congested road and will cause numerous traffic problems. The Council have already installed speed bumps on the road to combat this problem and Ms Maxwell is of the view that the actual road would deteriorate as a result of the traffic volume. The proposed access road to the development is extremely narrow and would cause safety problems. In terms of drainage, Ms Maxwell cites that existing residents experienced drainage problems within their gardens as a result of the first phase of the development. There is also an on-going problem within Burnawan Place with regards to flooding, which would be exacerbated as a result of this development.</p> <p>Mr George Lightbody (PLDP/103) objects to the allocation of the site and is of the opinion that development of the site would have significant adverse impacts on the privacy of residents within Belvedere View. Mr Lightbody is of the view if development of the site was to go ahead then the housing should not impinge on the privacy of existing residents of the area.</p> <p>Mr John Shaw (PLDP/237) objects to the allocation of the site on the grounds of drainage and road traffic. With regard to drainage, Mr Shaw states that his property and other neighbouring properties have experienced considerable flooding issues regarding</p>		

the proposed development site. This was due to problems with the existing field drainage system which have been resolved. However, Mr Shaw is concerned that the development of Site 107H will interfere with the existing drainage system and result in the properties being flooded again.

In relation to road traffic issues, Mr Shaw comments on previous planning applications and site allocations which resulted in a planning application being refused as it did not meet the access road standard of 5.5 metres and the Ayrshire Roads Alliance indicating that the existing road network could only accommodate up to 60 dwellings. As a result of this, Mr Shaw states that he fails to understand how the roads can now be considered suitable for additional traffic generated by the development of the site, which will result in further congestion on an already busy road.

Messrs Smith (PLDP/243/1) objects to the allocation of the site in terms of accessibility and suggest that land in his ownership at Clockston Road should be identified instead. (The representation to the non-inclusion of various parcels of land at Clockston Road is considered within Issue 105)

Mr John and Mrs Aileen Ferrier (PLDP/278) object to the allocation of the site on the grounds that the road infrastructure could not cope with the increase in traffic; water pressure within the area is an issue; there are mine workings and shafts within the site and flora and fauna would be adversely affected.

Mr Andrew and Mrs Janice Clark (PLDP/61) and **Mr John and Mrs Aileen Ferrier (PLDP/278)** both state that they bought their respective properties for a countryside view and do not want their views taken away or spoiled by this proposed development.

Modifications sought by those submitting representations:

Mr Andrew and Mrs Janice Clark (PLDP/61); Ms Bernadette Maxwell (PLDP/62); Mr George Lightbody (PLDP/103); Mr John Shaw (PLDP/237) and Mr John and Mrs Aileen Ferrier (PLDP/278) all wish to see the Site 107H: Belvedere View, Galston removed from the Local Development Plan.

Mr George Lightbody (PLDP/103) requests that if Site 107H: Belvedere View, Galston is not removed from the Local Development Plan then the development site should not adversely affect the privacy of existing residents in the area.

Messrs Smith (PLDP/243/1) proposes that site 107H is removed and replaced with land at Clockston Road.

Summary of responses (including reasons) by planning authority:

The representations to Site 107H: Belvedere View, Galston relate to road traffic; flooding and drainage; ground stability; privacy; biodiversity, flora and fauna and views of the countryside. The Council's responses to the representations have been grouped under these headings and are provided below.

Road Traffic

In relation to the representations from **Mr Andrew and Mrs Janice Clark (PLDP/61); Ms Bernadette Maxwell (PLDP/62); Mr John Shaw (PLDP/237); Messrs Smith**

(PLDP/243/1) and **Mr John and Mrs Aileen Ferrier (PLDP/278)** with regard to road traffic issues, the Council would advise the Reporter that the Ayrshire Roads Alliance has not raised any objections to the development of this site but have requested that a Transport Assessment is submitted with any planning application for the site to identify the transport effects of the proposal on the immediate area. The requirement has been included as a note within Page 48 of Volume 2 of the Local Development Plan. The Council therefore considers that there is no impediment to the site being developed in this regard subject to the Transport Assessment and access arrangements being acceptable to the Ayrshire Roads Alliance.

Site 107H would not be accessed directly from Belvedere View as there is no connection from Stirling Crescent to the development site. Traffic would instead access the site from Maxwood Road.

Flooding and Drainage

In relation to the issues on drainage and flooding raised by **Mr Andrew and Mrs Janice Clark (PLDP/61)**; **Ms Bernadette Maxwell (PLDP/62)**; **Mr John Shaw (PLDP/237)** and **Mr John and Mrs Aileen Ferrier (PLDP/278)**, it should be noted that SEPA has not objected to the allocation of this site. The Council is, however, aware that the site is at risk of flooding and has requested that a Flood Risk Assessment is submitted with any planning application for the site to demonstrate that the proposal complies with the provisions of SPP. This requirement has been included as a note within Page 48 of Volume 2 of the Local Development Plan.

The developer will also be required to ensure, in accordance with Policy ENV 11 of the Local Development Plan, that development of the site can be undertaken subject to appropriate flood prevention measures and will not have an adverse effect on the risk of flooding off-site. This includes any impact on drainage in the immediate vicinity of the site which could lead to flooding issues elsewhere. The Council therefore considers that there is no impediment to the site being developed, subject to a Flood Risk Assessment being provided and approved by SEPA and the Ayrshire Roads Alliance.

Ground Stability

In light of **Ms Bernadette Maxwell (PLDP/62)** and **Mr John and Mrs Aileen Ferrier (PLDP/278)** representations to the site in relation to mine workings, the Council would point out that there are no mine shafts within this area of land and that the Coal Authority has not objected to the development of the site. The Council therefore considers that there is no impediment to the site being developed in this regard.

Privacy

With regard to the representation from **Mr George Lightbody (PLDP/103)**, the Council is of the opinion that development of the site would not affect the privacy of existing residents in the area as the site is located adjacent to existing built up residential areas.

Biodiversity, Flora and Fauna

In relation to the representation from **Mr John and Mrs Aileen Ferrier (PLDP/278)** with regard to flora and fauna, the Council would point out that there are no statutory wildlife designations on the site and, as a result, the Council is of the opinion that development of

the site would have no impact on biodiversity, flora and fauna.

Views of the Countryside

In response to the representations from **Mr Andrew and Mrs Janice Clark (PLDP/61)** and **Mr John and Mrs Aileen Ferrier (PLDP/278)** that development of the site would take away or spoil their views of the countryside, the Council contend that in planning terms, there is no individual or collective right to a view of the countryside and that these representations should not be considered as part of the examination of this site.

As a result of the representations, the Council is of the view that the site should be continued to be allocated as a residential development site within the Local Development Plan.

Reporter's conclusions:

1. The site is located to the east of Galston. It is a flat site rising gently to the east / north-east, and was in agricultural use at the time of my site visit. The immediate vicinity of the site is established residential in nature to the west and agricultural to the east, north and south. The site is identified in the Proposed Plan as site 107H Galston Road North, with a site area of 5.47 hectares and a capacity for 117 homes.
2. The representations made generally object to the allocation of the site for housing, for a variety of reasons, but the majority commented on the ability of the local road network to cope with increased traffic potentially generated by the allocated site.
3. The Proposed Plan at note (ii) seeks a Transport Assessment to be carried out for this site as part of any development proposal, which would impose any required mitigation measures, or limit the number of units to ensure that the local road capacity is not exceeded or road safety compromised. The Ayrshire Roads Alliance did not raise any objection to the allocation of this site, but sought a Transport Assessment as part of any planning application. I find that in terms of transport and the potential impact on the local road network, and access to the site, these are matters that could be addressed at planning application stage. Such matters are not barriers to allocating this site for residential development in the Plan.
4. In relation to the issue of flooding, the Plan at note (i) page 48 requires that a detailed flood risk assessment is carried out for any development, and I conclude that requesting that this assessment is carried out at the development proposal stage is reasonable. SEPA did not raise an objection to the allocation of this site. I find that in terms of potential flooding issues, these are matters that could be addressed at the planning application stage.
5. Concerns have been expressed about the potential safety of the site in relation to ground stability. There are no active or historic mine shafts on the site, and the Coal Authority has not objected to the allocation of the site for residential development.
6. The value of the site as a greenfield site has been raised. This site is currently in agricultural use, and has no protected species and habitats, statutory landscape designations or intrinsic landscape value, that might preclude it being suitable for development.

7. There were a number of non- planning matters raised in representations, which have not been material to my conclusions.

8. I conclude that the site is suitable for residential development.

Reporter's recommendations:

I recommend no modification to the Plan.

Issue 102	Future Growth Area 1: Galston	
Development plan reference:	Volume 2: FGA1	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Messrs Smith (PLDP/243/2) Doreen Lindsay (PLDP/249) (Letter of Support)		
Provision of the development plan to which the issue relates:	This representation relates to Future Growth Area 1 identified on the Galston LDP map and under GALSTON2 on page 48 as Future Growth Area	
Planning authority's summary of the representation(s):		
<p>Messrs Smith (PLDP/243/2) object to FGA1 in terms of its accessibility, topography and lack of defensible boundary. No additional detail is given.</p> <p>Doreen Lindsay (PLDP/249) supports the inclusion of. FGA1 in Volume 2: Settlement Maps. Doreen is the owner of this site.</p>		
Modifications sought by those submitting representations:		
Exclusion of FGA1: Galston and inclusion of alternative site outline in attached map .		
Summary of responses (including reasons) by planning authority:		
<p>The Council does not agree that Future Growth Area 1 to the east of Galston should be removed. There are no known physical constraints to its development. More detailed analysis of the site will, however, take place as part of a future review of the plan. With regard to the comment regarding lack of a defensible boundary, the exact boundary of this site is not yet known as this will be determined through a future review of the LDP. This issue is therefore not considered relevant to this plan. No changes to the plan are considered necessary. It is noted that the representation seeks the removal of FGA1 in favour of a site at Clockston Road Galston. This is dealt with separately under Issue 104.</p> <p>Support for the site is welcomed.</p>		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. Future Growth Area 1 (FGA) is shown on the proposals maps as being to the east of Galston, and currently illustrated by a hatched area. 2. FGA1 is objected to on the basis of accessibility, topography and a lack of a defensible boundary. No detail or supporting information on any of these matters accompanies the objection. 3. I find that from my site visit, the proposed FGA appeared accessible from the town 		

and the topography did not appear to offer any limitations to development.

4. In relation to the lack of a defensible boundary at FGA1, the issue of FGA boundaries has been addressed at Issue 13 of this report, where it is concluded that FGAs indicate the preferred direction of future growth, not precise sites. Although the Proposed Plan indicates the Future Growth Areas by hatching on the Proposals Map, this cannot be definitive because they are not formal designations. In my opinion, this is a matter that would be determined by more detailed assessment and the next review of the local development plan. In any event, we have determined at Issue 13 of this examination that the hatching should be replaced by a different notation on the proposals maps to recognise that the Future Growth Areas can only be indicative, in accordance with Scottish Planning Policy (SPP).

5. As FGA1 is indicative only, it is understandable that no detailed assessment has been carried out. SPP requires only an indication of the scale and location of such FGAs. To carry out detailed assessments on such sites could pre-judge appropriate future debate on the location of residential expansion at a time when more thorough analysis has been undertaken and fuller information is available, including through strategic environmental assessment, and I find that the approach of the council in this regard is compliant with SPP.

6. The representation suggested that FGA1 should be deleted from the Plan and replaced with a site at Clockston Road. I deal with this at Issue 104 of this report.

7. The support expressed by the landowner for the inclusion of FGA1 is noted.

8. I recommend no modification of the plan, in relation to the representation, but there is a modification arising from Issue 13, where the notation of all FGA's is amended to fully reflect SPP.

Reporter's recommendations:

At page 51, Volume 2: Settlement Maps, modify the plan by replacing the hatched area indicating FGA1 with an arrow symbol showing the potential direction of growth from the edge of the settlement.

Issue 103	Non-inclusion of land at Harvestfield, Galston for mixed uses	
Development plan reference:	Volume 1, Schedule 2 and Volume 2, Pages 47-51, Galston	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
HJ Paterson (PLDP/114/2)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of land to the west of the Galston Roundabout and South of the A71. Inclusion of this site within Volume 1, Schedule 3 and Volume 2, pages 47-51 is being sought.	
Planning authority's summary of the representation(s):		
<p>HJ Paterson (PLDP/114/2) Representation is made to the Galston Settlement Map (EALDP, Volume 2, page 46). The site identified (see attached plan to original representation) should be denoted as a development site for commercial/business/employment uses (Galston 8).</p> <p>The site known as 'Harvest Field' extends to some 10.22 acres. It was previously identified in the Council Local Plan as a housing site with established access and permanent defensible boundaries and the allocation of the site was endorsed at a national level. The site has never been developed, mainly due to economic conditions at the time. There has however been renewed interest in the site from commercial developers due to the successful retail developments adjacent. The site has previously been identified by the Council for development, irrespective that a proportion of the site is within the floodplain. A significant amount of the land is outwith the floodplain and therefore suitable for commercial, business and employment uses. In addition to the creation of jobs at the adjacent retail uses, it is advocated that this site would generate a number of full and part-time jobs. Development of the site would also complement the build line in the area and create a designed, structured entrance to Galston. The site is effective in terms of development and has developer interest from a 'fast food' operator which will complement the adjacent land uses.</p> <p>The successful development of this site will generate a number of jobs complying with the 'placemaking' plans for Galston.</p>		
Modifications sought by those submitting representations:		
<p>HJ Paterson (PLDP/114/2)</p> <ul style="list-style-type: none"> • Identify site known as 'Harvest Field' for development uses, notably commercial/business/employment uses. • The site is annotated as Galston 8, whereby reference is made to such uses as 'fast food' units or similar. 		
Summary of responses (including reasons) by planning authority:		
In response to the representation from HJ Paterson (PLDP/114/2) , the Council is firmly		

of the view that the inclusion of the site as a potential development opportunity site in a draft local plan, which was never adopted by the Council and which was produced some 19 years previously is not a relevant consideration to be taken into account as part of the examination.

This site sits in a location identified through the Entec Landscape Study (2005) as not having potential for development in landscape capacity terms. It also lies in an area of flood risk. It is recognised that Tesco, the Coop and other development has taken place to the north of the river to the south east of the A71 roundabout. However, it is considered that the proposed area of land is required to protect the setting of the river, which forms a strong boundary to the town.

The Ayrshire Roads Alliance has indicated that access to the proposed site would require significant investment and upgrading with the construction of a new roundabout on the A71 at the western end of the site. Accessing the site could, therefore, prove to be problematic.

Furthermore, the Council does not consider retail/commercial development is appropriate at this location as it could adversely impact on the vitality and viability of Galston Town Centre. The Council is therefore firmly of the view that any proposals for retail/commercial use should be directed to the town centre of Galston.

The Council is therefore of the view that no changes to the Local Development Plan are required to be made in this regard.

Reporter's conclusions:

1. The site is located to the north-west of Galston town centre, to the south of the A71 and forming the south-west quadrant at the roundabout with the A71 / A779. It is low lying and generally flat.
2. The representation seeks to have the allocated for development, specifically commercial/employment/business uses, and including fast food operators.
3. The Entec Landscape Study 2005 concluded that the capacity of the site for development was limited, and that the site played a part in protecting the setting of the river which forms the southern boundary of the site.
4. I note from my site visit the established retail / leisure units and supermarkets which form the south-east quadrant at the roundabout, and their impact on the setting of Galston when approached from the A71 and / or the A779. However, I find that the proposed site would be more prominent in terms of the setting of the town, and if developed in its entirety, might adversely affect the character and setting of Galston.
5. The site is located in an area of flood risk, but only part of the site lies within the flood plain and SEPA has not objected to the site, although that could be because the site is not included in the proposed plan as an allocation.
6. Access to the site may need to be taken from the A71, and I have no evidence before me to indicate that the provision of such an access would be an insurmountable problem.
7. There are a number of sites identified in Galston for class 4 business, and class 5

industrial uses. The preferred area for new development in those classes is site 301B, Barrmill Road. Other sites are allocated for redevelopment, and are expected to include use classes 4 and 5. I have no evidence before me to suggest that there is a shortfall in such land and/or floorspace in Galston, and it appears to me that there are a number of opportunities identified in the plan for both new build and redevelopment of class 4 and class 5 uses in the town.

8. Galston is identified on page 57 of the plan as being a “service centre town centre”. It is specifically noted that the town centre suffers from a number of vacant sites and properties. In addition, any development of this site would need to comply with Policy TC2: Footfall generating uses outside of town centres, and I have no evidence before me to demonstrate that allocating the subject site, Harvestfield, for the requested uses, would not have an unacceptable effect on the viability and vitality of the town centre.

9. I conclude that there is no requirement for additional employment / business / industrial land to be allocated in Galston in this plan period, and that this site, given its location, would need to demonstrate that any proposed development is not capable of being accommodated in a sequentially preferable location in Galston.

Reporter’s recommendations:

I recommend no modification to the plan.

Issue 104	Non-inclusion of land at Clockston Road, Galston for residential purposes	
Development plan reference:	Volume 1, Schedule 2 and Volume 2, Pages 47-51, Galston	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Messrs Smith (PLDP/243/3)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of various parcels of land to the east of Galston. Inclusion of these areas of land within Volume 1, Schedule 2 and Volume 2, pages 47-51 is being sought.	
Planning authority's summary of the representation(s):		
<p>Messrs Smith (PLDP/243/3) object to the non-allocation of various parcels and configuration of land at Clockston Road, Galston for residential purposes.</p> <p>Representations are also made against Future Growth Area 1 and Site 107H: Belvedere View, Galston in favour of the allocation of land at Clockston Road. (Issue 102 considers the objection in light of Future Growth Area 1 and Issue 101 considered the representation in terms of Site 107H)</p>		
Modifications sought by those submitting representations:		
<p>Messrs Smith (PLDP/243/3) Allocate the site at Clockston Road, Galston for residential purposes. The following reasons support the allocation:</p> <ul style="list-style-type: none"> • Accessibility can be upgraded and improved at no cost to the local authority • Accessibility will be improved for the existing residents of Clockston Road, Galston • The proposal provides natural infilling of gap sites • The proposal provides natural rounding off to town boundaries 		
Summary of responses (including reasons) by planning authority:		
<p>In response to the representation from Messrs Smith (PLDP/243/3), the Council is of the opinion that only a small portion of the site to the east of Thornwood is suitable in landscape terms, with the rest of the land requested for development being identified within the Entec Landscape Study (2005) as not being suitable for development. The Council is further of the opinion that the areas of land in question would lead to a significant expansion of Galston which is not considered to be in proportion with the size and scale of the town.</p> <p>In terms of the representation to Site 107H: Belvedere View, the Council would point out that the site 107H is within an area which is suitable in landscape terms for development and that there are no accessibility issues that would prove an impediment to the development of the site. (Issue 101 considered the representation in terms of Site 107H).</p> <p>Similarly, Future Growth Area 1 is located within an area, which has potential for</p>		

development in landscape terms. There are also no accessibility issues with Future Growth Area 1 that would prove an impediment to the development of the site. The Council therefore consider that in terms of access and landscape capacity, development and future expansion to the east, identified as FGA 1 on the Galston Settlement Map on Page 115 of Volume 2, is appropriate. (Issue 102 considers the objection in light of Future Growth Area 1)

The Council is firmly of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Galston. The addition of these areas of land is not considered necessary within the town at this time.

In conclusion, the Council is of the view that no changes to the Local Development Plan are required to be made in this regard.

Reporter's conclusions:

- 1 The proposed site is located to the south-east of Galston, and to the north of Clockston Road. It is outside the settlement boundary, and at the time of my site visit appeared to be in agricultural use. It is generally flat, with a slight rise to the east.
2. The representation seeks to have the site allocated as either a residential development opportunity site, or a future growth area (FGA). Although the potential number of homes and mix of land uses is not explicitly identified in the submission, the level of development that could be accommodated is considered to deliver a strategic expansion of the settlement, and would compensate for sites considered by the representor unlikely to be effective in the plan period elsewhere in Galston.
3. It is submitted in representations that the site would be better located in terms of access, open space, visual amenity and would create a defensible boundary for the town. There is no accompanying information providing any detail on these matters in the representation, which is cross-referenced with issue 102 of this report.
4. I do not agree that the site would be preferable to those allocated in the proposed plan as being capable of delivering homes or as FGAs in the town. The Entec Landscape Study 2005 concluded that only part of the subject site would be suitable for development, with the larger part considered unsuitable.
5. The plan identifies FGA1 for Galston, which lies immediately to the north east of the subject site. The conclusions of the Entec study mean that the site area potentially available for development is not capable of accommodating an FGA.
6. We are satisfied that any shortfall in the Housing Land Supply may be met through the contributions of other sites that have come to light since publication of the draft plan. Moreover, we have established that sufficient effective housing land will be available for development in East Ayrshire over the plan period to meet the housing land requirement.
7. It is suggested that accessibility is a limiting factor at the other sites in Galston, and that the subject site could, if allocated for development, improve access for existing residents on Clockston Road. I have no evidence before me to suggest that there is an issue with access to other allocated sites in the Plan, or an accessibility issue for existing residents of Clockston Road.

8. I conclude that there is sufficient land for housing and Future Growth Areas allocated in Galston in the plan. There is no requirement, at this point in time, to identify additional housing land, or a Future Growth Area, in Galston.

Reporter's recommendations:

I recommend no modification to the plan.

Issue 105	Non-inclusion of land to the north, east and South of Galston for residential and enabling purposes	
Development plan reference:	Volume 1, Schedule 2; Volume 2, Rural Area 4, Page 122 and Rural Area Map	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Loudoun Woods Homes Ltd (PLDP/302/4)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of land to the north, east and South of Galston for residential and enabling purposes. Inclusion of these areas of land within Volume 1, Schedule 2 and Volume 2, pages 47-51 is being sought.	
Planning authority's summary of the representation(s):		
<p>Loudoun Woods Homes Ltd (PLDP/302/4) The chosen strategy for growth may not assist the District in its economic strategy and will not be able to reflect any upturn in the economy which would result in an undersupply of housing. Additional housing allocations should be provided, including that to the north of Galston on the Loudoun Castle estate (as previously detailed in representations to the Main Issues Report).</p> <p>The section needs to recognise the housing proposed to enable the works to Loudoun Castle as promoted by the Proposed Plan.</p>		
Modifications sought by those submitting representations:		
<p>Loudoun Woods Homes Ltd (PLDP/302/4) Include a reference to proposed housing at Loudoun Castle that would be built to enable the works to the Castle.</p> <p>Include the allocation of land to the north and south of the A71 to the north of Galston, south of the Loudoun Castle estate. Specifically, this would be on land as follows:</p> <ul style="list-style-type: none"> • Land south of the A71, between the road and watercourse, which relates well to the existing built development at Galston; and • Land to the north east of the roundabout junction between the A71 and the A719, which would have the effect of integrating the Loudoun Academy with Galston by extending the boundary of Galston onto this part of the Castle estate. 		
Summary of responses (including reasons) by planning authority:		
<p>The Council's choice of a modest growth scenario is considered to be justified and appropriate, the reasons for which are contained within Issue 13 Housing Land Supply. The scale of housing land being suggested as part of this representation would compromise the spatial strategy of the plan, being located in the rural area and not Kilmarnock, to where major development is directed. The Council would point out that the areas of land are identified within the Entec Landscape Study (2005) as not being suitable for development and are required to preserve the setting of Galston and prevent coalescence.</p>		

The Council is concerned that the allocation of these areas of land could adversely affect the setting of the Category A Listed Loudoun Castle, the Loudoun Castle Garden and Designed Landscape and may result in coalescence between the Estate and Galston. The Council is also concerned that residential development in these areas could have a detrimental impact on the landscape. The Council is also of the view that the areas of land would be extremely difficult to develop without significant upgrading to the road infrastructure and due to the risk of flooding within both areas of land.

Furthermore, the Council is of the opinion that it is highly inappropriate to include reference to these sites being used as enabling development for the Castle when there has been no planning consent granted for these areas of land in this regard. Any proposal for enabling development requires to be thoroughly assessed against

In conclusion, the Council is of the view that no changes to the Local Development Plan are required to be made in this regard.

Reporter’s conclusions:

1. The subject sites are sought to be identified as additional housing allocations, to enable development and the restoration of Loudoun Castle and Estate.
2. Loudoun Castle is included in the plan as a tourism development opportunity, where appropriate development will be supported and encouraged.
3. Allocating specific sites in the plan for residential development of unspecified housing numbers, to deliver unknown funding to enable a restoration scheme which does not yet have consent is, I find, not appropriate.
4. Any planning application for appropriate development should include a fully justified case for enabling development, at which time any proposed residential element could be assessed. Enabling development, by its nature, does not require an allocation in a Local Development Plan. I find that as the current development proposal at Loudoun Castle does not have planning consent, and that as there are many factors that may influence delivery of restoration of the castle and estate, allocating land for enabling residential development would not be appropriate.
5. I conclude that the approach of the council is appropriate in that it acknowledges the importance of Loudoun Castle Estate at paragraph 5.2.2 of the plan, and specifically sets out support for appropriate development at the Estate at Policy TOUR 1.

Reporter’s recommendations:

There is no modification required to the plan.

Issue 106	Non-inclusion of Land for residential purposes and non-identification of a settlement boundary at Auchencloigh, Galston	
Development plan reference:	Volume 1, Schedule 2 and Volume 2: Rural Area Map	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs Bone (PLDP/45)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site Auchencloigh, Galston. Inclusion of this site within Volume 1, Schedule 2 and the Rural Area Map within Volume 2. The representation also relates the Local Development Plan not defining Auchencloigh, Galston as a settlement within Volume 2 of the Local Development Plan.	
Planning authority's summary of the representation(s):		
<p>Mr & Mrs Bone (PLDP/45) The representation relates to the settlement grouping of Auchencloigh and a particular site within it. The grouping currently consists of 11 dwellings and a community centre, which also serves the wider rural area. There are a number of settlements whose boundaries are defined on the Proposed Local Development Plan Proposals Map. The smaller settlements defined have less housing and facilities than Auchencloigh which does not have a defined settlement boundary. The settlement boundary note on the key of the Proposals Map points towards the relevant policies of IND3, RES1 and TC1 where there is no indication of the definition of when a settlement should be defined by a settlement boundary.</p> <p>The settlement of Auchencloigh has the capacity to support additional residential properties. The settlement boundary of Auchencloigh and the site marked in brown hatching (see attached plan to original representation) should be allocated as a housing development opportunity site. The site can accommodate between 4 and 8 houses whilst still maintaining appropriate garden grounds, access and amenity for existing residents. The allocation of this site would accord with the Spatial Strategy of the Proposed LDP. In addition, the site lies just within the Cumnock Housing Market Area where the LDP identifies a shortfall of 165 units. The allocation of the site could assist in reducing this shortfall.</p> <p>Auchencloigh benefits from good landscaping and community areas. The allocation of the site would complement the existing residential provision whilst maintaining the small scale, rural feel. It would not expand the linear settlement, but would rather infill an area to the rear of the existing community. It would allow naturally controlled expansion with the area of development being bounded to the existing community recreation area.</p>		
Modifications sought by those submitting representations:		
<p>Mr & Mrs Bone (PLDP/45) Define settlement boundary for Auchencloigh and allocate identified site within Auchencloigh as a Housing Development Opportunity Site as per the attached plan.</p>		

Summary of responses (including reasons) by planning authority:

In response to representation from **Mr & Mrs Bone (PLDP/45)**, the Council would point out that in order for settlement boundary to be defined, there has to be at least 15 residential properties tightly grouped together as can be seen on Volume 2, Page 3 of the Local Development Plan maps where settlements are defined as those comprising 15 or more houses. Whilst it is accepted that the number of dwellings in Auchencloigh has risen over the last number of years to 13 residential properties, due to various planning applications for housing and lowland crofting being approved this remains below the threshold of 15 or more houses that the Local Development Plan has adopted for defining settlement boundaries. A settlement boundary at Auchencloigh is therefore not considered appropriate at this time.

With regard to the points raised in relation to shortfall, the Council would refer to the Reporter to Paragraph 4.1.11, Page 42 of Volume 1 of the Local Development Plan which states that although there are shortfalls within Cumnock Housing Market Area, the completion rate over the last 12 years has amounted to only 999 units and that the land identified will be adequate to accommodate demand over the Local Development Plan period. Therefore, the addition of a further site in this location is not considered necessary in order to reduce any perceived shortfall.

The Council is of the view that the proposed residential site is also not required as it does not meet with the Spatial Strategy of the Local Development Plan as it constitutes development in a relatively isolated rural location. The Council does not agree with Mr and Mrs Bone that the site is an infill area, as the proposed site is clearly a large agricultural field which is not located within a settlement boundary.

Furthermore, the Council do not agree that the area of land in question and the indicative number of units would complement the existing residential provision and maintain the small scale rural character of the area. The Council is of the view that the inclusion of this area of land for development purposes would have an adverse environmental impact on the landscape character, local distinctiveness and the scenic value of the area. The Council is also of the opinion that the proposed expansion has the potential to compromise the character and amenity of this small rural community.

In conclusion, the Council is of the view that no changes to the Local Development Plan are required in relation to this representation.

Reporter's conclusions:

1. This examination has concluded at Issue 13 that there is not a shortfall of housing land in East Ayrshire overall. Analysis at the Cumnock Area sub-Housing Market Area level remains to be undertaken by the council.
2. On my site visit, I noted 13 residential properties in Auchencloigh, and the community centre. The LDP says at Volume 2, page 3, that maps are produced for settlements containing 15 or more houses. Using this definition, Auchencloigh does not constitute a settlement, and so I find that a settlement boundary would not be appropriate in this instance.
3. In addition to a settlement boundary, the non-inclusion of a site for residential development has been objected to. It is suggested that the site could accommodate 4 to

8 houses, and would be an infill site. From my site visit, I conclude that the site is not an infill site, rather it is a field between the tighter linear established houses and the relatively new croft development to the north. At the time of my visit, the field appeared to be in active agricultural use. As there is no settlement boundary in Auchencloigh, I find that any development of this site would constitute development in the rural area and would be contrary to the Spatial Strategy, which aims to direct development to East Ayrshire's settlements (paragraph 2.15, Volume 1).

Reporter's recommendations:

I recommend no modification to the plan.

Issue 107	Designation of a Conservation Area around Cessnock Castle, Galston	
Development plan reference:	Volume 2, Pages 120 – 124, Rural Area Development Opportunities	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Ms Sally Cogley (PLDP/79/2)		
Provision of the development plan to which the issue relates:	Cessnock Castle is a Category A Listed Building within the Rural Diversification Area close to the settlement of Galston	
Planning authority's summary of the representation(s):		
<p>Ms Sally Cogley (PLDP/79/2) states that Cessnock Castle is category A listed building and sits amidst formal planting and open parkland. Cessnock Castle as a Category A listed building is defined by Historic Scotland as being of national and international importance, of architectural and historic significance and a fine little altered example of a particular style and building type. The Gateway, Causeyfoot, at the western end of the main driveway, is a category B listed building.</p> <p>The landscape immediately around the Castle retains much of its 19th century form today. Of particular relevance are; the main driveway entrance and approach to the castle, the open parkland immediately to the south and southwest of the driveway, the screen planting and shelter belts forming a strong boundary around the site. On the southern corner of this area are the former stables and walled gardens, now in separate ownership and occupied as private dwellings, accessed from the B7037 and the C class road. To the south east are the Haymouth Burn and the C class road with the former Home Farm sitting immediately to the east. To the north is a dense shelter belt (Burnhouse Brae Wood) following the course of the Burn Anne. To the east, also following the course of the Burn Anne are Cessnock and Bank Woods.</p> <p>It is requested that a greater level of protection from development is sought for the Castle and the surrounding countryside; this is in keeping with Galston as a CARS town.</p>		
Modifications sought by those submitting representations:		
Ms Sally Cogley (PLDP/79/2) seeks a Conservation Area to be designated around Cessnock Castle.		
Summary of responses (including reasons) by planning authority:		
Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out the requirements for the designation of Conservation Areas. Section 61(1) (a) states that every planning authority shall from time to time determine which parts of their district are areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance.		

The Council is of the view that, apart from the two Listed Buildings, there is nothing further of special architectural or historic interest within the area, which would require the Council to designate a Conservation Area in order to protect its character and appearance.

Cessnock Castle and its setting are protected by its Category A listing and the Gateway, Causeyfoot is protected by its Category B Listing. The Council are therefore of the opinion that there is sufficient protection given to these buildings and their setting. The Council is therefore of the view that it would not be appropriate to designate a Conservation Area around Cessnock Castle where it fails to meet with the provisions of legislation.

Reporter's conclusions:

1. I note from my site visit that the immediate environs of the castle appear to be undeveloped, although there are a number of dwellings immediately opposite the main driveway, to the south of the road. There did not appear to be any immediate proposals for development that would impact adversely in the setting of the castle or its grounds, nor has any such proposal been brought to my attention.
2. Conservation Area status is sought for Cessnock Castle and its environs. The castle is a Category A listed building, and the Gateway, at the end of the main drive, is a Category B listed building. The representation suggests that the grounds of the castle retain their 19th century form, and that protection is needed from the pressure of development.
3. Conservation areas "are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". (*S.61 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*).
4. I find that the castle, gate lodge and grounds are sufficiently protected by their designations as listed buildings, and that designating a conservation area for two listed buildings only, without any evidence of further special architectural or historical interest in the area, would not be in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Reporter's recommendations:

No modification to the plan is required.

Issue 108	Non -inclusion of future growth area to the east of Galston for residential purposes	
Development plan reference:	Volume 2, Galston 2, pages 47-51	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
K. Caine, D. Gibb and G. Harwell (PLDP/36)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of an area of land as a Future Growth Area. Inclusion of this land within Volume 2, Galston 2 page 47-51 is being sought.	
Planning authority's summary of the representation(s):		
<p>K. Caine, D. Gibb and G. Harwell (PLDP/36) object to Volume 2 of the Proposed Plan Settlement Maps, Page 48 relating to Galston 2 and identification of a Future Growth Area.</p> <p>The introductory text to Volume 2 on page 3 explains that future growth areas are indicative and illustrate where growth is to take place post 2025 and to the year 2035. There is concern that the identification of an area on the east side of Galston (FGA 1) as the only potential area to meet needs post 2025 is too determinative at this time. Identifying only one area prematurely rules out other options such as expansion on the west side of the town which should be considered further.</p> <p>The plan points out at paragraph 4.1.9 in Volume 1 that all <i>identified</i> sites have been assessed for their suitability for development in terms of infrastructure capacity (water, drainage, flood risk, access, wider road/public transport network, schools) and the ability of the landscape to accommodate the level of development proposed. FGA 1 has not been subject to such comprehensive assessment; it is indicative only. Land on the west side of Galston should be considered for post 2025 growth at this stage and should be recognised as an option for growth post 2025 and shown accordingly on the Settlement Map for Galston.</p> <p>There is no text or analysis in the Proposed Plan to explain why FGA 1 on the east side of Galston has been selected. It would be prudent to keep options open in this LDP and undertake further work before a review of this LDP to properly assess the suitability of the east and west growth options.</p> <p>The following aspects/characteristics of land on the west side of the town should be considered, assessed and compared with land on the east side:</p> <ul style="list-style-type: none"> • The site is not at risk of flooding. • Access for a first phase could be located at the corner of Western Road and Meadowside Road and this new access would include the relocation and potential upgrading of the pavilion. Subsequent phases could be accessed directly off a new junction on the A71 to the west of Barwood Gate. • The area is of sufficient size to accommodate structural landscaping along its edges and thereby soften visual impact. 		

- The area adjoins existing housing on two sides and development would integrate well with the layout of the town.
- There are education facilities (Galston Primary School and St Sophia's School) within easy walking distance and footpath links can be provided.
- Local Bus services can be accessed and the area is within easy walking distance of Portland Park which is Galston's largest greenspace.

Note: A sketch of an expansion proposal on the west side of Galston prepared by EMA Architects is attached for information.

The only "assessment" of the west Galston option that can be found in the supporting papers to the Proposed Plan is in the report summarising/commenting on representations submitted to the Main Issues Report. The comments made in this document in response to the representations submitted on behalf of the objectors do not fairly or accurately reflect the merits of land on the west side of Galston as an option for post 2025 growth.

Modifications sought by those submitting representations:

K. Caine, D. Gibb and G. Harwell (PLDP/36) requests that

- The text for "GALSTON 2" is amended to read as follows:

"There are options for the growth of Galston post 2025; to the west and to the east. Both options are identified on the Settlement Map and further detailed assessment will be undertaken of these options as part of a review of this Plan post adoption."
- The Settlement Map for Galston to be amended to identify two options for future growth i.e.
 - Future Growth Area East – Option 1
 - Future Growth Area West – Option 2

A copy of the Settlement Map showing this requested change is attached.

Summary of responses (including reasons) by planning authority:

In response to the representation from **K. Caine, D. Gibb and G. Harwell (PLDP/36)**, the Council is of the view that it is not appropriate to identify an area of land to the west of Galston as a Future Growth Area, as the majority of the proposed areas of land sits within a location, identified through the 2005 ENTEC Landscape Assessment, as not having potential for development in landscape capacity terms. Only a section of the area of land in question has limited potential for development in landscape terms.

Satisfactory access to the areas of land proposed within the representation is also restricted as the Council is firmly of the view that only a limited number of houses could be accessed off the existing residential street network, after which time a new direct access off the A71 would be required. There is some doubt over whether such a new road would be financially viable and no evidence has been submitted by the respondent to allay these concerns.

In Galston overall, it is considered that in terms of access and landscape capacity and integration with the town, development and future expansion to the east, identified as FGA 1 on the Galston Settlement Map on Page 51 of Volume 2, is most appropriate.

The Council is therefore of the view that no changes to the Local Development Plan are required in relation to this representation.

Reporter's conclusions:

1 The proposed site is located to the west of the village of Galston, and to the south of the A71. It is outside the settlement boundary, and at the time of my site visit appeared to be in agricultural use. It is generally flat.

2. The representations seek to have the site allocated as a Future Growth Area (FGA). Although not explicitly identified in the submission, the level of housing that could be accommodated is considered capable of delivering a strategic expansion of the settlement.

3. Accompanying information has also been submitted with the representations, providing detailed background information on the capability of the site and its surrounds to accommodate the potential development.

4. The Entec Landscape Study 2005 indicates that in landscape terms, it is considered that the local landscape character has limited capacity, and that only part of the site would be capable of accommodating development.

5. Access to the site has been raised as an issue. The council consider that a new access from the A71 may be required, and that may impact on the viability of the site. The submission acknowledges that an access from the A71 will be required to deliver the whole potential of the site. I see no evidence to suggest that the provision of such an access would render the proposal unviable. That would be an issue to determine when a full assessment of the proposal is undertaken.

6. The representation questions why additional areas for future growth have not been investigated in Galston, during the preparation of this plan. Paragraph 4.15 of the proposed plan states that FGAs are "*not a formal site designation*" but indicates where future expansion of that settlement "*will take place*" and that development is "*programmed to start post 2025*". At Issue 13 of this examination, it is concluded that additional land will be required for growth, post 2025. The broad direction of that growth is expected to be in the four settlements already identified, which include Galston. At this point in time, FGA1 in Galston does not have a fixed site boundary, and so its capacity is not pre-determined. The council has stated in response to a request for further information on Issue 13 that the majority of that post 2025 requirement could be met within the four Future Growth Areas contained within the proposed plan, including Galston, but that other growth areas would be required to accommodate the balance of future growth. On that basis, the council did not envisage a requirement for additional FGAs. However, this examination has concluded, at Issue 13, that the current notional capacity of the identified FGAs is not likely to be capable of accommodating the projected housing requirement post 2025, and so it is likely that additional land may be required in future plans, and that identification of an FGA in a settlement does not rule out other future development in the three towns which the council has identified, which include Galston.

7. As the FGA is indicative only, it is understandable that no detailed assessment has been carried out. Scottish Planning Policy (SPP) requires only an indication of scale and location of such FGAs. To carry out detailed assessments on such sites could pre-judge appropriate future debate on the location of residential expansion at a time when more thorough analysis has been undertaken and fuller information is available, including through strategic environmental assessment, and I find that the approach of the council in this regard is compliant with SPP.

8. I conclude there is no requirement, at this point in time, to identify an additional Future Growth Area in Galston.

Reporter's recommendations:

I recommend no modification to the plan.

Issue 109	Galston Road North, Hurlford	
Development plan reference:	Volume 2, Pages 56-59, Site 113H: Galston Road North, Hurlford	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr David and Mrs Anne Stalker Powell (PLDP/14); Mr James and Mrs Jacqueline Hughes (PLDP/40); Mr Charles Douglas Mobey (PLDP/50); Mrs E Keohone (PLDP/68); Mr Douglas and Mrs Valerie Johnson (PLDP/164); Mr John Duffy (PLDP/230); Mr David Ellery (PLDP/238); Ms Norma Robson (PLDP/242); Mr Peter and Mrs Margaret Waugh (PLDP/259); Allanvale Land Investments Ltd (PLDP/262/2)</p>		
Provision of the development plan to which the issue relates:	Galston Road North, Hurlford is a greenfield site with an indicative capacity of 100 residential units. The site area extends to 7.45 hectares.	
Planning authority's summary of the representation(s):		
<p>Mr David and Mrs Anne Stalker Powell (PLDP/14) object to housing being built on a greenfield site and indicate that the site has been turned down for building on several occasions. The field is currently used for agricultural purposes, is prone to flooding and has mine shafts located within it. The site is not accessible and could cause traffic problems on the Hurlford/Galston road.</p> <p>Mr James and Mrs Jacqueline Hughes (PLDP/40) object to the allocation of the site on the following grounds: the site is green belt land; it is used annually for farming; the ground is compromised due to mine shafts and various planning applications have been refused in the past.</p> <p>Mr Charles Douglas Mobey (PLDP/50) objects to the allocation of the site within the Local Development Plan for the following reasons: the number of dwellings is excessive; visual impact on nearby residents; potential pollution of watercourses, flooding and subsidence on the site and elsewhere; greatly increase the volume of traffic on a heavily overburden road and will exacerbate the difficulty in accessing his and neighbouring properties.</p> <p>With regard to road traffic safety, Mr Mobey states that he has personally witnessed many road traffic accidents from July 2007 to present and has attached photographs from July 2007, which shows a fatal road traffic accident. Mr Mobey has also attached an objection letter dated 13 September 2007 and advises that he gave a testimonial at a planning meeting on 08 June 2012 regarding permission for a development on the site which was refused on the grounds of safety and risk of flooding.</p> <p>Mrs E Keohone (PLDP/68) does not specifically object to the allocation of the site but</p>		

raises the following concerns: road safety and access are a major problem on this road; flooding issues that result in the residents having no access to their homes and there are trees that are under a tree preservation order which hold a great deal of wildlife.

Mr Douglas and Mrs Valerie Johnson (PLDP/164) object to the allocation of the site as it is a green belt site which has an abundance of wildlife. There is also a potential danger to children playing in the fields as the Herras panels installed above mine shaft opening have now disappeared. The site is also prone to flooding and is adversely affecting the road surface on Shawhill Drive (which is an un-adopted road) which requires maintenance to repair the damage. The site is also in close proximity to a Category B Listed Building.

The proposed number of dwellings is excessive and will increase traffic on a very busy road, which will make the road even more dangerous and difficult to access. Furthermore, is there sufficient capacity within the schools in Hurlford/Galston/ Kilmarnock schools to cope with the additional children as a result of the development of this site?

Mr John Duffy (PLDP/230) does not specifically object to the allocation of the site but is of the opinion that there is no suitable location for an access road and there is a potential for flooding in the area which may lead to further problems in Hollyoake Court. There are also enough housing developments at present within Kilmarnock and surrounding areas and Mr Duffy asks where the potential residents will come from and where are the jobs coming from to support this development.

Mr David Ellery (PLDP/238) objects to the allocation of the site as the site is not suitable for residential development due to the constant flooding. An additional 100 homes would add another 200 vehicles onto the A71 which is a very dangerous proposition. The proposed number of houses is excessive, especially since a proposal for 68 homes was previously refused. The proposed development will also be located in front of a Category B Listed Building.

Ms Norma Robson (PLDP/242) objects to the allocation of the site. Ms Robson states that access to the proposed site is unacceptable. The main road is extremely busy at peak periods; therefore, entry and access will be extremely difficult for local traffic. Crossing the road or accessing the car park is extremely difficult and more traffic is the last thing that is needed. There have also been several road traffic accidents on this stretch of the road. The noise, dust and vibration from the inevitable increase in traffic will be unpleasant for local residents.

There is a pavement outside numbers 78-84 Galston Road, which is in private ownership and Ms Robson asks if the Council will adopt the pavement if the site access is eventually agreed.

Mr Peter and Mrs Margaret Waugh (PLDP/259) seek clarification on what is meant by domestic units. They also express their view that the number of houses for the size of the site seems excessive and have concerns about the amount of traffic, road noise, mess and speed of the traffic on the main road. They state that as the Local Development Plan does not provide more information on what will be built, Mr and Mrs Waugh find it difficult to envisage what the final outcome will be and therefore object to the allocation of the site.

Allanvale Land Investments Ltd (PLDP/262/2) object to the allocation of the site and

propose that this housing allocation be distributed within the local housing market area.

Specifically, the site has issues which will affect delivery, and therefore provide a shortfall in housing provision in the local area. There are significant constraints on this site in terms of serious underground mining problems. The infrastructure costs associated with this site means that it is unlikely that it will be developed at any point in the future. As such, Allanvale Land Investments Ltd believe that the allocation of 100 units should be reallocated within the local area to sites that are effective and can be delivered within the lifetime of the Local Development Plan, specifically through the expansion of Site 256H Grougar Road East, Crookedholm.

They go on to make reference to SPP and the Chief Planner's letter of October 2010 regarding the provision of effective housing land supply. As a result of the context of these documents, Allanvale raise doubts about the effectiveness and deliverability of Site 113H, due to the constraints, within the lifetime of the emerging East Ayrshire Local Development Plan.

Allanvale therefore propose to extend Site 256H: Grougar Road East, Crookedholm in order to provide 200 units. They state that their site in Crookedholm can provide a much larger development than the 50 units already being promoted. This part of the settlement has already been shown as a deliverable and marketable location for housing development and, in their view, extending this site can provide a more sustainable urban boundary to the settlement through appropriate landscaping and design.

This is a more realistic opportunity than that promoted at Hurlford, where there are site constraints that will affect the deliverability of Site 113H.

Modifications sought by those submitting representations:

Mr David and Mrs Anne Stalker Powell (PLDP/14); Mr James and Mrs Jacqueline Hughes (PLDP/40); Mr Douglas and Mrs Valerie Johnson (PLDP/164); Mr David Ellery (PLDP/238); Ms Norma Robson (PLDP/242) requests that the site is removed from the Local Development Plan

Mrs E Keohone (PLDP/68); Mr John Duffy (PLDP/230) do not suggest any modifications to the Local Development Plan and do not specifically object to the allocation of the site.

Mr Peter and Mrs Margaret Waugh (PLDP/259) do not specifically request that the site is deleted from the Local Development Plan but it is inherent in their representation that they do not wish the proposal site to be allocated.

Allanvale Land Investments Ltd (PLDP/262/2) object to the inclusion of the Site 113H Galston Road, Hurlford and request its removal from the housing land supply, thereby allowing the allocation of alternative sites in the local area, namely Site 256H Grougar Road East (extended), to be promoted as a Housing Opportunity in the emerging Local Development Plan.

Summary of responses (including reasons) by planning authority:

The representations to Site 113H: Galston Road North relate to flooding; traffic, access and road safety; ground stability; capacity of the site; development on a greenfield site;

biodiversity, flora and fauna; and other individual issues. The Council's responses to the representations have been grouped under these headings and are provided below.

Flooding

In relation to the representations on flooding by **Mr David and Mrs Anne Stalker Powell (PLDP/14)**, **Mr Charles Douglas Mobey (PLDP/50)**; **Mrs E Keohone (PLDP/68)**; **Mr Douglas and Mrs Valerie Johnson (PLDP/164)**; **Mr John Duffy (PLDP/230)** and **Mr David Ellery (PLDP/238)**, the Council is aware that the site is susceptible to flooding, however, it should be noted that SEPA and the Ayrshire Roads Alliance have not objected to the site in relation to flood risk.

SEPA have requested that further investigations are required and the developer should make early contact with SEPA. As a result, the note has been added to Page 57 of Volume 2 of the Local Development Plan to state that the site is susceptible to flooding and that the developer is required to make early contact with SEPA and the Ayrshire Roads Alliance in this regard.

The developer will also be required to ensure, in accordance with Policy ENV 11 of the Local Development Plan, that development of the site can be undertaken subject to appropriate flood prevention measures and will not have an adverse effect on the risk of flooding off-site.

Traffic, Access and Road Safety

With regard to the representations on traffic, access and road safety issues from **Mr David and Mrs Anne Stalker Powell (PLDP/14)**; **Mr James and Mrs Jacqueline Hughes (PLDP/40)**; **Mr Charles Douglas Mobey (PLDP/50)**; **Mr Douglas and Mrs Valerie Johnson (PLDP/164)**; **Mr David Ellery (PLDP/238)**; **Ms Norma Robson (PLDP/242)** and **Mr Peter and Mrs Margaret Waugh (PLDP/259)**, the Council would advise the Reporter that the Ayrshire Roads Alliance has not raised any objections to the development of this site but have requested that a Transport Statement is submitted with any planning application for the site to demonstrate that suitable access can be achieved. The requirement has been included as a note within Page 48 of Volume 2 of the Local Development Plan. The Council is also of the view that the development of the site will not exacerbate or cause any detrimental traffic or road safety issues and will not affect the amenity of existing or future residents.

Ground Stability

With reference to the representations on ground stability from **Mr David and Mrs Anne Stalker Powell (PLDP/14)**; **Mr James and Mrs Jacqueline Hughes (PLDP/40)** and **Mr Charles Douglas Mobey (PLDP/50)**; **Allanvale Land Investments Ltd (PLDP/262/2)**, the Council is aware that there are historic mine shafts on the site; however, the Coal Authority have not objected to the development of the site and the Council is of the view that ground stability issues can be overcome to allow development on the site.

Specifically in relation to **Mr Douglas and Mrs Valerie Johnson (PLDP/164)**, concerns about safety on the field, the Council is of the opinion that it is the responsibility of the landowner to ensure that adequate security measures are installed around mineshafts to ensure that there is no danger to the public.

The Council disagree with **Allanvale Land Investments Ltd.'s (PLDP/262/2)** assertion that the infrastructure costs required to address, in their opinion serious underground mining problems, will render the site undevelopable for the foreseeable future. Allanvale has not provided any detailed evidence to demonstrate that the site cannot be developed in this regard.

Allanvale is seeking to cast doubt on the deliverability of the site in order to promote a greater allocation on their site in Crookedholm by transferring the allocation of 100 residential units from Site 113H to Site 256H. The representation to Site 256H Grougar Road East, Crookedholm is discussed within issue 73.

The Council is firmly of the view that these ground stability issues can be overcome and that the site is deliverable in terms of SPP and the Chief Planner's letter of October 2010. As a result, the indicative capacity 100 residential units on Site 113H should not be reallocated to Site 256H Grougar Road East, Crookedholm, as requested by Allanvale for the reasons set out above.

Capacity of the Site

The Council disagree with representations from **Mr Charles Douglas Mobey (PLDP/50); Mr Douglas and Mrs Valerie Johnson (PLDP/164); Mr David Ellery (PLDP/238) and Mr Peter and Mrs Margaret Waugh (PLDP/259)** that the indicative capacity of the site is excessive. The indicative capacity of 100 residential units is required in order to meet the housing land supply target and accord with SPP. The Council is of the view that the site can satisfactorily accommodate this level of housing without any detrimental impacts on Galston.

Development on a Greenfield Site

Regarding the representations from **Mr David and Mrs Anne Stalker Powell (PLDP/14); Mr James and Mrs Jacqueline Hughes (PLDP/40); Mr Douglas and Mrs Valerie Johnson (PLDP/164)** on the greenfield status of the site, the Council has identified a wide range of housing sites of varying scales from vacant brownfield sites within settlements to greenfield sites on the edge of towns and villages. A variety of sites is required to give the development industry more options for development which is considered essential in the current economic climate. These sites have principally been identified in locations where opportunities exist to add to the town or village's sense of place. All identified sites have been assessed for their suitability for development in terms of infrastructure capacity (water, drainage, flood risk, access, wider road/public transport network, schools) and the ability of the landscape to accommodate the level of development proposed.

The Council therefore consider that this particular area of land has no intrinsic landscape value and would have limited impact on the supply of agricultural land in this area. The land also had no known infrastructure constraints and, in light of the above, the Council is of the view that the site is appropriate for development.

With specific reference to the representation from **Mr Charles Douglas Mobey (PLDP/50)**, in relation to visual impact on nearby residents, the Council is of the view that the site can be adequately safeguarded through the sensitive design of any new development and the appropriate use of planning conditions to ensure that the developed is provided sufficient screening to mitigate the visual impact of the site.

Biodiversity, Flora and Fauna

Referring to the representations on biodiversity, flora and fauna from **Mr Charles Douglas Mobey (PLDP/50)** and **Mr Douglas and Mrs Valerie Johnson (PLDP/164)**, the Council is of the opinion that development of the site will not adversely impact on biodiversity, flora and fauna as there no evidence has been provided that there are any protected species or habitats within the site area. The SEA also did not raise any issues in relation to biodiversity, fauna and flora; therefore, the Council is of the view that there is no impediment to the development of the site in this regard.

With regard to **Mrs E Keohone (PLDP/68)** representation regarding the trees protected under a Tree Preservation Order, the Council would point out that the trees in question are directly adjacent to, but outwith the boundary of the site. However, the Council is of the opinion that the integrity of these trees can be adequately safeguarded through the sensitive design of any new development and the appropriate use of planning conditions.

Individual issues

The Council disagree with **Mr Charles Douglas Mobey (PLDP/50)** that development of the site would lead to pollution of watercourses. As stated above, SEPA has not objected to the development of the site and have raised no issues with regard to the possibility of the development affecting the quality of the watercourses. The site itself is a considerable distance from the River Irvine, therefore, the Council is of the view that development of the site is highly unlikely to contribute or directly result in pollution of the watercourses in the area.

In relation to **Mr Douglas and Mrs Valerie Johnson (PLDP/164)** question about the capacity of schools in the area, the Council's Education and Social Services Department have confirmed that there is sufficient capacity, both within Hurlford Primary School and Loudoun Academy, to accommodate this development.

The Council disagrees with the representation from **Mr John Duffy (PLDP/230)** that there are enough housing developments in Kilmarnock and other areas. The Housing Supply Target sets out target for the number of residential units required in terms of market housing and affordable housing. These are the figures that the Council has used to calculate the housing requirement for the period of the LDP and in order to have an effective land supply for East Ayrshire. As a result, the Local Development Plan allocates a range and choice of sites and locations to meet the housing land requirement. Therefore, the Council is of the view that the allocation of this site is required to meet with the housing land target and the requirement of SPP.

Referring to Mr Duffy's questions on where residents and the jobs will come from, the Housing Needs and Demand Assessment (HNDA) and above the Housing Supply Target shows a clear need for new housing developments over the period of the Local Development Plan. The issue of where jobs will come from is not directly relevant to the identification of this site.

Again, the question raised by **Ms Norma Robson (PLDP/242)** regarding the adoption of a private pavement is also not relevant to the consideration of this site and, therefore, should not be considered as part of the examination.

The Council is of the view that the refusal of a previous planning permission for the site,

which has been raised by **Mr David and Mrs Anne Stalker Powell (PLDP/14)** and **Mr Charles Douglas Mobey (PLDP/50)**, should not preclude the allocation of the site within the Local Development Plan as the refusal was not on the principle of residential development of the site. It was largely due to the applicant going into administration. The Council is therefore of the view that the refusal of a planning application for the site should not preclude the allocation of the site within the Local Development Plan.

Mr David Ellery (PLDP/238) and **Mr Douglas and Mrs Valerie Johnson (PLDP/164)** also refer to the site being located near a Category B Listed Building but provide no further information as to why they have raised this point as an objection in relation to development of the site. The Council is of the view that the site will have no impact on the character and amenity of the Listed Building or on its setting.

Mr Peter and Mrs Margaret Waugh (PLDP/259) query what is meant by domestic units. The Council would point out that the Local Development Plan does not refer to domestic properties in relation to the site. The site is allocated for residential uses and only residential properties will be built on the site. In relation to the comments from Mr and Mrs Waugh that there is not enough information to determine what will be built on the site, the Council is of the view that the Local Development Plan adequately describes what the site is allocated for and the indicative capacity of the site. The Local Development Plan is not required to provide a layout of the site as this is the responsibility of the developer at the planning application stage.

As a result of the representations, the Council is of the opinion that there is no impediment to the site being developed and, as a result, the Council is firmly of the view that the site should continue to be allocated for residential development within the Local Development Plan.

Reporter's conclusions:

1. The site is located to the east of Hurlford. It is a flat site rising gently to the north and was in agricultural use at the time of my site visit. The immediate vicinity of the site is established residential in nature to the west and agricultural to the east, north and south. The A71 forms the southern boundary of the site. The site is identified in the Proposed Plan as site 113H Galston Road North, with a site area of 7.45 hectares and a capacity for 100 homes.
2. The representations made generally object to the allocation of the site for housing, for a variety of reasons, but the majority commented on the ability of the local road network to cope with increased traffic, and in particular about the access to the A71 at peak times.
3. The Proposed Plan at notes (i) and (ii) seeks a Transport Assessment and a Transport Statement to be carried out for this site as part of any development proposal, which would impose any required mitigation measures, or limit the number of units to ensure that the road capacity is not exceeded or road safety compromised. The Transport Statement is intended to demonstrate how suitable access to the site will be formed. The Ayrshire Roads Alliance did not object to the allocation of this site, but did seek the preparation of a Transport Assessment and Transport Statement as part of any development proposal. I find that in terms of transport and the potential impact on the local road network, and access to the site, these are matters that can be addressed at planning application stage. Such matters are not barriers to allocating this site for residential development in the Plan and I recommend that no modification is made to the

Plan in response to the suggested modifications relating to transport and traffic issues.

4. There is no evidence before me to demonstrate that any of the community facilities such as healthcare, education and leisure available to the residents of Hurlford would be unable to cope with the additional residents generated by the proposed development.

5. In relation to the issue of flooding, the Plan at note (iii) page 57 requires that early contact be made with SEPA at the time of any planning application. SEPA did not object to the inclusion of this site for residential development in the plan, but have recommended that further technical investigations be carried and I conclude that requesting contact be made at the development proposal stage is reasonable. I find that in terms of potential flooding issues, these are matters that can be addressed at the planning application stage.

6. Concerns have been expressed about the potential safety of the site in relation to ground stability. There are historic mine shafts on the site, and the Coal Authority has not objected to the allocation of the site for residential development. The safety of the site is a matter for the landowner and not the Plan.

7. It has been suggested that the remediation works required to address the ground conditions will render the site unviable, and therefore non-effective in terms of the ensuring a five –year housing land supply in East Ayrshire. The representation suggests that the subject site be deleted from the Plan, and consequently the capacity of Site 256H at Grouger Road East Crookedholm be increased. I have dealt with this matter at Issue 73 of this examination, where the relative merits of Site 256H are discussed. I conclude that there is no evidence before me to demonstrate that this site at Galston Road North is not capable of delivering homes in the Plan period, or that the acknowledged ground condition issues are not capable of being resolved to the satisfaction of the relevant bodies.

8. The value of the site as a greenfield site has been raised. Hurlford has no brownfield sites capable of delivering the number of homes required, and so I find that it is inevitable that some release of greenfield land would be required. This site is currently in agricultural use, and has no protected species and habitats, or intrinsic landscape value, that might preclude it being suitable for development.

9. There were a number of non- planning matters raised in representations, which have not been material to my conclusions.

10. I conclude that the site is suitable for residential development.

Reporter’s recommendations:

I recommend no modification to the plan.

Issue 110	Non-inclusion of land at Riccarton Road, Hurlford for mixed use or future housing/business growth area	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 56-59, Hurlford	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Hope Homes Scotland (PLDP/99/3)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of land at Riccarton Road, Hurlford. Inclusion of this site within Volume 1, Schedules 2 and 3 and Volume 2, page 56-59 is being sought.	
Planning authority's summary of the representation(s):		
<p>Hope Homes Scotland (PLDP/99/3) object to the non-inclusion of a site at Riccarton Road, Hurlford as either a mixed use development opportunity site incorporating residential/business/commercial uses (subject to a masterplan) or as a “future housing growth area” within the emerging East Ayrshire LDP. The aim of the LDP should be to reflect the key change in policy principle of SPP and introduce a presumption in favour of development that contributes to sustainable development. In addition, more housing development site allocations must be made in terms of the emerging LDP to ensure at least a minimum five year effective land supply in each sub market area at all times in addition to longer term allocations in all settlements. However, further issues should be taken into consideration and given greater weight when identifying these sites. The LDP must also identify longer term housing sites in all areas to build spare capacity into the system. In the short term, the focus should be more about facilitating development and helping to achieve more houses on the ground.</p> <p>The 15.2 hectare site is located west of Hurlford and presents an opportunity to maximise an area of land with clear physical boundaries for expansion as a mixed use development site. As part of the proposals an opportunity also exists to provide/allocate land for a new rail halt.</p> <p>There has been continued commitment to this site by Hope Homes, who have submitted representations on the site at every available opportunity since the beginning of the process towards the now adopted East Ayrshire Local Plan 2010. The majority of the site at Riccarton Road, Hurlford was included within the Consultative Draft East Ayrshire Local Plan as a residential opportunity site (site ref 284H). The site was subsequently removed from the Finalised Draft Local Plan and Hope Homes Scotland seeks the reinstatement of the site as a mixed use development opportunity. Hope Homes submitted a representation to the MIR to suggest the site as a mixed use development opportunity site.</p> <p>Note: Supporting information attached to original representation which supports the effectiveness of the site for residential development.</p>		

Modifications sought by those submitting representations:

Hope Homes Scotland (PLDP/99/3) The following modifications are sought:

- Identification of the Riccarton Road, Hurlford site as a mixed use development opportunity site incorporating residential/business/commercial uses (subject to a masterplan) within the emerging East Ayrshire LDP.
- Identification of the site as a “future housing/business growth area” within the emerging East Ayrshire LDP (should it not be identified as a mixed use development opportunity site within the initial plan period).
- Identification of the site as a housing/business development opportunity site within the Proposed LDP (Schedule 2: Housing Sites and Schedule 3: Business and Industrial Locations).
- Identification of the site within the Proposed LDP (Volume 2, Hurlford Development Opportunities (tables identified Hurlford 1 and 2 for residential and business development opportunities)).
- As a consequence of the above, identification of the site as a mixed use development opportunity site (LDP, Volume 2 Settlement Map 19).
- Identification of the site within the Proposed LDP (Volume 2, Hurlford Development Opportunities) and identified and referred to as a “future housing/business growth area” (should the site not be identified as a mixed use development opportunity site within the initial plan period).
- Additional housing development site allocations must be made in terms of the emerging LDP to ensure at least a minimum of five year effective land supply in each sub market area at all times, in addition to longer term allocations in all settlements (and the circumstances under which these can be released for development) all in order to build spare capacity into the system.
- The fundamental aim of the LDP must be a focus on getting more housing units on the ground and providing a generous and effective housing land supply. To achieve this aim, more sites need to be identified in the LDP and effective sites which provide economic and community benefits and that have developer interest. In the short term, the focus should be about facilitating development and achieving more houses on the ground.

Summary of responses (including reasons) by planning authority:

In relation to the representation from **Hope Homes Scotland (PLDP/99/3)**, the Council would point out that only a proportion of the site is identified within the Entec Landscape Study (2005) as having potential for development. The vast majority of the site is not suitable for development and the preservation of the land to the east of the A77 is required to prevent the physical and visual coalescence of the settlements of Hurlford and Kilmarnock along the A76 and to protect the rural setting of Hurlford, when seen from the A76 road.

The Council disagree that the Local Development Plan requires to allocate more residential sites to meet with a five year minimum effecting housing land supply whilst identifying longer term housing sites in all areas to build spare capacity into the system. The Council is of the view that there is no requirement to allocate more sites for the reasons set out in the Housing Land Supply and that the longer term housing needs to 2025 have been adequately addressed. It should be noted that the Local Development Plan also identifies areas of land as Future Growth Areas to address housing land

requirements from 2025-2035.

As a result, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Hurlford. The addition of a further site is not considered necessary within the town at this time.

With regard to the other proposed uses, the Council is of the opinion that site is not suitable for business/commercial uses and these would be best directed to existing business and industrial sites within Kilmarnock or Hurlford as appropriate. The Council is also of the opinion that future business and industrial development should take place within Future Growth Area 4 as identified on the Kilmarnock settlement map and within Kilmarnock 5, Page 64 of Volume 2 of the Local Development Plan, as the Council consider that development in this general area will avoid coalescence issues between Kilmarnock and Hurlford and is better suited in terms of access than the site proposed by Hope Homes.

In conclusion, the Council is of the view that no changes are required to be made to the Local Development Plan to be made in this regard.

Reporter's conclusions:

1 The proposed site is located to the south west of the village of Hurlford, and to the south of the A71 Ayr Road. It is outside the settlement boundary, and at the time of my site visit appeared to be in agricultural use. It is generally flat, with a slight rise to the south. The site area is some 15 hectares.

2. The representation seeks to have the site allocated as either a mixed use development opportunity site, or a future growth area (FGA). Although the potential number of homes and mix of land uses is not explicitly identified in the submission, the level of development that could be accommodated is considered to deliver a strategic expansion of the settlement, and would compensate for sites elsewhere in the plan area considered by Hope Homes unlikely to be effective in the plan period. It is suggested that the subject site could contribute to meeting any subsequent shortfall in the Housing Land Supply (HLS) in East Ayrshire.

3. It is submitted in representations that the site would be effective in accordance with Scottish Planning Policy. Accompanying information has also been submitted with the representation, providing detailed background information on the capability of the site and its surrounds to accommodate the potential development.

4. I do not agree that the site in total would be effective and capable of delivering homes and/or other land uses in the town. The Entec Landscape Study 2005 concluded that only part of the site would be suitable for development, with the larger part considered unsuitable.

5. There are issues of physical and visual coalescence with Kilmarnock and Hurlford, should this site be developed, particularly when viewed from the A77 and A76. The plan identifies a Future Growth Area for Kilmarnock - FGA4 - which lies immediately to the north and west of the subject site, separated by the A71 and A76 respectively. Should the land at Riccarton Rd also be identified as an FGA, then the two settlements could merge, and I conclude that would be undesirable in terms of urban coalescence and

would be contrary to the spatial strategy of this plan.

6. At Issue 13 of this examination, we concluded that in the ten years following the plan period, it is likely that additional land will be required for at least 4,000 houses. It is expected that the majority of these houses will be built at locations in Kilmarnock, Stewarton and Galston described in Volume 2 of the Plan as Future Growth Areas. The remainder would be directed to locations in settlements (not excluding other locations within the above three settlements) which have the infrastructure and landscape capacity to accommodate them and which respect the principles of the vision and spatial strategy. Hurlford is not identified in the Spatial Strategy of the proposed plan as an area for large scale development, nor is the town identified as a Future Growth Area. I find that the proposed mixed use development would not be compliant with either the Spatial Strategy or Policy OP1. There is no justification for adding Hurlford to the identified settlements which could accommodate Future Growth Areas.

7. We are satisfied that any shortfall in the HLS may be met through the contributions of other sites that have come to light since publication of the draft plan. Moreover, we have established that sufficient effective housing land will be available for development in East Ayrshire over the plan period to meet the housing land requirement.

8. It is suggested that a railway station could be accommodated on the site, as the railway line runs on the eastern boundary. I have no evidence before me to suggest that there is a need for a station or a commitment on the part of any party to fund and deliver a station.

9. I conclude that there is sufficient land for housing and for miscellaneous development allocated in Hurlford in the Plan. There is no requirement, at this point in time, to identify additional housing or mixed use development land, or a Future Growth Area, in Hurlford.

Reporter’s recommendations:

I recommend no modification to the plan.

Issue 111	Kilmarnock North	
Development plan reference:	Volume 2, Pages 60-72, Kilmarnock: Site 319H: Northcraig; Site 152B: Meiklewood/Mosside; Site 153B: Rowallan Business Park; Site 362M: Southcraig Drive; and non-inclusion of various parcels of land at North Kilmarnock	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr McLaughlin, Mr Morris and Lord Rowallan (PLDP/1); Strathearn Estates (PLDP/12/1 and PLDP/12/2); Mr John Mason (PLDP/119); Mr Gavin & Mrs Joanna Pollock (PLDP/226); SMG Estates (PLDP/293/1; 293/2 and 293/3); Ideal Developments (PLDP/295); Hallam Land Management Ltd (PLDP/299/1 and 299/2) 3M Developments (PLDP/310/1 and 310/2)</p>		
Provision of the development plan to which the issue relates:	<p>Residential Development Opportunity Site 319H: Northcraigs is a greenfield site, extending to 37.08 hectares with an indicative capacity of 600 houses; Strategic Business Location Site 152B: Meiklewood/Mosside, which is greenfield site extending to 43.28 hectares and is reserved for Class 4, 5 and 6 Uses; Strategic Business Location Site 153B: Rowallan Business Park, is a greenfield site extending to 27.34 hectares and is reserved for Class 4 and 6 uses; Site 362M: Southcraig Drive is a greenfield site, extending to 2.30 hectares, and is allocated for a neighbourhood centre suitable for small scale retail, hotel/ pub restaurant and community/ recreational uses and public open space. Non-inclusion of various parcels of land at North Kilmarnock.</p>	
Planning authority's summary of the representation(s):		
<p><u>Site 319H: Northcraig</u></p> <p>Mr McLaughlin, Mr Morris and Lord Rowallan (PLDP/1) state that site 319H, identified in the East Ayrshire Local Plan 2010, was not brought forward for development within the plan period and contributed no residential units. They state that Site 319H should not be allowed to become an impediment to the future expansion of Kilmarnock in the northerly direction.</p> <p>Mr John Mason (PLDP/119) wishes to object to any further residential development as proposed by the Council at Site 319H by Hallam land. Mr Mason raises concerns about the impact of an additional 600 houses in terms of traffic congestion and road safety within Rowallan Business Park and in relation to other developments impacting on Southcraig Roundabout. Therefore, a re-appraisal of the road network by a Transport Assessment is required before Site 319H can be developed. There is also a lack of car parking facilities within the business park and vehicles parking on Southcraig Avenue. Mr</p>		

Mason also states that his business has large vehicles / plant coming and going from his premises in Rowallan Business Park and is of the view that additional traffic at peak times would impact upon his business.

Furthermore, the area of land that connects the Hallam Land site to the Southcraig roundabout is not in the ownership of Hallam Land and thus Site 319H is not deliverable. Mr Mason also refers to the lack of suitable amenities historically at Southcraig and more recently through a Master Plan that has not been implemented by Hallam Land.

Although **SMG Estates (PLDP293/1)** do not object to Site 319H: Northcraig, they do seek the removal of 100 residential units from the site, which is programmed for post 2017 within the adopted East Ayrshire Local Plan 2010, and reallocated to the SMG proposal considered under PLDP/293/2 and 293/3 below.

Ideal Developments (PLDP/295) state that Site 319H is not effective or deliverable but do not specifically object to the allocation of the site. They state that a critical area of land which connects the new distributor road to Southcraig Roundabout is not in the ownership or control of Hallam Land. In their view, the site should be considered ineffective, despite noting that the constraints they raise can be resolved at later date. Ideal Developments also have significant concerns about road capacity and traffic safety in relation to the development of 700 residential units within site 319H.

3M Developments (PLDP/310/1) object to the inclusion of the site within the proposed Local Development Plan as the site has been ineffective in meeting the housing land supply within the East Ayrshire Local Plan 2010 and will continue to be ineffective within the housing land supply of the Local Development Plan. In 3M Developments view, the site is considered to be ineffective as it cannot be implemented due to an area of land, which is required to connect the proposed spine road to Southcraig Roundabout, not being within the ownership or control of Hallam Land. To continue to allocate this site would, in 3M Developments opinion, be highly inappropriate and inconsistent with Paragraph 30 of SPP.

Site 152B: Meiklewood/Mossie

Mr Gavin & Mrs Joanna Pollock (PLDP/226) would like the Council to consider mixed use development on this site which could generate funds to assist the future development of Meiklewood Business Park.

Site 152B: Meiklewood/Mossie and 153B: Rowallan Business Park

3M Developments (PLDP/310/2) state that the Council decision on 19 February 2015 not to proceed with the proposed mixed use development on Site 153B and revert back to the designations within the Adopted East Ayrshire Local Plan 2010 was without any mechanism on how to achieve more business and industrial land within Rowallan Business Park.

Furthermore, they state that there are only 2 serviced development plots left within the existing Rowallan Business Park and not the 4 that is stated in the proposed LDP. 3M Developments are also of the opinion that the land required for additional business and industry is not in the control of the Council, Scottish Enterprise or as part of a previous master plan Hallam Land. In the absence of a strategy to enable business and industrial development through additional housing, Site 153B cannot be considered shovel ready

nor is it serviced nor can Site 152B as it has access issues and servicing costs; therefore, both sites are not deliverable within the context of SPP.

Site 153B: Rowallan Business Park, Kilmarnock

Ideal Developments (PLDP/295) has submitted a representation against this site, but the representation raises the exact same issues that were raised in relation to Site 319H and the non-inclusion of their land at North Kilmarnock for residential purposes, which is considered in the section on non-inclusion of land below.

Hallam Land Management (PLDP299/1) object to the allocation of Site 153B as a strategic business and industrial location and request its western part extending to 11.29Ha be allocated as a specific mixed use allocation under policy IND4: Mixed Use Sites, as proposed by the Acting Executive Director of Neighbourhood Services in his recommendation to Council on 19th February 2015. **[Note to Reporter: Hallam Land have provided an extract of the Local Development Plan which was considered by Council on 19th February 2015 and shows this proposed allocation as part of the Kilmarnock Settlement Map]**

Hallam Land draw the attention of the Reporter to the Council's preferred option in the Main Issues Report (Issue 18 – Kilmarnock North) which was to designate this area as a mixed use development site, which Hallam Land supported. They make further reference to discussions that took place with the Council in the preparation of the LDP and the allocation of the western portion of Site 153B as a mixed use development (comprising a 20,000 sq.ft class 4 office cross funded by maximum of 200 residential units and the relocation of the neighbourhood centre, currently identified as Site 362M) which was proposed to Council on 19th February 2015. The recommended mixed use site allocation was not taken forward by the Council.

Hallam Land state that the substantial infrastructure costs associated with the construction of the distributor road, drainage and other associated infrastructure has prevented development from starting in relation to business and industrial development on Site 153B, housing development on Site 319H and the neighbourhood centre on Site 362M. Substantial investment with third parties has also been made in order to acquire leases over their land to expand the existing Southcraigs roundabout and for the internal distributor road to access the above sites.

Hallam Land is of the view that limited residential development on the land allocated for business and industrial use on Site 153B, as proposed to Council on 19th February 2015 within the Mixed Use Site: 005 MXD, would not require the same level of investment in infrastructure. Partial construction of the spine road would also allow access to both the Mixed Use site and Site 319H; therefore ensuring that development of Site 319H can commence. A mixed use allocation, previously proposed on part of Site 153B, would reduce up front development costs by 50% according to Hallam Land.

Hallam Land is also of the view that the proposed mixed use development better supports the Council's industrial land supply requirements as it will provide 20,000 sq.ft. of Class 4 development, as well as, providing the necessary infrastructure to facilitate development of the remaining business and industrial land within Site 153B. The proposed mixed use site, in Hallam Land's opinion, is ideally placed to accommodate residential development, is effective and can be delivered within the plan period allowing the Council to meet the housing land requirements without prejudicing the industrial land supply.

Site 362M: Southcraig Drive

Hallam Land Management Ltd (PLDP/299/2) object to the allocation of a neighbourhood centre in this proposed location, and state that the location of the neighbourhood centre is not commercially viable, as it is not visible from the proposed main distributor road. Hallam Land also raise issues regarding existing footfall generators; the financing of the spine road and the proposed community uses (e.g. community hall and library).

Hallam is of the view that commercial uses such as retail and a public house/restaurant require visibility and access from a main road as a first principle and retailers will not generally consider sites without this prominence. Although the neighbourhood centre is primarily to serve the immediate residential area, it must also be easily accessible from the widest potential customer base and placing it on the main distributor road enables this. The relocation of the neighbourhood centre closer to the existing and proposed business uses also assists in maximising the pedestrian accessibility of the centre, by enabling workers from these businesses to access the facilities too. As there are already significant numbers of workers there, this provides an existing customer base for retailers.

3M Developments (PLDP/310/1) state that they wish to assist the Council in facilitating local facilities on this site by constructing a Local Hub which should include either a shop, a post office and a pre-school nursery. 3M state that the proposed Local Hub development would be enabled by the release of up to a further 100 houses which can be accommodated within the land holding assembled by 3M Developments, as dealt with under **PLDP/310/2** below.

Non-inclusion of land at Northcraig Reservoir, Kilmarnock for Residential Development

Strathearn Estates (PLDP/12/1) object to the non-inclusion of the former Northcraig Reservoir within the settlement boundary of Kilmarnock and its non-allocation as a residential development site. **Strathearn Estates (PLDP12/2)** also object to the Future Growth Areas 2 and 3 and are of the view that the former Northcraig Reservoir site should be identified under Kilmarnock 2 for future growth between 2025 and 2035 in preference to the locations currently proposed, should the Reporter decide not to include the site as a residential development opportunity with the LDP.

Strathearn Estates also raise issues of housing land supply, existing greenfield sites and progress and effectiveness of other sites. In this context they seek the allocation land at the former Northcraig reservoir as the site is effective and can deliver a development of around 200 units within a 5-7 year period before 2025.

Non-inclusion of Land at North Kilmarnock for Residential Development

Mr McLaughlin, Mr Morris and Lord Rowallan (PLDP/1) request that land in their ownership is allocated for residential development to satisfy a short term requirement to deliver homes whilst facilitating the longer term aspiration to access future development lands to the north of Northcraigs. They have provided a plan which suggests the allocation of 3 areas of land totalling 19.9 hectares and an indicative capacity of 500 units, at a density of 25 units per hectare.

SMG Estates (PLDP/293/2 and 293/3) request the allocation of 46 acres of land at North Kilmarnock, including the former Northcraig reservoir, for business and industrial (including 20,000 sq.ft unit), commercial and up to 200 low density residential units.

In terms of access and road infrastructure, SMG Estates state that the existing single carriageway unclassified road, which links the B751 with Glasgow Road, is unsuitable for large volumes of traffic. SMG Estates therefore propose that a new road is constructed, taking access from the B751 and linked into the Northcraigs residential development with access to the proposed site. In their view, a new safer northern access point will be created whilst reducing the impacts on Glasgow Road/Southcraigs Roundabout.

Ideal Developments (PLDP/295) request that land in their ownership, as detailed in their plan, be allocated for residential purposes as it can provide an alternative and improved masterplanned solution for the area. In their view, the proposed residential site will reduce the impact of the houses; overcome existing road infrastructure constraints by providing a new residential access thus facilitating future long term development potential of Kilmarnock; and, working in conjunction with adjoining land owners, provide a deliverable and sustainable masterplan.

3M Developments (PLDP/310/2) state that half of the area designated for business and industrial uses in Site's 152 and 153B is within their ownership and, as such, propose an alternative development proposal for these areas of land, as well as, land surrounding the Morris Equestrian Centre. A mixed use development is proposed (as set out in their accompanying masterplan and statement of principles) comprising 200 Residential Units, a business park, tourism development, district heating network and a small group of wind turbines. The proposed mixed use development would also provide improved road network arrangements by maximising existing accesses to the site; an improved arrangement for the C class road which links Glasgow Road and the B751, as well as, providing a link to Site 152B.

The concept of enabling business use through a residential development has already been established within the Main Issues Report and previous developments such as Rowallan Business Park and Moorfield Park, Kilmarnock. 3M Developments state that the uplift in value can be utilised to provide infrastructure to access a total of 43.28 hectares of business and industrial land. 3M Developments state the other proposals (self-catering accommodation, hotel and potentially a garden centre) will maintain the viability of the Equestrian Centre and that these uses are already policy compliant. However, it is important to see these uses as part of a comprehensive Master Plan.

Modifications sought by those submitting representations:

Mr McLaughlin, Mr Morris and Lord Rowallan (PLDP/1) request that the land in their ownership is allocated for residential development with an indicative allocation of 500 Houses.

Strathearn Estates (PLDP/12/1 and PLDP/12/2) seek the allocation of land at the former Northcraig Reservoir as a residential development site with an indicative capacity of circa 200 residential units. If that is not appropriate, the site should be identified under Kilmarnock 2 for future growth 2025 – 2035 in preference to the locations currently proposed within Future Growth Area 2 and 3.

Mr John Mason (PLDP/119) requests that Site 319H is deleted from the Local Development Plan.

Mr Gavin & Mrs Joanna Pollock (PLDP/226) request that mixed use development is considered on Site 152B.

SMG Estates (PLDP/293/1; 293/2 and 293/3) request that the allocation of land, as detailed in their submission and masterplan, is included within the LDP for mixed use comprising business and industry, commercial and 200 low density residential units. SMG Estates further seek that the 100 residential units, which allocated to site 319H post 2017, are removed from the site and transferred to SMG Estates for utilisation within their mixed use scheme.

Ideal Developments (PLDP/295) seek the allocation of land in their ownership for residential development as detailed in the plan accompanying their representation.

Hallam Land Management Ltd (PLDP/299/1 and 299/2) request that the mixed use development, as proposed to Council on 19th February 2015, is reinstated by the Reporter.

3M Developments (PLDP/310/1 and 310/2) request that site 319H is deleted from the Local Development Plan and that sections of land within Site 152B Meikelwood/Mossie; 153B Rowallan Business Park and land surrounding the Morris Activity Centre (as detailed in the masterplan and statement of principles) are re-allocated for mixed use development comprising 200 residential units; business and industrial, commercial and tourism uses; district heating network and a small number of wind turbines.

3M Developments (PLDP/310/1) also wish an additional 100 residential units to be released on their land holding in return for constructing a Local Hub on Site 362M: Southcraig Drive.

Summary of responses (including reasons) by planning authority:

Site 319H: Northcraig

Site 319H is allocated for residential development in the East Ayrshire Local Plan 2010 and was subject to examination during the preparation of that plan. The Reporter, at that time, recommended that the site be retained as a strategic expansion area. Furthermore, the site has a valid planning consent and is located within an area which, in landscape terms, is suitable for housing development and is within the settlement boundary of Kilmarnock.

With regard to the objections by **Mr McLaughlin, Mr Morris and Lord Rowallan (PLDP/1)**, the Council does not agree that Site 319H is an impediment to development nor does the Council agree that an additional release of land for 500 residential units is needed to satisfy short term requirements. Mr McLaughlin, Mr Morris and Lord Rowallan have not provided any detailed evidence to justify their assertion that an additional 500 residential units is required to satisfy short-term requirements nor have they provided any evidence that their site can be developed before Site 319H. The Council is firmly of the opinion that Site 319H is effective and that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Kilmarnock.

With regard to the representation by **SMG Estates (PLDP293/1)**, a detailed justification as to why 100 houses allocated to Site 319H should be re-allocated to their proposed site has not been provided. However, the Council would point out that the 100 houses allocated to Site 319H post 2017 only appears in the adopted East Ayrshire Local Plan 2010. This allocation has not been continued within the Local Development Plan as the

indicative capacity of Site 319H is set at 600 residential units and is considered to be sufficient in order to accommodate residential growth in the Northcraig/Southcraig area to 2025.

In relation to the objections made by **Mr John Mason (PLDP/119), Ideal Developments (PLDP/295) and 3M Developments (PLDP/310/1)**, the Council disagree that Site 319H is ineffective, due to an area of land required to connect the distributor road to Southcraig Roundabout not being within the ownership or control of Hallam Land. The Council is of the view that Site 319H can be satisfactorily accessed and meets with the provisions of SPP for the reasons given below.

The Council contacted Scottish Enterprise, as owners of the land, and Hallam Land Management Ltd with regard to the ownership issues that have been raised. Scottish Enterprise confirmed that they have entered into a legal agreement that gives Hallam Land Management Ltd the right to construct a road over Scottish Enterprise land to access Site 319H. Hallam Land Management Ltd has confirmed that they have arrangements in place with all the relevant land owners and have the rights they require to ensure that there is road access to Site 319H.

The Council's Legal Service has confirmed that Scottish Enterprise own the road within the Rowallan Business Park and, from the information provided by Scottish Enterprise, have confirmed that Hallam Land would not be prevented from accessing Site 319H through Scottish Enterprise's land within Site 153B.

On the basis of this information, the Council is satisfied that there is no impediment to Hallam Land Management Ltd.'s access to Site 319H and development of the site.

In relation to the further issues raised by **Mr John Mason (PLDP/119) and Ideal Developments (PLDP/295)**, the Council is of view that there are no significant transport and traffic related issues that would merit the deletion of Site 319H as a residential development site for the reasons set out below.

The Ayrshire Roads Alliance (ARA) has confirmed that the Southcraigs Roundabout has been tested in order to determine if it can accept an additional 500 units. ARA has confirmed that the roundabout can cope with that level of development without modification. It should be noted that land within the Rowallan Business Park has been reserved for modifications to the roundabout should they be required in the future.

In specific relation to **Mr Mason's** issues regarding car parking within Rowallan Business Park, ARA would point out that the Webhelp call centre has recently built an additional 200 space parking area which is only partially utilised for car parking. Most other dedicated parking areas within the business park also have spaces available. Sufficient car parking is therefore available within the business and industrial site. It should be noted that the Council has no control over parking issues within Rowallan Business Park as it is privately owned by Scottish Enterprise. As there is no parking overspill on to the public road network, parking on Southcraig Avenue is not of immediate concern to ARA and the Council.

In conclusion, the Council is of the view that no changes to Site 319H are required as result of the representations and that it should continue to be allocated for residential purposes within the Local Development Plan.

Site 152B: Meiklewood/Mosside

Site 152B: Meiklewood/Mosside has been allocated for business and industrial uses since the East Ayrshire Local Plan 2003. The site designation was objected to during the preparation of the East Ayrshire Local Plan 2010 and subject to consideration by the Reporter during the examination of that plan. The Reporter concluded that any other uses to be permitted within the site would not, in his opinion, safeguard the site as a strategic location for economic development.

With regard to the objection by **3M Developments (PLDP/310/2)** to Site 152B: Meiklewood/Mosside, the Council is aware of the ownership of the site; that it currently has no service or infrastructure provision and that access to the site will require the B7038 to be upgraded. The Review of Land Supply for Business & Industry in East Ayrshire (May 2013), carried out on behalf of the Council by Ryden, stated that the site should continue to be identified for Business and Industrial uses in order to attract inward investment. This is due to the size of the site, its prominent location and its direct access to the M77/A77. The Council is therefore firmly of the view that the site is in accordance with the provisions of SPP as it is of strategic importance to Kilmarnock; is capable of being serviced within a 5 year period and is within walking distance of public transport.

With regard to **Mr Gavin & Mrs Joanna Pollock (PLDP/226)**, the Council is of the view that Site 152B should not be reallocated to mixed use as it would result in the loss of a strategically important business and industrial location that the Ryden report states should continue to be identified for business and industrial uses in order to attract inward investment.

As a result, the Council is of the view that no changes to Site 152B are required as result of the representations and that it should continue to be allocated for business and industrial uses within the Local Development Plan.

Site 153B: Rowallan Business Park

Ideal Developments (PLDP/295) raise the same issues in respect of Rowallan Business Park as they have in relation to Site 319H above. The Council is of the view that there are no ownership or significant transport and traffic related issues, for both Site 153B or Site 319H, which would be an impediment to their respective development.

In terms of **Hallam Land Management Ltd.'s (PLDP299/1)** representation to the above site, it is acknowledged that the Proposed Local Development Plan, submitted to Council on 19th February 2015, included a proposal to designate a portion of Rowallan Business Park as a mixed use development which comprised a 20,000 sq.ft class 4 office cross funded by maximum of 200 residential units and the relocation of Site 362M: Southcraigs. However, the Council on the 19th February 2015 decided to maintain the status quo. The decision was taken due to the amount of residential development already concentrated in the Northcraig/Southcraigs area and the wider impact that additional residential development within Site 153B would have on road infrastructure, schools and other facilities and services. The Council is therefore of the view that no further residential development should be allocated in this area.

The Review of Land Supply for Business and Industry in East Ayrshire (May 2013, carried out on behalf of the Council by Ryden, scored Site 153B as the top business and industrial site in East Ayrshire and stated that the site should be retained for business and

industrial use. The Council is therefore of the opinion that the proposed mixed use site would result in the loss of high quality business and industrial land within Rowallan Business Park.

In terms of the points made about the number of plots within Site 153B: Rowallan Business Park by **3M Developments (PLDP/310/2)**, the Council would point out that there were four serviced plots available for sale by Scottish Enterprise at the time of writing the Local Development Plan, which excluded the area of land required for expansion of the Southcraigs Roundabout. These plots are fully serviced and are, in the opinion of the Council, shovel ready. The Council is also fully aware of the ownership of the undeveloped land within Rowallan Business Park; however, the Council is firmly of the view that the ownership of this area of land does not preclude it from being allocated for business and industrial use in planning terms.

Furthermore, the Council is of the view that the existing services, located within the Business Park, can be extended into the undeveloped part of the site; therefore, the upfront infrastructure costs to provide servicing would not be as high. The Council is firmly of the view that the remaining undeveloped land within Rowallan Business Park is capable of being serviced within a 5 year period; is within a high quality location, which is scored as the top business and industrial site in East Ayrshire within the Ryden Report; and is within walking distance of public transport. The site is therefore fully in accordance with the provisions of SPP

In conclusion, the Council is of the view that no changes to Site 153B are required as result of the representations and that it should continue to be allocated for business and industrial uses within the Local Development Plan.

Site 362M: Southcraig Drive

With regard to **Hallam Land Management Ltd.'s (PLDP299/2)** representation, the Council is of the opinion that a central location between both the existing Southcraigs development and Site 319H is considered to be the most sustainable location, in order to provide facilities for both residential areas, and is in accordance with the principles of placemaking as set out in SPP. The proposed neighbourhood centre will also provide a connection between the respective distributor roads within both estates, which will provide a secondary access point, in the future, for the emergency services and the residents of Southcraigs Drive.

In relation to **3M Developments (PLDP/310/1)** representation, the Council is of the view that local facilities on Site 362M are standalone developments and do not require enabling development of 100 additional residential units on a different proposed site.

As a result, the Council is of the view that no changes to Site 362M are required as result of the representations and that it should continue to be allocated as a Miscellaneous Development Opportunity Site within the Local Development Plan.

Non-inclusion of Northcraig Reservoir for Residential Development

With regard to representation by **Strathearn Estates (PLDP/12/1 and 12/2)** the Council accepts that there is a shortfall of 188 units in the Kilmarnock and Loudoun HMA; however, it is of the view that this shortfall can be met by windfall developments and by the development of various miscellaneous development opportunity sites as is stated in

paragraph 4.1.13 of the proposed plan. It is further noted by the Council that since publication of the proposed plan, the capacities of certain sites in Stewarton and Kilmarnock have increased as a result of planning applications received and/or decided by the Council and by appeal decisions made by the DPEA and that these increases result in the shortfall of 188 units already being met in full. Northcraig Reservoir is therefore not considered appropriate for residential development at this time for either the period 2015-2025 or as a future growth area to replace FGA 2 or 3, the full reasoning for which is provided in Issues 116 and 117 respectively. **Strathearn Estates (PLDP/12/2)** is also addressed within Issue 13 which relates to Housing Land Supply.

ARA consider that there is no suitable access to the former reservoir site without the construction of the distributor road required to access Site 319H. Alternative access from the U50 to this site, in ARA's opinion, would not be considered suitable as a primary access and, dependant on trip distribution, may not be suitable at all for residential development of this size.

The Council is therefore of the view that this Northcraig Reservoir should not be allocated for residential development or to replace FGA 2 or 3 for the reasons set out above.

Non-inclusion of Land at North Kilmarnock for Residential Development

The representations by **Mr McLaughlin, Mr Morris and Lord Rowallan (PLDP/1), SMG Estates (PLDP/293/2 and 293/3), Ideal Developments (PLDP/295) and 3M Developments (PLDP/310/2)** all seek various different parcels of land for development in this location. It must be noted that these parcels of land overlap between the representations. **Mr McLaughlin, Mr Morris and Lord Rowallan and Ideal Developments** are seeking a residential allocation on the land they propose, whereas, **SMG Estates and 3M Developments** are seeking a mixed use allocation.

All of the above representations involve land which is outwith the settlement boundary of Kilmarnock. These areas of land are classified within the Council's Landscape Character Assessment as not suitable for development as they are required to preserve the setting of Kilmarnock and also to protect the rural setting of Rowallan Castle and its Garden and Designed Landscape.

The representations all propose a new primary access from the B751. ARA does not consider this proposed access as being suitable, due to the geometry of the B751, as a primary access to the site; however, it may be suitable as a secondary access. The Council is also concerned that the proposed primary access from the B751 being put forward within the representations will result in no suitable direct connection or access to Kilmarnock for the level of development being proposed.

The Council is of the opinion that the reason that the representations propose a new primary access from the B751 is that the U50 is not suitable for accessing the proposed areas of land for development due to the costs associated with upgrading the unclassified road.

With regard to the U50, the Council is of the view this unclassified road is currently not suitable for access and, dependent on trip distribution and total reconstruction to form a standard road and pavement width, may not be considered suitable at all for the size and scale of development being proposed without upgraded interchanges to the B7038 and the M77 being provided at the same time. As stated above, the U50 has not been

considered as a primary access within the representations and, as a result, none of these required upgrades are currently proposed by those making representations for the allocation of development land within this area.

The Council is therefore of the view that the level of upgrading that is required to the U50, B7038 and M77 to make the U50 the primary access to any or all of these parcels of land would make the development financially unviable or would result in more land for residential development being required in order to facilitate the infrastructure costs.

The proposals put forward by **Mr McLaughlin, Mr Morris and Lord Rowallan and 3M Developments** would also result in the loss of business and industrial land within Site 152B: Meiklewood/Mossie and Site 153B: Rowallan Business Park. The proposals put forward by **SMG Estates** and **Ideal Developments** would result in the loss of business and industrial land within Site 153B: Rowallan Business Park.

The Review of Land Supply for Business & Industry in East Ayrshire (May 2013) ranked Site 153B: Rowallan Business Park at the top of the employment land assessment for East Ayrshire. Site 152B: Meiklewood/Mossie was scored lower but Ryden were of the view that the site should continue to be identified for business and industrial uses in order to attract inward investment. This is due to the size of the site, its prominent location and its direct access to the M77/A77. Ryden is also of the opinion that alternative uses, for example residential, should not be supported due to the sites isolated and peripheral location. The Council accepts and shares Ryden's view on these matters.

The Council is therefore of the view that both Site 152B: Meiklewood/Mossie and Site 153B: Rowallan Business Park should be retained for business and industrial uses in their entirety, due to the conclusions of the Ryden report and that these attractive business and industrial sites are needed to encourage strategic business development to locate in Kilmarnock.

The Council is therefore of the view that none of the above proposals should be allocated for residential or mixed use development respectively, for the reasons set out above, and due to the proposed developments representing an intrusive expansion into the rural area and the likelihood of setting a precedent for further development in the future, potentially contributing towards ribboning of development, particularly residential development, towards Fenwick.

Reporter's conclusions:

Site 319H: Northcraig

1. Housing allocation 319H has been carried forward from the East Ayrshire Local Plan 2010 and is within the settlement boundary for Kilmarnock. Representations question whether the site is effective, in particular concerning ownership of the access. The council has researched the ownership situation and has confirmed that Scottish Enterprise owns the road within the Rowallan Business Park and that they have entered into a legal agreement that allows Hallam Land Management Limited the right to construct a road over the Scottish Enterprise land. Hallam Land Management Ltd have also confirmed that they have arrangements in place with all the relevant land owners and have the rights they require to ensure that there is road access to Site 319H. On that basis I am satisfied that the site is accessible and capable of being effective. It should therefore be retained as a housing allocation in the Proposed Plan.

Parking and access at Rowallan Business Park

2. A representation objects to housing allocation 319H on the basis of parking and access issues. At my site inspection I noted that a significant number of cars were parked on the access roads in the Rowallan Business Park, despite the recent construction of a 200 space car park at the Webhelp call centre. Measures to relieve car parking problems and to ensure the free flow of traffic, including large vehicles/plant should be considered by the council when other sites within the business park are the subject of planning applications. Despite this I consider that development of site 319H should not be restricted for reasons concerning parking or the free flow of traffic within the business park.

3. In relation to concerns regarding potential congestion at Southcraig roundabout as a consequence of further housing development, the council has confirmed that the Ayrshire Roads Alliance has tested its capacity and determined that it can accept the traffic from an additional 500 units without the need for modifications. Land is also available if any changes to the roundabout are ultimately required. Matters concerning the link to Southcraig roundabout and land ownership are dealt with immediately above under site 319H.

4. Concerns in the representation regarding the lack of local facilities at Southcraig are dealt with at issue 119: site 362M.

Site 152B: Meiklewood/Mossie

5. A representation seeks that the strategic business location site be reallocated for mixed uses rather than Category 4, 5 and 6 uses to help future development of Meiklewood Business Park.

6. Site 152B is primarily agricultural land adjacent to the small existing Meiklewood Business Centre. It is located at the north-eastern edge of Kilmarnock. The *Review of Land Supply for Business & Industry in East Ayrshire* carried out by Ryden indicated that site 152B should continue to be identified for business and industrial use in order to attract inward investment. I agree that it should not be re-allocated for mixed use because of its strategic importance and based upon the council's view that it is capable of being serviced within a 5 year period.

Site 152B: Meiklewood/Mossie and 153B Rowallan Business Park

7. 3 M Developments wish to support the council in developing site 152B and site 153B in accordance with their Statement of Principles and a Masterplan which would involve in turn support for an enabling development of 200 houses in and around the Morris Equestrian Centre at Rowallan.

8. The proposed housing development would be outwith the settlement boundary for Kilmarnock. We have identified in issue 13 above that sufficient housing land has been identified in the Proposed Plan to meet the housing land requirement for the Proposed Plan period. There is no need to allocate additional land in the locality of the Morris Equestrian Centre in order to meet any shortfall.

9. Scottish Planning Policy indicates that local development plans should allocate a range of sites for business, taking account of current market demand; location, size,

quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

10. Sites 152B and 153B are strategically important locations for business and industry, as recognised in the Ryden review report. The council considers that ownership issues at Rowallan Business Park should not preclude its allocation for business and industrial uses and that the ability to extend services within the Park would mean infrastructure costs would not be high. The council also recognises that Meiklewood/Mossie has no service or infrastructure provision and that access to the site will require the B7038 to be upgraded. However, it sees no impediment to development from these factors.

11. The provision of enabling housing development could help to accelerate the improvement of access and servicing to both these strategic sites. However, I accept the council's view that both sites are capable of being serviced within a 5 year period without the need for enabling housing development. The sites are well located in relation to the existing road network and Kilmarnock with opportunities for access by walking, cycling or public transport. Moreover, the Ryden report confirms their strategic importance. On this basis I find that there is no significant conflict of the allocation of sites 152B and 153B with Scottish Planning Policy.

Site 153B: Rowallan Business Park

12. Hallam Land Management seek an alternative option to in relation to site 153B and site 319H which would designate part of the Rowallan Business Park as a mixed use development, a reduction in the number of houses at site 319H from 600 to 400 and provision of 200 houses as enabling development, combined with re-location of site 362M. The reason for this is the anticipated high costs of the spine road serving site 319H.

13. The offer to limit housing to 400 units at site 319H would mean that no additional residential development would be involved and consequent there would be no increased impact on roads, services and infrastructure. Despite this, to develop part of site 153B for housing would be contrary to the recommendations in the Ryden review report, which identified Rowallan Business Park as the top business and industrial site on East Ayrshire.

14. Hallam Land's option was rejected by the council when it considered the Proposed Plan prior to publication. However, it is a matter that could be given further consideration in the next review of the local development plan in the event that any additional issues arise with the development of housing and business and industry in this locality.

Site 362M: Southcraig Drive

15. Site 362M is proposed as a neighbourhood centre comprising 2.3 hectares suitable for small scale retail, a hotel/pub restaurant and community /recreational uses and public open space. Hallam Land Management seek the deletion of the Miscellaneous Development Opportunity and inclusion of site 362M in the adjacent housing allocation 319H. Hallam Land Management advise that planning and commercial considerations and infrastructure costs associated with the proposed spine road has led

the company to produce a masterplan for site 153B (Rowallan Business Park) which seeks to accommodate the neighbourhood centre and housing within a mixed use development closer to the existing Rowallan Business Park. Hallam Land Management consider that this arrangement would maximise potential custom for the neighbourhood centre from people both living and working in the neighbourhood.

16. Hallam Land Management considers that the above changes would result in a neighbourhood centre that would be more 'visible' and commercially viable than a location at site 362M.

17. I agree with the council that the proposed neighbourhood centre at site 362M would be in a sustainable location between proposed housing at site 319H and the existing Southcraig residential area. Scottish Planning Policy indicates that the purpose of planning is to create better places. The Proposed Plan would add to the already significant housing area at Southcraig. The provision of a neighbourhood centre at site 362M would provide a point of community focus within the housing area that would be accessible by means other than private transport for a significant number of local residents.

18. As mentioned above the location of the neighbourhood centre is a matter that could be given further consideration as part of the next review of the local development plan. This would also allow the interests of other developers/landowners in the North Kilmarnock area to be taken into account.

Non-inclusion of land at Northcraig Reservoir, Kilmarnock for residential development

19. The drained reservoir site at Northcraig is located immediately north of proposed housing site 319H and proposed site 153B Rowallan Business Park. It is outwith the settlement boundary for Kilmarnock. The representation seeks that the site be allocated for housing, or failing that, be identified as a Future Growth Area. The council has explained that the 188 units' shortfall in the housing land supply for the Housing Market Area can be met by windfall and other developments. This discrepancy or any lack of progress in developing site 319H would not be a reason to allocate the Northcraig site for housing. We have identified in issue 13 above that sufficient housing land has been identified in the Proposed Plan to meet the housing land requirement for the Proposed Plan period. There is no need to allocate additional land at Northcraig Reservoir at the present time. In addition, the Ayrshire Roads Alliance has advised that there will be no suitable access to the former reservoir site until the construction of the distributor road to serve site 319H.

20. At issue 13 above it is concluded that in the ten years following the plan period, it is likely that additional land will be required for at least 4,000 houses. It is expected that the majority of these houses will be built at locations in Kilmarnock, Stewarton and Galston described in volume 2 of the plan as Future Growth Areas. The remainder would be directed to locations in settlements (not excluding other locations within the above three settlements) which have the infrastructure and landscape capacity to accommodate them and which respect the principles of the vision and spatial strategy.

21. At issues 116 and 117 above I have concluded that whether Northcraig reservoir should be included as a Future Growth Area should be part of a more thorough analysis of potential locations in East Ayrshire to be undertaken as part of the next review of the local development plan.

Non-inclusion of land at North Kilmarnock for residential development

22. A number of different sites are sought for housing/mixed use allocations at north Kilmarnock, with some of the sites overlapping. Three landowners seek a combined area of 3 housing zones totalling around 19.9 hectares accommodating approximately 500 homes on the basis that housing allocation 319H was not brought forward for development subsequent to its inclusion in the 2010 Local Plan.

23. SMG estates and a consortium of landowners have put forward around 18.6 hectares of land at Northcraig Reservoir and surroundings as part of a mixed use development. This would include removing a portion of allocation 319H (100 units post 2017) and transferring it to their land as part of the mixed use scheme. The development would comprise a new industrial unit plus around 200 housing units and satellite commercial units mixed within the residential areas. The council has advised that site 319H has an indicative capacity of 600 units and that the 100 units post-2017 only appears in the 2010 Local Plan.

24. As mentioned above in relation to allocations 152B and 153B, 3M Developments seek enabling housing development of around 200 units near the Morris Equestrian Centre. Ideal Developments seek to acquire a residential allocation for their land and to assist accessibility by providing a link through their land to Kilmaurs Road.

25. The Entec Landscape Assessment indicates that: “existing Pasture Land adjacent to the North Craig reservoir and the Rowallan Business Park has been identified as of greatest landscape capacity for development due to the relatively lower sensitivity of adjacent landscape. Further north however the land rises to form an area of lowland hill or ridge that acts to visually contain and separate the urban edge of northern Kilmarnock from the Rowallan estate and its rural setting. Development would be limited by this ridge line and should not be visible from areas beyond”. Much of the higher land between the existing allocations in the Proposed Plan and Kilmaurs Road (excluding Northcraig Reservoir) was identified in the Assessment as “Areas not suitable for development that may be required to preserve the setting of settlements and prevent coalescence”.

26. All the sites subject to requests for allocation are outwith the proposed settlement boundary for Kilmarnock and within the rural area. I share the council’s concerns regarding access and the potential costs involved in upgrading the road network. Primary access to the rural road of the B571 Kilmaurs Road is considered to be unsuitable by the Ayrshire Roads Alliance. The Alliance advises that the U50 and B7038 would need upgrading as well as the M77 interchange with the B7038.

27. I have concluded above that site 319H should be retained as an allocation in the Proposed Plan. Additionally, that there is no need to allocate land at Northcraig reservoir for housing at the present time to meet any short term shortfall. I have also determined that the strategic industrial and business allocations at Rowallan Business Park and Meicklwood/Mossie Business Parks should not be subject to any enabling housing development. In overall terms, as established at issue 13 above, there is no need to add to the housing land supply at North Kilmarnock.

Reporter’s recommendations:

No modification to the Plan.

Issue 112	Site 136H, Altonhill, Kilmarnock	
Development plan reference:	Volume 2, Page 61 and Kilmarnock LDP Map, Site 136H: Altonhill, Kilmarnock	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Malachy Ryan (PLDP/37) Colvin McConnachie (PLDP/78) Maureen King (PLDP/81) Douglas and Lee-Ann McIntosh (PLDP/159) Fiona McGrath (PLDP/261) Kathleen Ryan (PLDP 265)</p>		
Provision of the development plan to which the issue relates:	Site 136H is located to the west of Kilmarnock and is identified for the development of 191 houses in the LDP.	
Planning authority's summary of the representation(s):		
<p>Malachy Ryan (PLDP/37), Colvin McConnachie (PLDP/78), Maureen King (PLDP/81), Douglas and Lee-Ann McIntosh (PLDP/159), Fiona McGrath (PLDP/261) and Kathleen Ryan (PLDP/265) object to the inclusion within site 136H of area of land at the south east which they consider should instead be allocated as Safeguarded Open Space under the emerging plan. Previous applications for planning permission are referred to (which Malachy Ryan (PLDP/37) specifies as 03/0990/OL, 14/0948/S75) in which the area of land to the south east was allocated as amenity space for local residents and the objectors state that this allocation should be safeguarded.</p> <p>Malachy Ryan (PLDP/37) refers to the planning history of the site and the allocation of the south east section of the site for sports pitches (via application number 03/0990/OL) and the subsequent approved modification of legal agreement (14/0948/S75) which appears to alter the allocation to passive open space. He seeks clarification as to whether there is currently a requirement on the developer to provide passive open space or whether the sports pitches and thus amenity space have been excluded altogether. He expects the developer in due course to apply to remove or alter conditions related to open space / amenity provision attached to 03/0990/OL. Should such an application be approved he is concerned that there would be no mechanism in place to ensure the pitches are provided. Malachy Ryan (PLDP/37) states that he voices residents' concerns that no significant area of public space will be provided on this site.</p>		
Modifications sought by those submitting representations:		
<p>Malachy Ryan (PLDP/37), Colvin McConnachie (PLDP/78), Maureen King (PLDP/81), Douglas and Lee-Ann McIntosh (PLDP/159), Fiona McGrath (PLDP/261) and Kathleen Ryan (PLDP/265) seek the same two modifications to the plan: Modification Number 1: Site 136H is reduced in size to exclude the area of land to the south of Balvenie Drive, west of John Walker Drive and north of the Recycling Centre on Western Road as</p>		

identified in the plan accompanying these objections.

Modification Number 2:

That the area of land to the south of Balvenie Drive, west of John Walker Drive and north of the Recycling Centre on Western Road as identified within the plan accompanying these objections is allocated as Safeguarded Open Space under the LDP and afforded protection through policies IN6 & INF7.

Summary of responses (including reasons) by planning authority:

The original outline planning application (reference: 03/0990/OL) which granted consent for residential development in August 2004 on site 136H had an associated s75 obligation attached to it (see supporting information). This, amongst other things, required a centrally located park area of a minimum of 1.5ha in size with play areas as well as two football pitches, pavilion and parking. The intention was that after the pitches, pavilion and parking were constructed the Council would adopt them. More recently, the East Ayrshire Leisure Trust has stated that football pitches are no longer required at this location and in this regard a planning application to vary the s75 was approved by the Council in February 2015 (reference: 14/0948/S75) to remove the requirement for the football pitches, pavilion and parking. It should be noted, however, that the requirement for an area of parkland of a minimum 1.5ha was not removed.

An application for the creation of an area of parkland is currently under consideration by the Council (reference 15/0499/PP) in line with the section 75 obligation. Given that the exact extent of the area of parkland was not consented at the time of preparation of the proposed plan in late 2014 and because site 136H is still an unfinished LDP housing site, the whole of the remaining undeveloped part of the site was included as residential development opportunity site 136H in the plan. Given that the section 75 obligation remains relevant and that the developer must implement their consent in line with this obligation, it is not considered necessary at this stage to change the plan to show an area of green space. Once the development is complete and the area of parkland complete, a future review of the LDP can safeguard this area for open space. However, at this time, this is considered premature. With regard to the concerns of residents that the developer may apply to remove open space, the Council would not be supportive of this and the removal of any open space requirement would result in a deficit of open space in this 500+ unit development. This would be reflected in a decision on any planning application to remove this obligation. No change to the LDP map is necessary.

Reporter's conclusions:

1. Site 136H is part of a larger residential development that is under construction. Representations request that the area of land south of Balvenie Drive, west of John Walker Drive and north of the recycling centre on Western Road be allocated as 'Safeguarded open space' in the Proposed Plan and afforded protection under policies IN6 and INF7.
2. The council has advised that the requirement for the provision of football pitches, a pavilion and parking was removed in February 2015 (ref: 14/0948/S75). There is still a requirement for a minimum of 1.5 hectares of parkland. An application for the creation of an area of parkland (ref: 15/0499/PP) was under consideration by the council but was withdrawn in January 2016. The council has informed me that a new application (ref: 16/0200/PP) was submitted by Taylor Wimpey on 14 March 2016 to vary condition 2(J) of consent 03/0990/OL to incorporate public park. This is being assessed by the council and

would be subject to normal public consultation. It constitutes further indication of the intent to provide a significant public open space facility.

3. I agree with the council that it would be premature to indicate the proposed area of parkland on the proposals map as safeguarded open space at this time and to amend site 136H accordingly before a final boundary for the parkland is confirmed. However, in view of the potential deficit in open space in the locality in the absence of such a facility, I consider that reference to the requirement for parkland should be included in relation to the list of development sites in the Proposed Plan. Designation of the proposed area of parkland as a safeguarded open space should be considered by the council in the next review of the local development plan.

Reporter's recommendations:

The Plan be modified by adding the following text:

1. In the table on page 61 of Volume 2 – Kilmarnock 1, add “See note (x)” after the location “Altonhill”.
2. Under the heading of “Notes:” on page 62/63 of Volume 2 add: (x) Site 136H has a requirement for an area of parkland to be provided by the developer.

Issue 113	Site 148H: Maxholm Kilmarnock	
Development plan reference:	Volume 1, Page 61-62 and Kilmarnock LDP Map, Site 148H: Maxholm, Kilmarnock	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Springfield Properties (PLDP/286/7) Allanvale Land Investments (PLDP/326/2)		
Provision of the development plan to which the issue relates:	Site 148H is a brownfield and greenfield site to the south west of Kilmarnock identified on the Kilmarnock LDP map for the development of 100 houses.	
Planning authority's summary of the representation(s):		
<p>Springfield Properties (PLDP/286/7) are supportive of the inclusion of this site in the plan which is consistent with paragraphs 2.15, 2.20, 2.29 (Overarching Policy 1) and 2.32 (Overarching Policy 2). However, they are concerned that the Kilmarnock and Loudoun sub Housing Market Area shows a shortfall of 188 units for the period to 2015 and states that this is an unnecessary shortfall when site 148H has a higher capacity than is recognised within its allocation, and could reduce the shortfall to 68 units. The intention of Springfield Properties is to take the site forward as an affordable housing site not for private housing, as is specified in the plan. Given the shortfall in affordable housing the indicative capacity of the site to 200 homes as per the adopted Local Plan would be welcomed and would reduce the shortfall. The site boundary of 148H has been altered to exclude the flood plain. No developer would intend to build on the floodplain therefore any reduction in the area of the site or capacity as a result of the exclusion of this area is not necessary. The inclusion of the land on the floodplain could contribute to amenity space and tree planting thus ensuring that the developable land is not sterilised and allowing the site to reach a capacity of around 200 -230 homes.</p> <p>Allanvale Land Investments (PLDP 326/2) object to the allocation of site 148H for housing. They state that there are issues with the site, principally in respect of flooding. Despite being part of the effective land supply since 1994, and three applications for housing on the site have been refused or withdrawn since 2001. Due to the deliverability constraints associated with this site, alternative options should be considered and the 100 units associated with 148H reallocated to alternative sites which are proven effective and deliverable. The housing shortfall in the Kilmarnock and Loudoun Housing Market Area and to compensate for sites such as 148H, additional sites should be considered; in this respect FGA3 is proposed. FGA3 is covered by Issue 117.</p>		
Modifications sought by those submitting representations:		
<p>Springfield Properties (PLDP/286/7) request an increase in site capacity to c.230 and a realignment of the site boundary as per the existing Local Plan.</p> <p>Allanvale Land Investments (PLDP 326/2) seek the removal of site 148H from the plan and the allocation of FGA3 as a housing opportunity.</p>		

Summary of responses (including reasons) by planning authority:

The concerns of **Springfield Properties** regarding the 188 unit shortfall in the housing land supply are noted. However, as is explained in Issue 13: Housing Land Supply, the Council is of the view that this can be met by windfall developments and by the development of various miscellaneous development opportunity sites as is stated in paragraph 4.1.13 of the proposed plan. It is further noted by the Council that since publication of the proposed plan, the capacities of certain sites in Stewarton and Kilmarnock have increased as a result of planning applications received and/or decided by the Council and by appeal decisions made by the DPEA and that these increases result in the shortfall of 188 units potentially being met in full. There is therefore no justification for increasing the capacity of Maxholm for housing land supply reasons.

Within the adopted East Ayrshire Local Plan 2010, the Council identified Maxholm as having an indicative capacity of 200 units. However, a planning application for housing at this site was refused planning consent in 2012 on flooding grounds. In preparing the proposed plan it was therefore felt necessary to reduce the extent of the site boundary to remove the functional flood plain from the development site. Previous site investigations carried out on the Council owned part of the site have also shown the presence of contamination which could affect the overall capacity of the site. Both flooding and ground condition considerations involved making a corresponding reduction in the capacity of the site. It is not considered necessary or appropriate to increase capacity of the site or to extend the boundary to include more land due to flood risk issues.

With regard to **Allanvale's** representation, site 148H at Maxholm was carried over from the adopted East Ayrshire Local Plan 2010 because of the interest Springfield Properties are currently showing. Springfield had arranged meetings with officers within the Planning and Housing services to put forward development proposals for this site. Springfield assured the Council that the site is effective and capable of development within five years. It was therefore considered appropriate to include the site in the LDP for housing development albeit that for the reasons set out under Springfield Properties above, that the site was reduced in size and capacity on flooding grounds. It is noted that Allanvale wants this site to be deleted and FGA 3 identified as a development site in its place. FGA3 is dealt with under Issue 117 No changes to the plan are considered necessary in this regard.

Reporter's conclusions:

1. The site is located south of the River Irvine and the A71. The eastern half slopes down from existing housing and appears to be a former developed area which has been grassed, except for the road layout, which includes Maxholm Road. The western part of the land includes the site of a demolished building and rises up towards housing at Darnley Drive.

Effectiveness

2. The representation from Allanvale Land investments submits that the site has been part of the effective land supply since 1994 but no units have been built. It is contended that the site has constraints which will affect deliverability and so additional sites should be allocated in the Proposed Plan. In this respect the request to bring forward site FGA3 as a housing opportunity is dealt with at issue 117 below.

3. The council has confirmed the recent interest in developing this site and progression to a planning application. The site has been carried forward from the 2010 Local Plan. However, the land subject to a 1 in 200 year flood risk has been deleted from the site. Whilst there are ground contamination problems, the council accepts the developer's view that the site is effective. The prospective developer has explained that there are constraints involved in the development of the brownfield part of the site and that the addition of the greenfield site would facilitate the redevelopment of the previously developed area. In view of the deletion of the area at risk from flooding from the site I consider that it is capable of becoming effective within the Proposed Plan period.

Site boundary

4. It is submitted by the prospective developer that the site boundary should be amended to include the area of flood plain previously shown as within the settlement boundary. However, I agree with the council that only the potentially developable area should be allocated. Whether tree and shrub planting and amenity space to create a setting for the site could take place on any land controlled by the developer within the flood plain would be a matter to be determined at the planning application stage. I note that high voltage overhead lines just outside the site boundary would constrain the planting of any tall growing tree species. The Scottish Environment Protection Agency would also have to be consulted on any tree planting proposal within the flood plain.

Capacity

5. The council has reduced the indicative capacity for the site to 100 units, whereas the developer considers that 200-230 units would be feasible. The site area has only been reduced by 2.91 hectares, leaving an area of 11.4 hectares. The council believes that this lesser capacity is appropriate because of potential contamination problems. The capacity of this site can only be indicative at this stage until ground conditions are fully investigated. Any potential increase in capacity that may arise following a detailed site investigation and appraisal would assist in meeting the housing land requirement. The council has explained that the 188 units shortfall in the housing land supply for the Housing Market Area can be met by windfall and other developments. This discrepancy would not be a reason to increase the capacity of site 148H. I consider that the final capacity for the site should be determined through the planning application process because that would enable full consideration of constraints and factors such as housing layout and design to be assessed.

Affordable housing

6. At issue 15 above the council has explained that it supports the development of affordable housing at the site but it is seen as a market housing site that could provide 25% affordable housing. It advises that the developer's aspiration for 200 affordable units on the site is unrealistic because it would take up the entire affordable housing grant for East Ayrshire for the next 5 years. I consider that whether the percentage of affordable housing could be increased on the site is a matter for resolution between the council and the developer, in view of the financial implications and also part ownership of the site by the council. However, it is clear that a substantive increase beyond 25% affordable housing could have a potentially detrimental impact on the delivery of affordable homes elsewhere in the District.

Reporter's recommendations:

No modification to the Plan.

Issue 114	Site 320H: Caprington Golf Course, Kilmarnock	
Development plan reference:	Volume 2, Page 61 and Kilmarnock LDP Map: Residential Development Opportunity site 320H, Caprington Golf course	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mrs Irene Smith (PLDP/30); R McCallum (PLDP/32); Will Samson (PLDP/48); Jacqueline and William McCulloch (PLDP/72); Yvonne MacKay (PLDP/232); Mr & Mrs Ladyburn (PLDP/233); Mrs Ruth Stafford (PLDP/235); Mr & Mrs R Kennedy (PLDP/240); Mark Evans (PLDP/263) WAF Cunningham (PLDP/112) (letter of support)</p>		
Provision of the development plan to which the issue relates:	Site 320H lies to the west of Kilmarnock and is identified for the development of 250 houses in the LDP. The developer of this site is also required to provide an 18 hole golf course as part of this development.	
Planning authority's summary of the representation(s):		
<p>All above noted parties object to the proposal for 250 dwellings on site 320H.</p> <p>PLDP/30 states that the allocation of 320H is in conflict with the Spatial Strategy in respect of the use of greenfield land. PLDP/235 also points out that the site is a greenfield site and that the Council had pledged to prioritise brownfield sites, PLDP/263 argues that the Council should be protecting the site. PLDP/263 adds that the site is not sustainable due to its location and brownfield sites in Kilmarnock would be better suited to housing allocations.</p> <p>PLDP/232 raises concerns in respect of the impact of the loss of the site, which is used for recreation, on health and wellbeing – both mental and physical. PLDP/30 queries in what respect the new housing density will improve the quality of life and health of residents. It is a well-used site according to PLDP/30, PLDP/72, and PLDP/263. PLDP/263 adds that a replacement golf course to the south will be 'second rate'. PLDP/72 is concerned that even with a replacement course the boy's course would be lost.</p> <p>PLDP/263 queries the sites suitability for development give the presence of underground wells and the poor drainage. PLDP/30 and PLDP/72 also highlight that the site floods and that the area is littered with mine workings and raises concerns of the impact of any new development work on their building foundations. Should the proposal go ahead drainage and utility works will cause disruption to residents.</p> <p>PLDP/48, PLDP/72, PLDP/232, PLDP/233, PLDP/235 and PLDP/263 raise the negative impact the development will have upon the natural habitat, flora and fauna.</p> <p>PLDP/48, PLDP/233, PLDP/235 and PLDP/263 have concerns in respect of the loss of a</p>		

rural outlook and PLDP/30, PLDP/48 and PLDP/263 have concerns over the likelihood of overlooking and loss of privacy once the site is developed. PLDP/30 also refers to the loss of light.

PLDP/32, PLDP/235 and PLDP/263 raise concerns over the foreseen increase in traffic congestion and what the impact would be on the current roads and traffic management. The lack of detail in respect of new roads is problematic. Access during the construction phase is a key concern for PLDP/32 and PLDP/233. PLDP/263 also refers to the increase in air pollution and the poor public transport links in the area which are insufficient and not easily accessible. PLDP/32, PLDP/48 and PLDP/263 have concerns in respect of traffic safety. PLDP/72 is concerned about the impact of construction and new traffic upon the already poorly maintained and narrow roads.

PLDP/72 is concerned about insufficient school and medical provision.

PLDP/30 and PLDP/235 have concerns over the impact upon the category 'A' listed Caprington Castle and its setting and query whether Historic Scotland has been consulted on these proposals.

PLDP/30 is concerned about the impact of construction on residents in terms of the length of time to complete it and the noise, dust and other disturbance residents are likely to encounter. PLDP/30 refers to the Human Rights Act and the right to peaceful enjoyment of possessions including land and property.

PLDP/235 refers to the impact of the development as a whole on the people residing there who value the estate as it is. The setting of the development was a key factor in the purchase of property on this estate for PLDP/48, PLDP/233 and PLDP/235.

PLDP/112 supports the proposed 'Housing Opportunity' land use allocation at site 320H as indicated in the East Ayrshire Local Development Plan: Proposed Plan Proposals Map.

The Proposed Plan outlines that residential development would be supported on the above 16.02 hectare site with an indicative capacity of 250 units. Residential development at this deliverable location is supported and they would encourage that this Housing Opportunity site is retained in the adopted Local Development Plan.

The landowner intends to market the site later this year, with a planning application for the site to follow thereafter.

Modifications sought by those submitting representations:

PLDP/32, PLDP/48 and PLDP/72 object to the site allocation but make no specific reference to modifications.

PLDP/232, PLDP/235 and PLDP/263 would like the proposed plan to be modified to remove 320H in order that the site can remain as is.

PLDP/233 advocates the cancellation of the entire Proposed Local Development Plan.

PLDP/30 cites other new build developments which are of a scale which is considered to be more appropriate to Caprington, such as Rowallan Castle.

PLDP/30 seeks modifications to lessen the proposals for 320H to such a scale.

Summary of responses (including reasons) by planning authority:

Whilst the LDP prioritises the reuse of brownfield sites through its spatial strategy, it also recognises that a range of sites, both brownfield and greenfield, will be required to meet future development needs over the LDP period. Policy OP1 (iv) states '*where possible, reuse vacant, previously developed land in preference to greenfield land*'. The 'where possible' illustrates that whilst the reuse of brownfield sites is preferable, it will not always be possible. Likewise paragraph 4.1.8 (Volume 1, page 41) states that a wide range of housing sites of varying scales have been identified from vacant brownfield sites to greenfield sites, providing a variety of sites to give the development industry more options for development. The Council does not agree that the site should be deleted from the plan because it is a greenfield site. In addition, there are not sufficient suitable brownfield sites within East Ayrshire to accommodate the required levels of development. The Council is of the view that Caprington Golf course is within a sustainable location close to public transport links and local schools.

The concerns regarding the impact of the loss of the site, which is used for recreation, on health and wellbeing, both mental and physical are noted. However, it is pointed out that this proposed housing development is actually saving a recreational facility. Until recently, the Council leased and operated the golf course. The Council can no longer sustain this and accordingly has not renewed its lease. Whilst the proposal at Caprington will result in the loss of the boy's course, a remodelled, 18-hole privately run golf course facility will be retained through cross funding by the housing development thereby contributing towards health and wellbeing. If the housing was not developed, the whole facility could potentially be lost. The mechanism for retaining the golf course is contained within volume 2, page 62 under KILMARNOCK1 note (iv).

With regard to those representations querying the viability of the site due to ground conditions, it is accepted that there is a history of mining in this area, however this does not mean that sites are not viable. Mine entry points can easily be built into new developments by being made safe and included within the development as areas of open space. This has happened elsewhere in Kilmarnock in recent years, for example at Altonhill (site 136H). In terms of drainage, SEPA and Scottish Water were both consulted on all proposed plan sites before the plan was published and no objections to this site were received. With regard to the point about disruption to existing residents, new development by its very nature will always cause some form of disruption. The planning application process will ensure that adequate measures are put in place to keep disruption to a minimum during the construction phase and beyond.

In terms of those representations raising concerns over the potential negative impact on the natural habitat, flora and fauna, there are no on-site natural resources that require to be specifically protected through legislation or non-statutory designations that could point to a need for deletion of this site. In addition, as part of any planning application for the site, the developer will require to show through policy ENV 8 that any valuable landscape features are protected.

In terms of the loss of a rural outlook, the 'right to a view' is not a valid planning argument for the non-inclusion of a site. With regard to overlooking, privacy and loss of light, the layout and design of any new development will require to ensure that existing residential areas are not unacceptably impacted upon. This will be done as part of a planning application.

Several representations raise concerns over increased in traffic congestion and the ensuing impact on the current roads and traffic management. As can be seen in Volume 2, Page 63 under KILMARNOCK1 note (v), the developer of site 320H will be required to submit a Transport Assessment to detail transport effects of proposals. This will raise any areas of concern and give the developer opportunity to include mitigation measures as part of their planning application. The Ayrshire Roads Alliance was consulted prior to publication of the proposed plan and did not identify any significant transportation issues in connection within this site.

The Council can confirm that there is capacity within local schools to accommodate 250 houses at this location. In terms of medical provision, the local health authority was consulted prior to publication of the plan and did not express any concerns on this matter.

Historic Scotland was consulted and has no concerns over the impact of the proposal on the 'A' listed Caprington Castle.

With regard to those representations which stated concern over the impact of construction on residents in terms of the length of time to complete it and the noise, dust and other disturbance residents are likely to encounter, this can be controlled through planning conditions and does not constitute sufficient justification for deletion of the site from the plan.

The Council does not consider that the Human Rights Act and the right to peaceful enjoyment of possessions including land and property is relevant to the future development of this site for housing. The LDP is being delivered through planning legislation.

The Council notes that there are people living adjacent to the Caprington Golf course site who bought their property because of its setting. However, as stated previously, there is no automatic 'right to a view' through the planning system. It is further considered that this area can be developed without any unacceptable impacts on nearby existing residents.

Support for the site allocation at 320H received from WAF Cunningham (PLDP/112) is welcomed.

No changes to the plan are considered necessary.

Reporter's conclusions:

1. Proposed site 320H includes part of the existing Caprington Golf Course and an area of rough pasture land located north of the golf course. The council indicates that the site could accommodate 250 houses and a remodelled 18-hole golf course.

Conflict with Spatial Strategy in the Proposed Plan

2. The spatial strategy includes giving priority to the re-use of brownfield land and buildings. Proposed Plan overarching policy OP1 requires development proposals to, where possible, re-use vacant, previously developed land in preference to greenfield land. It is clear that the housing land requirement for the Proposed Plan period cannot be met solely by the use of brownfield sites. The proposed development of part of the golf course would not conflict with the spatial strategy and would help to meet the housing land requirement.

Impact on neighbours

3. The part of the golf course proposed for development may be overlooked from properties at the housing estate at Caprington, notably from houses at Cunninghame Drive and Inchgotrick Road. There is some screening of views of the golf course from Cunninghame Drive because of boundary trees and shrubs.

4. Matters including overshadowing, loss of light and privacy of any neighbouring properties would be determined at the planning application stage, when details of housing layout, siting and design would be available. I would expect the council to consult residents on any future planning application in line with its normal development management procedures.

5. Reference has been made to Article 1 of the First Protocol of the Human Rights Act 1998 which indicates that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. However, the rights of an individual have to be balanced against the wider community/public interest. In this case, taking into account the impact of the proposal on neighbours, any harm to the enjoyment of their possessions will be outweighed by the benefits from the proposed allocation of Caprington Golf Course for housing in the wider public interest and as a means of enabling the council to meet its housing land requirement in the wider public interest.

Constraints – flooding and mining

6. The environmental report indicates that the site has several coal shafts within its boundaries. However, this need not prevent development, nor affect any existing development, subject to detailed site investigation and treatment to make any shafts and shallow coal workings stable and safe.

7. A number of representations refer to drainage problems and flooding. Volume 2 of the Proposed Plan: Settlement Maps advises that the site lies within a 1 in 200-year flood event as shown on the Scottish Environment Protection Agency's flood maps.

8. In response to my request for further information the council has advised that with further analysis of the site, and advice from the Ayrshire Roads Alliance, it may be possible to reduce the extent of the site to account for areas that are at risk from flooding.

9. Deletion of an appropriate area at the north western end of the site would reduce the size of the site from around 16 hectares to 13 hectares. The revised indicative capacity would be 208 units. Whilst this is a reduction of 42 units, the council considers that there would be no adverse effect on the established housing land supply for the area.

10. A detailed flood risk assessment will be required to demonstrate that any new development proposal for the remaining site area complies with Scottish Planning Policy.

11. The Ayrshire Roads Alliance has advised that the area in question would not support any form of residential development due to the risk of flooding. Reduction of the site area would be consistent with the council's approach to the nearby Maxholm Road site (148H) detailed at Issue 113 above. I agree with the council that the site area should be reduced accordingly.

Access and traffic

12. Representations refer to the poor condition of the existing estate roads and parking problems, means of access, the amount of traffic that would be generated, including construction traffic, associated noise, dust and air pollution and highway safety. Volume 2 of the Proposed Plan: Settlement Maps advises that a Transport Assessment will be required identifying the transport effects of the proposal and the sustainable transport measures to be introduced to cater for the travel needs associated with the development. I note that the Ayrshire Roads alliance did not raise any significant transportation issues in relation to the site.

Impact on the setting of Caprington Castle

13. The council has advised that Historic Scotland have raised no concerns regarding the impact of development at the site on Caprington Castle. I see no reason to disagree because there is sufficient separation distance from the castle and its gardens, and also tree screening, to ensure that its setting would be preserved. Moreover, volume 2 of the Proposed Plan: Settlement Maps advises that trees will be required to be planted along the northern and western boundaries of the site to provide screening and integration of housing with the countryside.

Loss of golf facilities

14. The council has explained that it can no longer afford to lease and operate the golf course. Although the boys' course will be lost it is proposed that the housing development will cross-fund a remodelled privately run 18-hole course. A recreational facility and an open space will therefore be retained as a benefit from a health and well-being point of view.

Wildlife and loss of trees/plant life

15. The development of the site would inevitably have an impact on wildlife, biodiversity and air quality. Nevertheless, it would be possible for the council to secure habitat creation as mitigation in both the housing scheme and remodelled golf course through the development management process. I would expect any planning application to include an ecological survey and tree survey to establish what existing features should be retained as part of a housing layout.

Education and health facilities

16. The council has confirmed that there is capacity within local schools to accommodate children from the proposed houses. No concerns were expressed by the local health authority, and Crosshouse Hospital is a relatively short distance from the site.

Reporter's recommendations:

The Plan be modified by deleting the area subject to flood risk indicated on the plan submitted by the council on 16 May 2016 entitled "Map 1 – Caprington Golf Course".

The indicative capacity of the site be reduced from 250 to 208 and the site area from 16.02ha to 13ha.

Issue 115	Site 426H: Holehouse Road, Kilmarnock	
Development plan reference:	Volume 2, Pages 60-72, Site 426H: Holehouse Road, Kilmarnock	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Marion Hamilton (PLDP/234); Debbie Olson (PLDP/266)		
Provision of the development plan to which the issue relates:	Site 426H is a brownfield site within the settlement boundary of Kilmarnock and is allocated as a residential development site. The site extends to 2.83 hectares and has an indicative capacity of 70 residential units.	
Planning authority's summary of the representation(s):		
<p>Neither Ms Marion Hamilton (PLDP/234) nor Ms Debbie Olsen (PLDP/266) object to the principle of residential development on the site but they do raise concerns.</p> <p>Ms Marion Hamilton (PLDP/234) states that the scale of the site is too large and the number of units too high. Further, it is possible that overlooking and overshadowing of existing properties will occur to the detriment of residential amenity.</p> <p>Ms Debbie Olsen (PLDP/266) seeks to ensure that any development would be in keeping with the surrounding conservation area in terms of its design.</p>		
Modifications sought by those submitting representations:		
<p>Ms Marion Hamilton (PLDP/234) requests appropriate restrictions on the scale of development and its density and height.</p> <p>Ms Debbie Olsen (PLDP/266) seeks modifications to ensure that any development would be in keeping with the surrounding conservation area in terms of its design.</p>		
Summary of responses (including reasons) by planning authority:		
<p>In response to the representation from Ms Marion Hamilton (PLDP/234), the Council disagree that the site is too large and the number of units is excessive. The indicative capacity of 70 residential units is required in order to meet the housing land supply target and the Council is of the view that the site can satisfactorily accommodate this level of housing without any detrimental impacts on this particular part of Kilmarnock.</p> <p>The Council, during the determination of any planning application for the site, will consider the impact of the development on the privacy of surrounding properties to ensure that there are no adverse impacts and that those properties are not overlooked or overshadowed. The Local Development Plan also requires that a masterplan is produced for the site, which will take into account adjacent properties and the potential issues of properties being overlooked or overshadowed.</p>		

With regard to **Ms Debbie Olsen (PLDP/266)**, the developer of the site is required to provide a masterplan for the site and also to provide the mitigation measures detailed within the Environmental Report, which for this site, require the developer not to have any adverse impact on the Conservation Area and Listed Buildings within the vicinity of the site. In conjunction with policies contained within the Local Development Plan, these measures will ensure that the proposed design of the site is in keeping with the London Road Conservation Area.

The Council is therefore of the view that no changes to the Local Development Plan are required in response to these representations.

Reporter's conclusions:

1. Housing allocation 426H is the site of the Ayrshire College. It includes substantial buildings that are in use, surfaced car parks, a pair of semi-detached houses and incidental green spaces. It is adjacent to the London Road Conservation Area. The council anticipates that it could provide 70 residential units.

Scale of development

2. The site is needed to meet the housing land requirement for the Proposed Plan period. I agree with the council that the scale of the site is not too large and that the indicative capacity is appropriate. This is because the site is already substantially developed and would represent a brownfield development in a sustainable location. The height of the main college building at four storeys would be a material consideration when the council assesses any future planning application for housing in relation to the height and massing of the proposed units.

Effect on neighbours

3. The site may be overlooked from the front of detached houses in Holehouse Road and from the front elevation of the fine red sandstone two storey De Walden Terrace. Windows in the rear of houses at Braehead Court also allow overlooking from an elevated position. Matters such as potential overshadowing or overlooking of neighbouring properties from housing development at the site would be assessed at the masterplanning and planning application stage when a detailed layout would be available. I would expect any immediately surrounding residents to be consulted in accordance with normal development management procedures so that any impacts upon residential amenity can be taken into account.

Effect on the London Road Conservation Area

4. It is submitted in representations that the design of the development should fit in with the context of the sandstone terrace and surrounding houses on Holehouse Road and London Road. Paragraph 143 of Scottish Planning Policy indicates that proposals for development within or outwith conservation areas which will impact upon its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Clearly the council will have to consider the impact of any development proposal on the conservation area. However, I consider that there is no reason why a development could not be designed to preserve or enhance that the setting of the conservation area and De-

Walden Terrace.

Reporter's recommendations:

No modification to the Plan.

Issue 116	Future Growth Area 2, Kilmarnock	
Development plan reference:	FGA2	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Strathearn Estates: PLDP/12/2; Lands Improvement: PLDP/273/5; Strathclyde Partnership for Transport: PLDP/328/10</p>		
Provision of the development plan to which the issue relates:	<p>Future Growth Area 2 is identified within Volume 2 of the plan and Kilmarnock LDP map as an area for Kilmarnock’s future growth post 2025.</p>	
Planning authority’s summary of the representation(s):		
<p>Strathearn Estates (PLDP/12/2) objects to the identification of this growth area and promotes a site at Northcraigs Reservoir instead, which they view as more suitable and sustainable (see also Issue 111: North Kilmarnock). FGA2 is unsuitable as a future growth location for a number of reasons:</p> <ul style="list-style-type: none"> • It is too large and will have the same issues as the current failing releases in Kilmarnock. • It will require significant levels of planning gain • The site is very large, at least 600 units, and is sporadic development heading towards Kilmaurs narrowing the gap between the settlements significantly, potentially leading to visual coalescence. <p>Lands Improvement (PLDP/273/5) objects to the status of FGA2 as the Plan states that this area ‘indicates where Kilmarnock’s future housing expansion will take place’. This is contrary to Scottish Planning Policy (SPP) paragraph 120 which states that an indication of future development should be given. The wording in the Plan is too definitive. The lack of any reference to possible scale of development is also contrary to SPP. The lack of commentary on any constraints is a weakness in the LDP which does not allow any understanding of the merits of the site.</p> <p>However, the extent of potential growth indicated on the Kilmarnock Proposals Map, although indicative only, is considered to be excessive for this location and would give rise to landscape and visual impacts and subsequent degradation of the intrinsic landscape character that defines this north western edge of Kilmarnock and is clearly defined in the Councils own Landscape Assessment, prepared by ENTEC in 2004. Lands Improvement considers that any north-westerly expansion of Kilmarnock from Altonhill should be restricted to the line of the minor road that traverses the FGA2 boundary, linking the A735 with Knockentiber. They provide a map and photography based analysis to justify this assertion. While acknowledging the scope for some settlement expansion at FGA2, Lands Improvement notes that this part of Kilmarnock is in general relatively poorly served by the range of ancillary facilities required to ensure the creation of successful residential environments.</p>		

Strathclyde Partnership for Transport (PLDP/328/10) states that bus services would need to be developed for this site in order to meet the spatial strategy and overarching policy OP2 which seek to reduce private car trips.

Modifications sought by those submitting representations:

Strathearn Estates (PLDP/12/2) seeks the exclusion of site FGA2 in preference for a site at Northcraigs Reservoir, unless the site at Northcraigs Reservoir is re-designated as a current housing site allocation.

Lands Improvement (PLDP/273/5) seeks modifications as follows:

- Alterations to the statement in the LDP that FGA2 represents a location where Kilmarnock settlement expansion 'will' occur in the post 2025 period, requiring that the *potential* nature of future growth is emphasised instead;
- Requires high level commentary on the scale of potential development and associated constraints and opportunities;
- Acknowledges the scope for some settlement expansion at this location, in principle, however, requests that the limits of any urban expansion should be set by the boundary provided by the minor road. Land north and west of the road should be excluded from any future residential development; and
- Requests that the relative lack of complimentary facilities at this location should be noted (especially employment and recreational) and the scale of any future residential development limited accordingly.

Strathclyde Partnership for Transport (PLDP/328/10) suggest that Kilmarnock 2 is modified in order to add Ayrshire Roads Alliance as a section with whom developers will be required to work closely when developing proposals for the site.

Summary of responses (including reasons) by planning authority:

With regard to the representation to **Strathearn Estates**, the Council would point out that the shading shown for FGA 2 is indicative only and does not constitute a boundary. The Council does not intend that this whole area be developed for housing. Future reviews of the LDP will refine this future growth area and identify those areas most suitable for housing taking into account all relevant matters including landscape capacity to ensure that coalescence with Kilmaurs is avoided. Strathearn Estates states that development of FGA2 will require significant levels of planning gain. Whilst in principle the Council is confident that parts of this site are developable, the Council's requirements from developers of this site are not yet known meaning it is not possible to state definitively how much 'planning gain', if any, would be required. The Council is of the view that the views put forward by Strathearn Estates do not merit the removal of FGA2 from the plan.

Land Improvement Holdings: The Council does not consider it necessary to go into detail about potential constraints for FGA2 in the proposed plan and does not agree that this is a weakness. The Council has carried out a high level analysis of the site and has consulted with various key agencies and is confident that future growth could be accommodated within this area. A future review of the plan will further refine this and

identify a boundary and appropriate scale of development if additional land for housing is required at that time.

With regard to the comment that the status of FGA2 in the plan is contrary to SPP, the Council is of the view that the plan does give an indication of the general direction of future growth. However, if the reporter is of the view that the words in the third sentence of the first paragraph on Volume 2, page 63 under KILMARNOCK2 'will take place' are not appropriate and do not meet with the wording of SPP, the Council would have no objection to the wording of this sentence being amended slightly to read;

'These do not constitute formal site designations; rather they provide an indication of Kilmarnock's future housing expansion'

It is considered that this does not change the underlying aims of FGA2 and would better align with the wording of SPP. Similar changes to FGA1, FGA3 and FGA4 will be required in this regard. It should be noted that there are two FGA4's one business and industrial one to the east of Kilmarnock and one for housing at Stewarton. This is a typographical error which is included in the schedule of non-notifiable modifications.

Land Improvement's points about the detailed landscape analysis of FGA are noted. However, the Council would reiterate that it is not the Council's intention that the whole of FGA 2 should be developed for housing. Instead a refinement and more detailed analysis of the land will be undertaken as part of a future review of the plan. No further changes to the plan are considered necessary in this regard.

In terms of the point made by **SPT** about bus services needing to be developed for the site, this is considered to be a detailed consideration that would be more appropriately be attached to the identification of a formal LDP site in a future review of the plan. FGA2 provides only an indication of future growth and at this stage a detailed list of considerations, including who developers should consult with, is not necessary.

Reporter's conclusions:

Status of Future Growth Area

1. We have dealt with the status of Future Growth Areas and how they have been treated in the Proposed Plan in Issue 13 above. Paragraph 120 of Scottish Planning Policy advises that beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement. I agree with the representation that the wording in the Proposed Plan associated with Future Growth Areas is too definitive. The council has accepted in responding to our request for further information that the Proposed Plan does not indicate the scale of development required to satisfy the housing land requirement from 2026 to 2035.

2. The council has suggested an alternative description to replace that on page 63 of part 2 of the Proposed Plan. However, I consider that, having regard to Scottish Planning Policy, the wording should be modified to state that the Future Growth Areas, FGA2 and FGA3 do not represent formal designations, but provide an indication of the possible location of Kilmarnock's housing growth beyond 2025.

Proposed boundary

3. Although the Proposed Plan indicates the Future Growth Areas by hatching on the Proposals Map for Kilmarnock, this cannot be definitive because they are not formal designations. It would be premature to amend the indicative area by reducing the 'boundary' to coincide with the minor road as requested. In my opinion this is a matter that would be determined by more detailed assessment and the next review of the local development plan. In any event we have determined in issue 13 that the hatching should be replaced by a different notation on the proposals maps to recognise that the Future Growth Areas can only be indicative, in line with Scottish Planning Policy.

Alternative site

4. Strathearn Estates seek that the former Northcraig reservoir be subsumed within the urban area as an effective housing site. This matter is dealt with at Issue 111, Kilmarnock North above. It also seeks that the Northcraig reservoir site be identified as the appropriate area for growth as a logical extension to both site 319H Northcraig and the 153B Rowallan Business Park extension. A number of matters are raised in the representation to question the suitability of FGA2 as a future growth area, including scale, effect on landscape character, planning gain and potential for visual coalescence with Kilmaurs. However, I consider that these factors will need to be investigated by the council as part of its assessment process for FGA2. Whether Northcraig reservoir should be included as a Future Growth Area should be part of a more thorough analysis of potential locations in East Ayrshire to be undertaken as part of the next review of the local development plan.

Bus services

5. I agree with the council that it is unnecessary at this stage to produce a list of consultees for the Future Growth Areas as they only provide an indication of the possible scale and location of housing growth.

Suitability/Sustainability

6. The relative lack of complementary facilities at the location, especially employment and recreational facilities and impact on the landscape would be matters for the council to take into account when further assessing the suitability of FGA2.

Reporter's recommendations:

Modify the Plan as follows:

1. Volume 1 page 22, Kilmarnock Placemaking Map. Replace the hatched area on the map denoting Future Housing Growth Areas (2025+) by an arrow symbol showing the potential direction of growth from the edge of the settlement.
2. Volume 2 page 63, paragraph headed 'KILMARNOCK 2'. Delete the first paragraph and replace it with the following wording:

Two possible future housing growth areas have been identified in Kilmarnock. FGA2 lies to the west of the Altonhill area of Kilmarnock and FGA3 lies to the south of the A71 near to Moorfield roundabout. The inclusion of these future growth areas does not discount

any other suitable land being considered in Kilmarnock to meet future housing land requirements. FGA2 and FGA3 do not represent formal designations, but provide an indication of the possible location of Kilmarnock's housing growth beyond 2025.

3. On the separate A1 proposals map for Kilmarnock replace the hatched area indicating FGA2 by an arrow symbol showing the potential direction of growth from the edge of the settlement.

Issue 117	Future Growth Area 3: Kilmarnock	
Development plan reference:	FGA3, Kilmarnock	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Strathearn Estates (PLDP/12/2); Lands Improvement (PLDP/273/3); Allanvale Land Investments (PLDP/326/1); Strathclyde Partnership for Transport PLDP/328/10</p>		
Provision of the development plan to which the issue relates:	Future Growth Area 3 is identified within Volume 2 of the plan and the LDP map as an area for Kilmarnock’s future growth post 2025.	
Planning authority’s summary of the representation(s):		
<p>Strathearn Estates (PLDP/12/2) objects to the identification of this growth area and promotes a site at Northcraigs Reservoir instead, which they view as more suitable and sustainable (see also Issue 111, North Kilmarnock). FGA3 is unsuitable as a future growth location for a number of reasons:</p> <ul style="list-style-type: none"> • It is too large and will have the same issues as the current failing releases in Kilmarnock. • It will require significant levels of planning gain • It has significant flood risk issues • The site is significantly remote from Kilmarnock on the wrong side of Irvine Road and is sporadic development <p>Lands Improvement (PLDP/273/3) objects to the status of FGA3 as the Plan states that this area ‘indicates where Kilmarnock’s future housing expansion will take place’. This is contrary to Scottish Planning Policy (SPP) paragraph 120 which states that an indication of future development should be given. The wording in the Plan is too definitive. The lack of any reference to possible scale of development is also contrary to SPP. The lack of commentary on any constraints is a weakness in the LDP which does not allow any understanding of the merits of the site. This is particularly important in respect of FGA3 as it is considered to possess several key existing constraints which could significantly restrict the scale of deliverable development.</p> <p>Lands Improvement (PLDP/273/3) considers that FGA3 is an inappropriate location, in principle, for residential development. Whilst they support the continued allocation of the brownfield portion of the site for similar uses to site 364M, for residential uses it is relatively isolated from commercial and recreational facilities as well as public transport and is physically divorced by the A71 from the main urban fabric of Kilmarnock. Whilst it is close to the strategic road network, this only encourages greater use of the car. Further constraints are traffic noise, Caprington Castle and the designated landscape, flooding to the south and east of the site, and overhead powerlines; all of which mean parts of the site are undevelopable. These constraints are likely to limit the ability of a developer to create a sense of place and a quality residential development.</p>		

Lands Improvement (PLDP/273/3) states that FGA3 was previously promoted to the Council for inclusion as a housing opportunity site in the East Ayrshire Local Plan Alteration 2010. The Council strongly resisted calls for its proposed allocation for housing during preparation of the Local Plan, with the Scottish Government's Examination of the Proposed Alteration to the East Ayrshire Local Plan (June 2010) considering these submissions under Issue Number 051(t) and Objection Number FD129. In its response to the proposed allocation of the site, the Council objected for the following key reasons:

- The Moorfield site is physically divorced from the main body of Kilmarnock by the A71 Kilmarnock/Irvine Road and development of the site is highly unlikely to consolidate the settlement of Kilmarnock in any way, representing an unprecedented expansion of development into the open countryside, completely unconnected with the existing settlement in either physical or visual terms;
- it is considered that any development on the site will be highly visually prominent, particularly from the elevated sections of the A71 and that it will be difficult to set such a large scale development comfortably into the landscape of the area; and
- The Council is of the opinion that the proposed large scale residential development of the site could not be carried out without significant damage or detriment to the area.

The site was not identified for residential development in the Local Plan Alteration in 2010. In light of these serious reservations regarding the suitability of the site, in principle, for residential development as recently as 2009, it is inappropriate that the Council now considers the site to be suitable for post 2025 residential development given that there have been no material changes in circumstances in the intervening period that would justify identification.

Allanvale Land Investments (PLDP/326/1) supports the identification of land at Moorfield, Kilmarnock as a Future Growth Housing Area (FGA3) in the East Ayrshire Proposed Plan. However, they believe that this is an effective housing site and therefore seek to promote the allocation of the site as a Housing Opportunity, under Policy RES1, in the emerging East Ayrshire Local Development Plan. With reference to the Chief Planner's letter regarding the provision of effective housing land supply (October 2010), PLDP/326/1 notes the shortfall in the housing market area of 188 units, and problems with the deliverability of site 148H (Maxholm, Kilmarnock). As a result, consideration should be given to the inclusion of additional housing sites to provide a generous supply. PLDP/326/1 have prepared a masterplan (see supporting information) for site FGA3 for a residential led development providing:

- A maximum of 250 residential units
- Neighbourhood centre on the site of the former abattoir
- Care home development on land to the west of the proposed neighbourhood centre to form a gateway to the site
- 25% affordable housing as part of the overall housing provision.

The site is well connected, accessible, close to services and facilities and in an attractive setting. It is naturally bound by a river for a definite urban edge.

PAN2/2010 guidance regarding the identification of effective housing land can be applied to Site FGA3 as follows:

Ownership – the site is controlled by PLDP/326/1, with an option agreement in place to develop the site.

Physical – there are no significant up front infrastructure costs that prohibit the development of this site in the plan period.

Deficit Funding – public funding is not required to facilitate the development of this site.

Marketability – PLDP/326/1 has previously spoken with estate agents and the Dundonald Road area is considered locally as the prime residential area in Kilmarnock.

Strathclyde Partnership for Transport (SPT) PLDP/328/10 states that bus services would need to be developed for this site in order to meet the spatial strategy and overarching policy OP2 which seek to reduce private car trips.

Modifications sought by those submitting representations:

Strathearn Estates (PLDP/12/2) seeks the exclusion of site FGA3 in preference for a site at Northcraigs Reservoir, unless the site at Northcraigs Reservoir is re-designated as a current housing site allocation.

Lands Improvement (PLDP/273/5) requests that FGA3 be deleted from the LDP as a location for post 2025 housing growth.

Allanvale Land Investments (PLDP/326/1) wishes to support the recognition of the site as a Future Housing Growth Area (FGA3) in the Proposed Plan, and promote its identification as an effective Housing Opportunity Site under Policy RES 1.

Strathclyde Partnership for Transport (PLDP/328/10) suggest that Kilmarnock 2 is modified in order to add Ayrshire Roads Alliance as a section with whom developers will be required to work closely when developing proposals for the site.

Summary of responses (including reasons) by planning authority:

With regard to the representation to **Strathearn Estates**, the Council does not agree that the site is too large as it is estimated that this area could accommodate up to 250 houses and supporting uses. Strathearn Estates states that development of FGA3 will require significant levels of planning gain. Whilst in principle the Council is confident that this site is developable, the Council's requirements from developers of this site are not yet known meaning it is not possible to state definitively how much 'planning gain', if any, would be required. In terms of flood risk, SEPA's flooding maps show no flood risk within the shaded area. The Council does not agree with Strathearn Estates and **Lands Improvement** that the site is remote from Kilmarnock and its associated facilities because there is easy pedestrian access to Dundonald Road and the housing developments to the immediate south of Dundonald Road. There is also a single track road (likely to be capable of upgrading) which leads to Holmes Road giving an additional pedestrian link as well as a secondary traffic route into Kilmarnock. For these reasons, the Council does not agree that the land is remote from Kilmarnock. The argument that development would be on the wrong side of the main road to Irvine, the A71, does not stand as, further east, a significant part of Kilmarnock sits to the south of this road. With regard to public transport, there are regular bus routes on Dundonald Road and Holmes Road which run from Kilmarnock town centre to Gatehead, Dundonald and onto Irvine.

With regard to the comment by **Lands Improvement** that the status of FGA3 in the plan is contrary to SPP, the Council is of the view that the plan does give an indication of the general direction of future growth. However, if the reporter is of the view that the words in the third sentence of the first paragraph on Volume 2, page 63 under KILMARNOCK2 'will take place' are not appropriate the Council would have no objection to the wording of this sentence being amended slightly to read;

'These do not constitute formal site designations; rather they provide an indication of Kilmarnock's future housing expansion'

It is considered that this does not change the underlying aims of FGA3 and would better align with the wording of SPP. Similar changes to FGA1, FGA2 and FGA4 will be required in this regard. It should be noted that there are two FGA4's one business and industrial one to the east of Kilmarnock and one for housing at Stewarton. This is a typographical error which is included in the schedule of non-notifiable modifications.

The Council does not consider it necessary to go into detail about potential constraints for FGA3 in the proposed plan and does not agree that this is a weakness. The Council has carried out a high level analysis of the site and has consulted with various key agencies and is confident that future growth could be accommodated within this area. A future review of the plan will further refine this and identify a boundary and appropriate scale of development if additional land for housing is required at that time.

The Council does not agree that FGA3 contains constraints that could significantly restrict the scale of deliverable development. Impacts on Caprington Castle and designed landscape will be minimal as FGA3 sits on the opposite bank of the River Irvine. However, a landscape buffer could act to screen any development from the castle if required. The comments regarding overreliance on the car are unsubstantiated given the close proximity and easy access to a main bus route and no overhead power lines run through this area. The Council is of the view that a sense of place could be created on this land if a high quality masterplan is prepared for this area. The initial masterplan submitted indicates that this is possible. The Council notes that its view on this part of Kilmarnock has changed since 2008/9. This is mainly due to the landowner submitting a masterplan showing how development could successfully be accommodated onto this area of land. The Council is further of the view that this direction of growth is preferable to other potential future growth areas which rely upon a large number of completions on existing sites before future growth can take place.

Allanvale Land Investment's support for the site as a future growth area is noted. However, the Council disagrees with their view that this should be allocated as a LDP housing site to meet the shortfalls identified in Volume 1 Table 1 of the plan for the reasons set out in Issue 13 Housing Land Supply.

In terms of the point made by **SPT** about bus services needing to be developed for the site, this is considered to be a detailed consideration that would be more appropriately be attached to the identification of a formal LDP site in a future review of the plan. FGA3 provides only an indication of future growth and at this stage a detailed list of considerations, including who developers should consult with, is not necessary.

No changes to the plan are considered necessary in light of representations received.

Reporter's conclusions:Status of Future Growth Area

1. We have dealt with the status of Future Growth Areas and how they have been treated in the Proposed Plan in Issue 13 above. Paragraph 120 of Scottish Planning Policy advises that beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement. I agree with the representation that the wording in the proposed plan associated with Future Growth Areas is too definitive. The council has suggested an alternative description to replace that on page 63 of part 2 of the Proposed Plan. However, I consider that, having regard to Scottish Planning Policy, the wording should be modified to state that the Future Growth Areas, FGA2 and FGA3 do not represent formal designations, but provide an indication of the possible scale and location of Kilmarnock's housing growth beyond 2025.

Promotion of the site as a Housing Opportunity under policy RES1

2. Allanvale Land Investments submits that Future Growth Area 3 should be re-designated as a housing opportunity, on the basis that it is an effective site and that the Proposed Plan indicates a shortfall of 188 market houses up to 2025 in the Kilmarnock and Loudon housing market sub-area. In issue 13: Housing Land Supply above we have determined that there will be no shortfall in the amount of effective housing land that will be available for development within the Proposed Plan period. On this basis the site should not be included as a housing opportunity in the Proposed Plan.

3. The representation also questions the deliverability of site 148H Maxholm because of constraints, in particular flood risk. However, we have determined at issue 113 above that, following boundary change to exclude land at risk from flooding and adverse ground conditions, site 148H is an effective housing site. Therefore, there is no need to meet any shortfall in the housing land supply in this respect.

Alternative site

4. Strathearn Estates seek that the former Northcraig reservoir be subsumed within the urban area as an effective housing site. This matter is dealt with at Issue 111, Kilmarnock North above. It also seeks that the Northcraig reservoir site be identified as the appropriate area for growth as a logical extension to both site 319H Northcraig and the 153B Rowallan Business Park extension.

5. A number of matters are raised in representations to question the suitability of the location as a Future Growth Area, including scale, flood risk, level of planning gain, impact on the setting of Caprington Castle and location on the 'wrong side' of Irvine Road. However, I consider that the potential for development should not be ruled out at this stage.

6. Whether Northcraig reservoir should be included as a Future Growth Area should be part of a more thorough analysis of potential locations in East Ayrshire to be undertaken as part of the next review of the local development plan.

7. It is clear to me that the indicative location for FGA3 would represent an expansion into the countryside between the A71 and the River Irvine. The area includes derelict

abattoir premises, but also agricultural land that, in my opinion, does not relate well to the existing developed area of Kilmarnock. This is primarily because of the severance created by the A71. The abattoir site is suitable for redevelopment as a brownfield site and designated as a miscellaneous development opportunity in the adopted local plan. Whether development of any additional land in this area would be justified is a matter that the Council will have to consider when assessing the suitability of FGA3 and comparing it with alternative locations that may have lesser impact on the rural landscape and better access to local facilities and services.

Bus services

8. I agree with the council that it is unnecessary at this stage to produce a list of consultees for the Future Growth Areas as they only provide an indication of the possible scale and location of housing growth.

Reporter’s recommendations:

Modify the Plan as follows:

1. Volume 1 page 22, Kilmarnock Placemaking Map. Replace the hatched area on the map denoting Future Housing Growth Areas (2025+) by an arrow symbol showing the potential direction of growth from the edge of the settlement.

2. Volume 2 page 63, paragraph headed ‘KILMARNOCK 2’. Delete the first paragraph and replace it with the following wording:

Two possible future housing growth areas have been identified in Kilmarnock. FGA2 lies to the west of the Altonhill area of Kilmarnock and FGA3 lies to the south of the A71 near to Moorfield roundabout. The inclusion of these future growth areas does not discount any other suitable land being considered in Kilmarnock to meet future housing land requirements. FGA2 and FGA3 do not represent formal designations, but provide an indication of the possible location of Kilmarnock’s housing growth beyond 2025.

3. On the separate A1 proposals map for Kilmarnock replace the hatched area indicating FGA3 by an arrow symbol showing the potential direction of growth from the edge of the settlement.

Issue 118	Moorfield, Kilmarnock	
Development plan reference:	Site 160B Moorfield Park (Phase 3), Kilmarnock; Safeguarded Open Space adjacent to Site 418H; Kilmarnock 4 and Policies IND 1, INF 6 and INF 7	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Allanvale Land Investment Ltd (PLDP/268); ESA Nicholls Trust (PLDP 303/1; 303/2 and 303/3)		
Provision of the development plan to which the issue relates:	Site 160B Moorfield Park (Phase 3) is proposed as an extension to an existing business and industrial park to the west of Kilmarnock in order to meet future business and industrial demand. The greenfield site extends to 18.84 hectares and is allocated for Class 5 and 6 Uses.	
Planning authority's summary of the representation(s):		
<p>Allanvale Land Investment Limited (PLDP/268) support the inclusion of Site 160B within the settlement boundary but request that the site is allocated for mixed use instead of Business and industrial as the sites is, in their opinion, located in a mixed use area comprising housing sites to the east, industrial use to the south and Crosshouse Hospital to the North.</p> <p>Allanvale Land Investment Limited object to the allocation of an area of land (between sites 160B and 418H) as safeguarded open space by stating that the site offers no amenity or recreational value. They request that the safeguarded open space designation is removed to allow the land to be developed in tandem with Site 160B. Allanvale states that a high quality landscaped setting can be created as part of any development proposal at this location.</p> <p>Lastly, Allanvale object to the notes on Kilmarnock 4 stating that there are overly prescriptive and would be better addressed at a planning application stage rather than detailed within policy. They also consider that a masterplan is not necessary as a layout plan will be prepared and submitted as part of the planning application for the site.</p> <p>ESA Nicholls Trust (PLDP 303/1 and 303/3) agrees to the logical extension of the settlement boundary of Kilmarnock in this location but have serious concerns about the proposed allocations as detailed in Policy IND 1. The Trust understand the thinking behind the allocation of Site 160B to extend Moorfield Park but cite that the take up rates on Phase 1 and 2 have been 'luke warm' and are of the opinion it is too simplistic to allocate the whole of the site for Classes 5 and 6. They further state that the allocation appears to ignore the situation at Crosshouse Hospital which continues to expand at the expense of car parking. The Trust state that there is a good opportunity to allocate part of 160B for car parking, as well as, other mixed uses comprising of residential and commercial, therefore creating real potential for the area.</p> <p>According to the Trust, footfall from people attending the hospital would lead to new business opportunities being created.</p>		

ESA Nicholls Trust (PLDP 303/2) object to their land, adjacent to Sites 417H and 418H, being allocated as safeguarded open space under Policies INF 6 and INF 7 of the LDP. They state that this is a significant departure from the adopted Local Plan, which allocated the site as 'white land'. They state that the allocation of the site as safeguarded open space is perplexing especially when they are of the opinion that the site is deliverable in residential terms within the timescale of the LDP and especially if there was joined up thinking in terms of Site 160B.

The revised allocation is a major concern to the Trust and they state there is no financial value in the open space allocation to them. In their opinion, the land will either have to be gifted to the Council or remain in agricultural use, which does not benefit anyone and makes a mockery of the designation in the first place. They question whether the allocation of their land as open space is directly related to inadequate amounts of open space being provided within Sites 417H and 418H and other sites in close proximity. They state if this is the case then they do not see why they should be the only landowners providing land to aid other landowners and the Council. They conclude by stating the allocation is not deliverable as it will never actually become functional open space available for the public to use & enjoy

Overall, the Trust are concerned about the financial viability of the proposed allocations and question whether it is in their interests to dispose of the sites or look at a longer term picture and retain the land in agricultural form. Therefore, they urge a revised mixed use allocation which gives a greater contribution to the local economy.

Modifications sought by those submitting representations:

Allanvale Land Investment Limited (PLDP/268) request that the area of land identified as safeguarded open space (between sites 160B and 418H) is included as part of site 160B and the safeguarded open space is removed. It is further requested that the allocation of 160B is amended from business and industrial to mixed use comprising of residential, business and community uses.

ESA Nicholls Trust (PLDP 303/1, 303/2 and 303/3) request that Site 160B and the areas allocated as safeguarded open space adjacent to Sites 417H and 418H should be combined and allocated as a mixed use allocation comprising residential, commercial, industrial, car parking and an element of functional public open space. Specifically, the site to east of the B7064 (currently proposed as safeguarded open space) should be allocated as residential in order to make up a large proportion of the residential element of the proposed mixed use scheme. Site 160B should then be allocated for an element of residential, a realistic amount of industrial (on the parts adjoining the current phase of Moorfield Park), a car park facility for the hospital and commercial land for businesses that will service both the hospital and its visitors.

ESA Nicholls Trust also requires subsequent changes to be made to Policy IND 1 as a result of the proposed mixed use allocation.

Summary of responses (including reasons) by planning authority:

Moorfield Park is considered to be an attractive and marketable location for potential business and industrial developers. The Review of Land Supply for Business & Industry in East Ayrshire (May 2013) carried out on behalf of the Council by Ryden states that Moorfield Park (identified as Moorfield North in the report) is at the top of hierarchy of

allocated sites within East Ayrshire. The report also states that despite an apparent healthy supply of business and industrial land, additional business and industrial land may in fact be needed instead of the business and industrial supply being reduced.

Moorfield Park (phase 1) is considered to be a success with the majority of the serviced development plots being fully occupied. Phase 2 is a relatively new site, but there has been serious interest in businesses relocating to the site. Therefore, the Council disagree with the ESA Nicholls Trust's comments that the take up rates are 'lukewarm'.

As a result of the information provided within the Ryden Report; the success of Moorfield Park (Phase 1) and the investment in Moorfield Park (Phase 2), the Council concluded that it was appropriate to allocate more business and industrial land at Moorfield Park, to accord with the LDP vision, and to ensure that there was a long term supply of business and industrial land in an attractive and marketable location.

With regard to the representations to Site 160B from **Allanvale Land Investment Ltd (PLDP/268); ESA Nicholls Trust (PLDP 303/1 and 303/3)**, the Council is of the opinion that residential development is not appropriate within this location as it would result in an isolated residential development and potential coalescence between Kilmarnock and Crosshouse. Retail development is also considered to be inappropriate within the site as it could adversely affect the retail offering within Crosshouse and would not be in accordance with the town centre first principle contained within SPP. Therefore, the Council is of the view that, for the reasons detailed above, no changes should be made to the site designation.

With regard to the representation from **Allanvale Land Investment Ltd (PLDP/268)** and **ESA Nicholls Trust (PLDP 303/2)** in terms of the safeguarded open space adjacent to Sites 417H and 418H, the land has been safeguarded to provide a natural buffer between Site 160B and Site 418H. The area of land in question also has infrastructure constraints that may make the site problematic to develop, for example, a high pressure gas mains runs below it. Therefore, residential development would not be appropriate within this location due to potential health and safety issues in relation to the high pressure gas mains. Therefore, the Council is of the view that no change is required to allocation of safeguarded open space on these areas of land.

Reporter's conclusions:

Requested change of site 160B Moorfield Park Phase 3 from proposed business and industrial use to mixed use

1. The Ryden Report on *"The Review of Land Supply for Business and Industry in East Ayrshire"* published in 2013 rated Northcraig/Rowallan, Moorfield North and Moorfield South as the top three in the employment land assessment for East Ayrshire. Kilmarnock is the main location for employment land, having over 50% of the supply for East Ayrshire. The report concluded that the strategic site at Moorfield North should be retained along with the 2 other strategic sites to help facilitate any future investment and indigenous growth in the medium to longer term. I agree with the council that site 160B should remain as a business and industry opportunity given the development at Moorfield Park Phases 1 and 2 and findings of the Ryden Report.

2. It is suggested in representations that parking and other facilities could be provided at Moorfield for Crosshouse Hospital. However, this would not be ideal as it would involve

people crossing Kilmarnock Road to reach the hospital grounds. I see no need for further residential use at this site in view of the adequacy of the housing land supply in the Proposed Plan.

Notes to Kilmarnock 4, Moorfield Phase 3

3. I do not agree with the representation that the requirements for a flood risk assessment, transport assessment, mitigation measures and early discussions with Scottish Water are overly prescriptive and should not be detailed in policy. The notes for development sites have been used throughout the Proposed Plan to inform prospective developers of planning requirements. I appreciate that a layout plan will be prepared for the site as part of any planning application submission. In addition, the size, form design and number of buildings will vary in relation to the business and industrial uses that come forward.

4. PAN 83: Masterplanning explains that the definition of what constitutes a masterplan can vary. In broad terms a masterplan comprises three dimensional images and text describing how an area can be developed. Most commonly it is a plan that describes and maps an overall development concept, including present and future land use, urban design and landscaping, built form, infrastructure circulation and service provision. I consider that the requirement for a masterplan in the notes should be retained as a means of ensuring, as far as possible, that development of the site is not piecemeal and that a sense of place can be created through a planned overall approach to development.

Combination of safeguarded open space and site 160 B for mixed use

5. The Proposed Plan allocates a strip of agricultural land (split into two separate areas) alongside the B7064 as safeguarded open space. This would be a change from the 2010 Local Plan which indicates the land as unallocated. The representation from the landowner requests that this land should be included as part of the wider allocation of site 160B to allow all of the land to be developed as a whole. It is also contended in a further representation that the open space designation compounds concerns regarding the viability of site 160B.

6. The Council has explained that the land has been safeguarded to provide a natural buffer between site 160B and housing site 418H. Any potential housing development on this strip of agricultural land would also be constrained by the presence of a high pressure gas main.

7. In my view the area of land to be safeguarded (4 hectares) is generous in its extent and not an ideal location as a public amenity because of the proximity of the road and inevitable noise and disturbance from vehicles, including any heavy goods vehicles visiting the industrial area. However, extending the industrial and business use allocation at site 160B on to the site, would not be entirely compatible with the adjacent housing allocations at sites 417H and 418H.

8. I agree with the council that a buffer area, ideally serving a screening function between the proposed residential areas and the B7064 would be desirable as a means of protecting the amenities of future occupants of the housing. I consider that retention of the land as unallocated, rather than designating it as safeguarded open space would be preferable. This would allow future consideration of an integrated proposal for development and a landscaped buffer which protected the housing areas, but made more

efficient use of the land. Critical to any such proposal would be the constraint provided by the protected corridor for the high pressure gas main and any consequent restrictions on the extent, siting and type of development. I consider that such a flexible approach would be appropriate, rather than designating the area for a mixed use as requested.

Reporter's recommendations:

The Plan be modified by deleting the Safeguarded Open Space allocation on the Proposals Map for Kilmarnock for the two areas of land located immediately east of sites 158B and 160B and the B7064, to leave the land as unallocated.

Issue 119	Site 327M, West Shaw Street, Kilmarnock	
Development plan reference:	Volume 2, Page 66 and Kilmarnock LDP Map, site 327M, West Shaw Street, Kilmarnock	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Killy Property (PLDP/292/1)		
Provision of the development plan to which the issue relates:	Site 327M is located to the south of Kilmarnock town centre and is identified for a range of uses.	
Planning authority's summary of the representation(s):		
<p>Killy Property PLDP292/1 own Glencairn Retail Park and support the allocation of site 327M where a range of land uses are supported. The land allocation partially reflects implemented (although not completed) consent 07/1061/FL with the exception of a Class 3 / drive-thru use on the land. Killy Property seek a modification to the plan to reflect the planning permission which would support the realisation of development on site, enhance the mix and vitality of Glencairn Retail Park and would support Killy Property's investment and development strategy which will involve seeking amendments to the existing consent.</p>		
Modifications sought by those submitting representations:		
<p>Killy Property (PLDP292/1) seek the modification of the plan to add a Class 3 / drive-thru use to the range of acceptable uses for site 327M.</p> <p>In association with this request, there is a request for alterations to the Placemaking Map to remove the reference to temporary greening.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Killy Property is correct in stating that site 327M has an extant consent for a Class 3 use. In this regard the Council would have no objection, if the reporter is agreeable and considers that an amendment to the plan is appropriate and necessary, to the range of acceptable uses being widened to include an element Class 3 use. It is considered that this would not represent a significant departure from the plan as it currently stands and would remedy the mismatch between the LDP site designation and an extant planning consent. Volume 2, page 66 of the plan under KILMARNOCK 10 could therefore be changed to read (changes in bold):</p> <p><i>'The Council will encourage and support the redevelopment of the site for Class 1 retail use, Class 3 (Food and Drink), Class 4 (Business), Class 7 (Hotel and Hostels), Class 10 (Non-residential institutions) and Class 11 (Assembly and Leisure)'</i></p> <p>The issue regarding the Kilmarnock place making map is covered in Issue 8.</p>		

Reporter's conclusions:
<p>1. The council advises that the site at Glencairn Retail Park is based upon partly implemented permission ref: 07/1061/FL, which includes a Class 3 food and drink drive-through use. The representation seeks a modification to the Proposed Plan to add this use. There is an associated request to remove the reference to temporary greening. I have dealt with this matter at issue 8: Placemaking, Kilmarnock above.</p> <p>2. The council considers that inclusion of a Class 3 use would not represent a significant departure from the Proposed Plan. I see no reason to disagree. Modifying the Proposed Plan accordingly would reflect the extant permission as a complementary commercial use and support the developer's investment strategy.</p>
Reporter's recommendations:
<p>Modify the Plan by amending the supporting text for KILMARNOCK 10, Volume 2, page 66 to read:</p> <p>"The Council will encourage and support the redevelopment of the site for Class 1 retail use, Class 3 (Food and Drink), Class 4 (Business), Class 7 (Hotel and Hostels), Class 10 (Non-Residential Institutions) and Class 11 (Assembly and Leisure)."</p>

Issue 120	Non-inclusion of a Recommendation for a Railway Station at Queens Drive, Kilmarnock	
Development plan reference:	Volume 1, Page 92, Paragraph 6.2.6 and Volume 2, Pages 60-72, Kilmarnock Settlement Map and Proposals	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Graham Lund (PLDP/17)		
Provision of the development plan to which the issue relates:	The issue relates to the non-inclusion of a Recommendation for a railway station at Queen's Drive Kilmarnock	
Planning authority's summary of the representation(s):		
<p>Mr Graham Lund (PLDP/17) is of the view that a new rail station should be built at Queen's Drive, Kilmarnock. This would be on existing rail land adjacent to ASDA on the current freight spur to Campbell's fuel depot which receives occasional trainloads of oil based fuel. This station would be capable of receiving two trains per hour and, if electrified, could reach Glasgow in the same time and within the same slots as current diesel sprinter trains. Scotrail want "partners" with land to use for car parking so Queen's Drive is a good choice of site. A STAG appraisal should be completed in respect of this proposed station.</p> <p>Mr Lund is of the opinion that Rail stations at Mauchline, perhaps just on the southbound side, Cumnock, Hurlford and Altonhill may well be feasible and should be considered. Of these locations, Queen's Drive is the most important and East Ayrshire Council MUST take urgent steps to secure an early STAG appraisal. East Ayrshire Council has confirmed that there is a requirement for Queen's Drive rail station and in their local plan as far back as 2010 confirms that they want a station there, subject to a completed STAG Appraisal.</p>		
Modifications sought by those submitting representations:		
<p>Mr Graham Lund (PLDP/17) requests East Ayrshire Council to initiate a STAG Appraisal in respect of Queen's Drive station under the terms of the 2010 East Ayrshire Local Plan.</p> <p>Although not formally requested as a modification, it is implicit in Mr Lund's representation that he wishes the Local Development Plan to take forward the position, as detailed in Recommendation 14 of the East Ayrshire Local Plan 2010.</p>		
Summary of responses (including reasons) by planning authority:		
<p>During the preparation of the Main Issues Report, the Council had a meeting with Transport Scotland to review the adopted East Ayrshire Local Plan 2010 and what transportation provisions of this plan should be carried over. Transport Scotland was of the view that, in general terms, references to new stations should not be taken forward into the Local Development Plan as it is of the view that new stations within East Ayrshire could impact on journey times on the Glasgow to Dumfries line and capacity at Glasgow</p>		

Central Station.

As a result of the view of Transport Scotland and the fact that the Council is keen to investigate the feasibility of a new rail station at Mauchline (as is stated in PROP20 of the plan), the Council decided not to carry forward the recommendation relating to new a station at Queens Drive, Kilmarnock. The Council is of the view that a new rail station at Mauchline, where significant road congestion currently exists, is more of a priority than one at Queens Drive. Given the view of Transport Scotland, it is unlikely that two new stations on this line would ever be acceptable and it is considered best to concentrate on securing funds to investigate the feasibility of a station at Mauchline. The Council is therefore of the view that there should be no changes made to the Local Development Plan with regard to this issue or any requirement placed on the Council to undertake a STAG appraisal of a potential rail station at Queens Drive, Kilmarnock.

Reporter's conclusions:

1. The representation puts forward a detailed case for improving rail services, including a proposal for a new station to be built on existing rail land adjacent to ASDA on the current freight spur to Campbell's fuel depot. It is formally requested that the council initiate a STAG appraisal under the terms of the 2010 local plan for a station at Queens Drive.
2. At issue 46 above: Promoting Sustainable Transport, we have endorsed the council's intention to investigate the feasibility of a new rail station, rather than a rail halt, at Mauchline in accordance with Proposal PROP20 of the Proposed Plan. From the council's discussions it is apparent that Transport Scotland would not support an additional station for Kilmarnock at Queens Drive because of the potential impacts on the wider rail network in terms of capacity and journey times.
3. I acknowledge the reason for the representation as a means of improving rail services for the public. However, despite the proposals in the 2010 local plan, the council has a clear priority of investigating the feasibility of a station at Mauchline with the ultimate aim of relieving road congestion. In the absence of any support or funding from Transport Scotland a STAG appraisal for a station at Queens Drive would be unlikely to be productive at the present time.

Reporter's recommendations:

No modification to the Plan.

Issue 121	Non-inclusion of land at Bridgehousehill, Kilmarnock	
Development plan reference:	Volume 1, Schedule 1 and Volume 2, Pages 60-72, Kilmarnock	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Hope Homes Scotland (PLDP/99/4)		
Provision of the development plan to which the issue relates:	This representation relates to a site that appears in the adopted East Ayrshire Local Plan 2010 as site 321H but was not included in the EALDP Proposed Plan. Inclusion of this site within Volume 1, Schedule 2 and Volume 2 page 61-62 and Kilmarnock LDP map.	
Planning authority's summary of the representation(s):		
<p>Hope Homes Scotland (PLDP/99/4) objects to the removal of the site at Bridgehousehill, Kilmarnock which is under their ownership. They submit that development of the site, which is well-located in terms of the settlement boundary, services and public transport linkages, would lead to regeneration and address issues such as tenure balance and social inclusion.</p> <p>Prior to the site's non-inclusion in the Plan, it was identified in the 2010 adopted plan for 250 units and was included in the most recent housing land audits. A PAN notice has been submitted for development. Hope Homes Scotland have consistently supported the site since the initial consultation exercises for the adopted 2010 Local Plan and submitted an analysis of the site against national planning policy as part of a representation to the East Ayrshire Local Development Plan Main Issues Report (MIR) (2013). In the MIR responses the Council state that there has been no interest in the site, servicing would prove difficult and only a small proportion of the site is developable for residential purposes; these reasons are refuted.</p> <p>Further, the site is supported up to 2017 through Strategic Policy RES 1 of the adopted East Ayrshire Local Plan, and identified as a strategic expansion location. In support of the allocation of the site a full analysis of it was undertaken by Hope Homes Scotland to feed into the Finalised Draft East Ayrshire Local Plan (2008). The inclusion of the site was supported at examination by the Reporter.</p> <p>Hope Homes Scotland (PLDP/99/4) include a range of supporting documentation including a Landscape and Visual Appraisal, a Transport Assessment and a Site Investigation Report which demonstrate how the site can be justified.</p>		
Modifications sought by those submitting representations:		
<p>Modifications sought by this representation include:</p> <ul style="list-style-type: none"> • The identification of the Bridgehousehill site as a housing development opportunity site within the emerging East Ayrshire Local Development Plan • The identification of the Bridgehousehill site as a housing development opportunity site within the Proposed East Ayrshire Local Development Plan (page 121), 		

Schedule 2: Housing Sites. The site capacity should be 250.

- The identification of the Bridgehousehill site within the Proposed East Ayrshire Local Development Plan volume 2 (page 61) within the Kilmarnock Development Opportunities (table identified Kilmarnock 1 for residential development opportunities). The capacity should be 250 units and the area should be 23.81 (ha)
- As a consequence of the above the identification of the Bridgehousehill site as a housing development opportunity site on the Kilmarnock Settlement Map which accompanies the Proposed East Ayrshire Local Development Plan.
- As a consequence of the above the identification of the Bridgehousehill site as a housing growth area on the Kilmarnock Placemaking Map (Map 2) on page 22 of the Proposed East Ayrshire Local Development Plan.

Summary of responses (including reasons) by planning authority:

The Council stands by its decision not to include the Bridgehousehill as a housing development opportunity site. No progress has been made on this site since it first appeared in the EALP 2010 in 2008 until the owner became aware that the Council intended to remove it from the EALP. Since that time a Pre-Application Notice has been submitted and the council understands that some public consultation has taken place. It is further noted that no planning application has been received by the Council. The Council would also point out that the site was put on the market in the last year by the current owner with no success. This would suggest that the current developer does not intend to take the site forward.

This location is not considered to be particularly marketable being situated between the A77 and a large area of social housing which is often a negative factor in the eyes of national house builders albeit that the Council considers it would be desirable to achieve a better tenure mix in this area. The topography of the site makes it's servicing, particularly drainage, difficult. When the housing market was more buoyant in East Ayrshire during 2004-2007, the site may have been a viable prospect. However, since the economic downturn, more marginal housing sites such as this are proving difficult to progress. For these reasons, the Council is of the view that this site is not effective and is unlikely to be developed over the period of the LDP. In its most recent housing land audit, the Council placed this site in the established land supply as it was felt that no progress was likely in the next 7-10 years.

In terms of housing land supply, whilst it is noted that there is a current shortfall in the Kilmarnock and Loudoun sub housing market area, this has in effect already been met by an increase in capacities of two sites in Stewarton as a result of planning applications and one site in Kilmarnock as a result of an appeal decision.

It is the view of the Council that a sufficient range of sites are already identified in Kilmarnock and that this site should not be identified as a housing development opportunity site. No changes to the plan are necessary.

Reporter's conclusions:

1. The site comprises an elongated wedge of land that slopes down towards the A77 trunk road from the residential area at the south-eastern edge of Kilmarnock.
2. The site was included as a housing allocation in the 2010 Local Plan following the examination of the plan and recommendations of Reporters. The council's reasoning in

removing the site from the Proposed Plan is that no progress has been made on the site since it was included in the development plan in 2008. The council adds that the site was marketed recently with no success and it is not considered to be particularly marketable.

3. Marketability is one of the tests for effective housing land in PAN 2/2010. The land owners advised in April 2015 that a PAN notice was being promoted and that submission of a planning application for development by Hope Homes was imminent. An application for planning permission in principle for the erection of residential development with associated access roads, open space, landscaping and other required infrastructure (ref: 16/0279/PPP) was received by the council in April 2016. PAN 2/2010 defines marketability as “the site or a relevant part of it can be developed under the period under consideration”.

4. In response to my request for further information the council has advised that only around 50% of the site is owned by Hope Homes and on that basis the council considers it difficult to see how the entire site could be brought forward for development within a 5-year period. However, Hope Homes has confirmed that it has control over the land outwith its ownership through an option. Consequently, I consider that Hope Homes has sufficient control over the site and that it is not an issue that would necessarily impede development.

5. In addition, the council advises that the Ayrshire Bellfield/Shortlees area is underprovided in respect of access points to Ayr Road and Hurlford Road. On-street parking also restricts the suitability of access to the site. The council indicated in its further information response that the Transport Appraisal submitted with the application failed to analyse the impact of the proposed development on the Bellfield interchange. However, Hope Homes has confirmed that Transport Scotland has not objected to the current planning application, subject to conditions. Whilst there are constraints regarding access, Hope Homes advises that there are a number of potential access routes. A Transportation Assessment has been submitted to address these issues.

6. It is also apparent to the council that the site would be difficult to drain. Despite this the Scottish Environment Protection Agency has not objected to the application.

7. The Coal Authority has objected to the application because of the lack of a mining risk assessment. An assessment has now been submitted by Hope Homes.

8. There has been progress towards the potential development of this site. The issues of access to and from the local highway network, ground stability, drainage and noise assessment remain to be resolved. These matters do not seem insurmountable and the council's reasons for excluding the site from the Proposed Plan of lack of progress and marketability do not appear to be sound.

9. At issue 13 above we have determined that sufficient sites are already available to meet the housing land requirement for the Proposed Plan. On that basis, other prospective sites have been rejected. However, the site at Bridgehousehill has circumstances that differ from other potential housing sites in that it was allocated as a strategic development opportunity in the 2010 Local Plan. It is understandable that matters may not have progressed immediately following allocation as a consequence of the economic recession, but it is clear that Hope Homes have carried out a substantive amount of work to take the site forward.

10. I conclude that the site is capable of becoming effective within the Proposed Plan period and that it should be included as a housing opportunity within the Plan with an indicative capacity of 200 houses (based upon the maximum number sought in the planning application). Although sufficient land has been allocated to meet the housing land requirement in the Proposed Plan period the site at Bridgehousehill would add to the generosity in supply required in Scottish Planning Policy.

Reporter's recommendations:

The Plan be modified by:

1. including land at Bridgehousehill, Kilmarnock as a housing development opportunity site within the Proposed Plan volume 1 (page 121), Schedule 2: Housing Sites. The indicative site capacity should be 200;
2. the identification of the Bridgehousehill site within the Proposed Plan volume 2 (page 61) within the Kilmarnock Development Opportunities (table identified Kilmarnock 1 for residential development opportunities). The capacity should be 200 units and the area should be 23.81 (ha);
3. identifying the Bridgehousehill site as a housing opportunity on the proposals map for Kilmarnock, and
4. identification of the site as a housing growth area on the Kilmarnock Placemaking Map (Map 2) on volume 1 page 22 of the Proposed Plan.

Issue 122	Non-inclusion of Fardalehill West, Kilmarnock as a Future Growth Area	
Development plan reference:	Volume 2, Pages 60-72, Kilmarnock 2	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Lands Improvement (PLDP/273/4)		
Provision of the development plan to which the issue relates:	Non-inclusion of Fardalehill West as a Future Growth Area within Volume 2, Pages 60-72 of the Local Development Plan.	
Planning authority's summary of the representation(s):		
<p>Lands Improvement (PLDP/273/4) object to the non-inclusion of Fardalehill West in the LDP as a future growth area for post 2025 housing development.</p> <p>Note: The representation is supported by accompanying information with annotated sketches.</p>		
Modifications sought by those submitting representations:		
<p>Lands Improvement (PLDP/273/4) seek the inclusion of Fardalehill West in the LDP as a possible location for post 2025 housing growth.</p>		
Summary of responses (including reasons) by planning authority:		
<p>In relation to the representation by Lands Improvement (PLDP/273/4), the Council would point out that the proposed expansion site sits in a location identified through the ENTEC Landscape Assessment carried out in 2005 as not having potential for development in landscape capacity terms. It is accepted that part of the existing Fardalehill housing site 318H already partially sits within such an area. However, by taking the development further to the west as suggested by the respondent, Crosshouse would effectively coalesce with Kilmarnock which is not considered appropriate at that location for either settlement.</p> <p>In topographical terms, the land to the west of existing local plan housing site 318H is constrained as is acknowledged in the respondent's supporting information. The Council is of the view that Future Growth Areas 2 and 3, as detailed on the Kilmarnock Settlement Map within Volume 2 of the Local Development Plan, have greater landscape capacity and no coalescence issues.</p> <p>The Council also has concerns about the timescales involved. If a future growth area was identified at Fardalehill it would be programmed to be developed in the period 2025-2035. However, development has only just started on existing allocated housing site 318H and it has a capacity of 550 units. The development of any FGA would be dependent on site 318H being completed. Land Improvement Holdings submit that all 550 units will be complete by 2025 based on strong early sales on phase 1 of the site. However,</p>		

surrounding large release sites have typically taken much longer to complete. For example, the Altonhill site to the west of Kilmarnock (site 136H) which had a total capacity of 500 units, started construction in early 2005. At 2015, 10 years later, the site has in excess of 100 units remaining to be built. It is considered that other FGAs identified in Kilmarnock do not suffer from the same issue and are not reliant on such significant housing completions and sales.

For the above reasons, the Council is of the view that no changes are required to the plan in this regard.

Reporter's conclusions:

1. The representation seeks the inclusion of land at Fardalehill West as a Future Growth Area in the Proposed Plan in preference to future growth areas FGA2 and FGA3. These areas are assessed in issues 116 and 117 above. In those issues I have recommended that the council should modify its terminology relating to future growth areas to align more closely with Scottish Planning Policy.

2. The representation submits that the site is within the ownership of Lands Improvement and that the company has expertise and experience of delivering the strategic infrastructure for the Fardalehill site (318H) that is currently under construction. It also led the delivery of the Moorfield site. Fardalehill West would be in a relatively sustainable location, around 2 kilometres from the centre of Kilmarnock and with prospects for improved public transport links and good access to local employment, health and recreation facilities.

3. The Entec landscape study concluded that the landscape strategy for the Kilmarnock North area should be to prevent the physical and visual coalescence of settlements. A swathe of landscape was identified between the A77 in the north to Crosshouse in the southwest, broadly following the Carmel Water and including Lowland Hills at Altonhill, Fardalehill and Northcraig and the Estate landscapes of Rowallan and Tour at Kilmaurs. It was recommended that this area be conserved and protected from development to preserve the rural landscape setting and character of adjacent settlements. Since that study, housing development has proceeded at site 318H, narrowing the gap between Crosshouse and Kilmarnock.

4. An appraisal of the landscape, access, local resource and visual issues associated with the proposal for Fardalehill West has been submitted. This envisages the development of 40 hectares of land for 600-800 dwellings. The appraisal contends that Fardalehill West could be developed in a sensitive manner with development concentrated to the less sensitive parts to the north of Fardalehill itself where the landscape is believed to offer considerable visual containment. The land to the south of Fardalehill Farm towards Crosshouse hospital would be left undeveloped. Nevertheless, I accept the council's view that future growth areas 2 and 3 generally have greater capacity in landscape terms with no prospects for coalescence.

5. The council considers that the development of site 318H would not be completed until beyond 2025. The council bases its timescales upon experience with other large sites, notably Altonhill. Access to the suggested western and northern parts of the suggested area for future growth would be via site 318H.

6. Other future growth areas in Kilmarnock would neither be dependent upon the

completion of an existing development and house sales such as at site 318H, nor have the potential for narrowing the gap with other settlements in a significant way, as would be the case between the western part of the proposed site and the Crosshouse Hospital complex. In addition, taking into consideration the scale of existing permitted development at site 318H and the findings of the Entec landscape study, I consider that it would be inappropriate to include Fardalehill West as a possible area for future housing growth at present.

Reporter's recommendations:

No modification to the Plan.

Issue 123	Site 422H: Irvine Road, Kilmaurs	
Development plan reference:	Volume 2, Page 73 and Kilmaurs Settlement Map, Site 422H: Irvine Road.	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>John & Christine Enos (PLDP/38); Kahl Henderson (PLDP/53); Gordon Dever (PLDP/63); Derek and Janice Middleton (PLDP/166); Mr & Mrs S Olson (PLDP/245); Debbie Olson (PLDP/266/2); Elizabeth Cochrane (PLDP/270) Alan Neish (PLDP/98) (Letter of support)</p>		
Provision of the development plan to which the issue relates:	Site 422H is a greenfield site within the settlement boundary of Kilmaurs and is allocated for residential purposes. The site extends to 4.76 hectares and has an indicative capacity of 90 residential units.	
Planning authority's summary of the representation(s):		
<p>Concern is raised over the impact of the development on education facilities which are at capacity (PLDP/38, PLDP/63) transport/traffic (PLDP/38, PLDP/63, PLDP/166, PLDP/245, PLDP/266/2, PLDP/270) and parking (PLDP/38, PLDP/166, PLDP/245, PLDP/270). According to PLDP/63, the lack of infrastructure will lead to unsustainable areas.</p> <p>PLDP/38 is concerned about the impact on the wellbeing of the village. Similarly, PLDP/166 is states that any new development will lead to the erosion of the living conditions / amenity of residents and will destroy the semi-rural location of the village, which is its main attraction. PLDP/63 states that the development would lead to rapid deterioration in the quality of healthy living with a significant negative effect on the health and safety of all residents and particularly child safety.</p> <p>PLDP/245, PLDP/266/2 and PLDP/270 cannot comprehend the large site capacity given the comparative size of the development to the Marshall Gardens development.</p> <p>PLDP/166, PLDP/245, PLDP266/2 and PLDP/270 are concerned about the impact upon their privacy and views and the potential for overlooking. PLDP/166 is concerned about the impact upon the levels of the boundary hedge should it be shared by many owners.</p> <p>PLDP/38, PLDP/53 and PLDP/166 raise concerns over roads issues including narrow roads, speeding, ineffective traffic calming measures and congestion. PLDP/63 notes the poor state of repair of road surfaces and PLDP/245, PLDP/266/2 and PLDP/270 are concerned about the location of accesses, the proximity of junctions to each other and the additional difficulties they are likely to encounter egressing their properties. Construction traffic would add to this and have safety and noise impacts, presenting a nuisance and affecting the condition of the road surface. PLDP/166 raises similar concerns about access and junctions, the safety of residents and the absence of a footpath.</p>		

PLDP/38, PLDP/53, PLDP/63, PLDP/245, PLDP/266/2 and PLDP/270 raise concerns over flooding on the site and, PLDP/38 and PLDP/53, the continued effectiveness of flood protection measures which were previously introduced. PLDP/166, PLDP/245, PLDP/266/2 and PLDP/270 anticipate that houses might be built at a higher level to cope with the land flooding therefore having a significant visual impact upon their own properties. PLDP/245, PLDP/266/2 and PLDP/270 are also concerned about noise disturbance which may ensue should a playpark associated with a housing development be built. They would expect access to the existing playpark at Marshall Gardens to be provided from any new development instead.

Similarly, PLDP/53 mentions existing drainage and sewerage issues in the locale. PLDP/63 questions what impact SEPA foresee on surrounding properties due to both the ground itself and the reduction of sunlight in assisting draining of the clay soils within surrounding gardens and what proven effective solutions exist in reducing significant impacts of flooding on surrounding areas and established properties?

PLDP/166, PLDP/245, PLDP/266/2 and PLDP270 refer to their own drainage arrangements and that alterations would be required thereto, which would prove inconvenient.

An overhead electricity line would also require to be diverted according to PLDP/245, PLDP/266/2 and PLDP270

PLDP/53 points out that the hedgerow around the site is a habitat for local wildlife and should be protected. PLDP/245, PLDP/266/2 and PLDP/270 state that due to the scale of development it is likely to cause ecological, ornithological, hydrological, geological and air and climate impacts in varying degrees of significance.

PLDP/53 and PLDP/63 advise that the area is popular with walkers and horse riders and this function would cease should the land be developed.

East Ayrshire Council is failing to provide appropriate resources for the community as is, without the impact of further development taken into account according to PLDP/53.

PLDP/166 states that the Reporter for the 2010 Local Plan determined that Crosshouse Road West had clear locational advantages over site 422H and that developing both sites would, in his opinion, exceed a level of appropriate development for Kilmaurs. PLDP/166 submits that this situation has not changed.

PLDP/98: supports the Council's decision in the Proposed Plan to identify Site 422H at Irvine Rd, Kilmaurs for residential development under policy RES 1 with a notional capacity for 90 dwellings. The site has been previously supported by the Council at different stages in the preparation of the Development Plan but it is not currently identified for development in the Adopted EA Local Plan.

Modifications sought by those submitting representations:

PLDP/53 and PLDP/63 seek the removal of site allocation 422H.

PLDP/245, PLDP/266/2 and PLDP/270 expect that should the development go ahead defelctograph and monitoring surveys would be undertaken and that relevant repairs would be made by any developer. However, they seek the exclusion of the site allocation

and reallocation of the units lost to Kilmarnock.

Summary of responses (including reasons) by planning authority:

The representations to Site 422H Irvine Road, Kilmaurs relate to education; transport/road traffic/road safety/access; flooding, drainage and sewerage; impact on the village/community; site capacity; privacy/views/ overlooking and noise; biodiversity, flora and fauna; recreational use of the site; Local Plan 2010 Examination. The Council's responses to the representations have been grouped under these headings and are provided below.

Education

In response to the representations from PLDP/38 and PLDP/63 regarding impact of the development on education facilities, which in their view are at capacity, the Council further point out that the Council's Education and Social Services Department raised no school capacity issues in Kilmaurs in the preparation of the Local Development Plan.

Transport/Road Traffic/Road Safety/Access

In response to the representations by PLDP/38, PLDP/53, PLDP/63, PLDP/166, PLDP/245, PLDP/266/2, PLDP/270 regarding transport, road traffic, road safety and access issues, the Council would advise the Reporter that the Ayrshire Roads Alliance has not raised any objections to the development of this site but has requested that a Transport Assessment is submitted with any planning application for the site to identify the transport effects and the sustainable transport measures proposed to cater for the travel needs associated with the development. The requirement has been included as a note within Page 73 of Volume 2 of the Local Development Plan. The Council therefore considers that there is no impediment to the site being developed in this regard subject to the Transport Assessment and access arrangements being acceptable to the Ayrshire Roads Alliance.

Flooding, Drainage and Sewerage

In relation to the issues on drainage, flooding and sewerage raised by PLDP/38, PLDP/53, PLDP/63, PLDP/245, PLDP/266/2 and PLDP/270, it should be noted that SEPA has not objected to the allocation of this site. The Council is, however, aware that the site is susceptible to flooding and has requested that early contact is made with SEPA and the Ayrshire Roads Alliance to discuss this issue. This requirement has been included as a note within Page 73 of Volume 2 of the Local Development Plan.

The developer will also be required to ensure, in accordance with Policy ENV 11 of the Local Development Plan, that development of the site can be undertaken subject to appropriate flood prevention measures and will not have an adverse effect on the risk of flooding off-site. This includes any impact on drainage in the immediate vicinity of the site which could lead to flooding issues elsewhere. The Council therefore considers that there is no impediment to the site being developed, subject to discussions with SEPA and the Ayrshire Roads Alliance.

In terms of the impact on private drainage arrangements, the Council would point out that these are not material considerations in determining the acceptability of the site for development and are rather a matter for discussion between those affected and the

developer of the site.

Impact on The Village/Community

In response to the representations from PLDP/38, PLDP/63 and PLDP/166, the Council is of the view that the development of the site will not have any unacceptable impacts on living conditions and will not lead to the rapid deterioration in the quality of healthy living and most certainly will not have a significant negative effect on the health and safety of all residents and particularly child safety.

The Council is of the view that development of the site can be integrated within the village and, during the determination of any planning application for the site, the Council will consider the impact of the development on the amenity of the area to ensure that there are no unacceptable impacts.

In relation to the representation from PLDP/53, the Council is also of the view that development of the site will not adversely impact on existing resources within the town and that existing facilities and infrastructure can accommodate the development of the site.

Site Capacity

In relation to the representations from PLDP/245, PLDP/266/2 and PLDP/270, the Council is of the view that the capacity of the site is commensurate and in keeping with the size and scale of the town.

Privacy/Views/Overlooking and Noise

In response to the representations regarding privacy, overlooking and noise raised by PLDP/166, PLDP/245, PLDP/266/2 and PLDP/270, the Council, during the determination of any planning application for the site, will consider the impact of the development in relation to surrounding properties to ensure that there are no unacceptable privacy/overlooking impacts and that noise levels are within acceptable levels.

With regard to issue of views raised by PLDP/166, PLDP/245, PLDP/266/2 and PLDP/270, the Council contend that in planning terms, there is no individual or collective right to a view of the countryside and that these representations should not be considered as part of the examination of this site.

Biodiversity, Flora And Fauna/Air and Climatic Factors

In response to the representations from PLDP/53, PLDP/245, PLDP/266/2 and PLDP/270, the Council would point out that there are no statutory wildlife designations within the site. As SNH and the Scottish Wildlife Trust have not objected to the allocation of the site, there is no impediment to development of the site in this regard.

The Council would also point out that SEPA has not objected to the site in relation to air and climatic factors. The Council is therefore of the view that there are unlikely to be significant impacts on air and climate as a result of this development. The Council would point out that the site is considered to be in a sustainable location as it is within walking distance of local facilities and public transport.

Recreational Use Of The Site

In relation to the representation from PLDP/53 and PLDP/63 regarding the informal recreational use of the field for walkers and horse riders, the Council would point out that the site is not safeguarded for any recreational purpose nor does it have a right of way within the site that requires to be protected. The Council is therefore of the view that the current informal recreational nature of the site should not preclude it from being developed.

Local Plan 2010 Examination

With regard to the points raised by PLDP/166 regarding the East Ayrshire Local Plan 2010 Examination Report, the Council would point out that the Report is over 5 years old and is therefore of the view that the conclusions of the Reporter at that time are out of date.

In order to meet with the housing land supply target for the Kilmarnock and Loudoun Market Area and to accord with SPP, by providing a generous range and choice of residential sites, the Council deemed it appropriate to allocate an additional residential site within Kilmaurs at Irvine Road.

In conclusion, the Council is of the view that Site 422H: Irvine Road should continue to be allocated for residential purposes within the Local Development Plan.

PLDP/98's support for site 422H is welcomed.

Reporter's conclusions:

1. The council has confirmed that in relation to school capacity, roads, transport, drainage, flooding, sewerage, air and climate issues none of the relevant organisations consulted (the Education Authority, Ayrshire Roads Alliance, SEPA, etc) has raised objections in principle to the allocation of this site for housing. However, in response to comments from the consultees, the plan requires assessments in relation to roads and flooding issues. Where those assessments recommend preventative or mitigation measures, those measures would have to be carried out in order to make the development acceptable. Objectors have raised no technical arguments to persuade me that that the above issues are incapable of being resolved. Private drainage arrangements are outside the scope of this examination.
2. The additional housing (including when considered together with the Crosshouse Road West allocation) would, in my opinion, represent a proportionate increase to a settlement of this size, which I saw from my site visit has a good selection of local services and community facilities within easy reach of this site, as well as a rail service to Glasgow, Kilmarnock, Ayr, etc. Various aspects of living conditions in the town and the impact of the development on local facilities and infrastructure have been raised. However, I have little evidence that the negative effects predicted would occur. That said, it was evident from my site visit that, as in many village centres, there is pressure on parking provision, but increase in such pressure must be weighed against the benefits of the potential for additional custom to support local shops and services.
3. The plan gives an indicative site capacity of 90 units. This represents a density of 19 units per hectare, a fairly standard density for sub-urban development and similar to that

at Marshall Gardens. The actual density permitted would depend on site specific factors.

4. With regard to privacy, overlooking and noise, these are matters to be dealt with in the determination of any planning application for the site. Concern that existing countryside views might be lost does not represent a planning matter.

5. There are no statutory wildlife designations on the site and there have been no objections to its allocation from Scottish Natural Heritage or the Scottish Wildlife Trust.

6. The site is not safeguarded for recreational purposes or crossed by any right of way. It is claimed in representations that the site is used informally for recreation. Although that was not evident at the time I visited, in any case, it is not a sufficient reason to preclude the land from development. I note that the representation for the landowners states an intention to create new public open space in connection with development of the land.

7. With regard to the need for this allocation, the housing land position has changed since the 2010 local plan examination. Current housing land supply targets require the council to allocate additional housing sites, of which the Irvine Rd site is one.

8. Supporting documents submitted on behalf of the landowners indicate that the site has advantages for development including in retaining the form of development in the settlement, landscape capacity for residential use and proximity to services, all of which I observed on my site visit.

9. I have been informed that an application for planning permission in principle to develop this site for housing has been lodged with the council. This is a separate matter from my examination of the local development plan allocation and does not affect my assessment.

Reporter's recommendations:

No modifications.

Issue 124	Non- inclusion of land at Standalane, Kilmaurs	
Development plan reference:	Volume 1, Schedule 2 and Volume 2, Pages 73-74, Kilmaurs	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mactaggart & Mickel (PLDP/271)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site Standalane, Kilmaurs. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, pages 73-74 is being sought.	
Planning authority's summary of the representation(s):		
<p>Mactaggart & Mickel (PLDP/271) object to the non-allocation of land at Standalane, Kilmaurs as a residential development site in the Proposed East Ayrshire Local Development Plan.</p> <p>The Standalane site is located on the northern edge of Kilmaurs within easy walking distance of the centre, primary school and railway station. Residential development on the site will contribute towards the LDP allocating a generous amount of appropriately located high quality housing land and help make both Kilmaurs and East Ayrshire successful, sustainable and healthy places to live, in turn assisting in retaining existing and attracting new residents. The site is unaffected by any constraints by way of landscape, flooding, ground conditions, access etc.</p> <p>The proposed LDP recognises Kilmaurs as being a suitable location to meet local housing demand and identifies two sites (305H & 422H) with a combined capacity of 230 houses (Volume 2, pg 73). The site at Standalane is as well, if not better placed than the two sites to help meet the requirement to deliver appropriate and effective housing land at Kilmaurs. The likelihood and effectiveness of delivery on site 305H is questionable and there is no explanation to why site 422H is preferred ahead of Standalane. It is accepted by the Council that Standalane is 'generally suitable for housing development' and that the site is smaller, has a lower capacity, can be developed over a short term period and is on a different edge of the settlement to the two currently preferred sites.</p> <p>The LDP should be ambitious and that the Higher Growth scenarios presented in the MIR can be adopted and/or that housing allocations at Kilmaurs should be disaggregated under the Modest Growth scenario and for the Standalane site to be added. It was accepted in the DPEA Report of the East Ayrshire Local Plan 2010 that Kilmaurs has 'significant opportunities for development' and site 305H was the only site allocated at the time. There has been a lack of progress on this site and it is now considered necessary and appropriate to disaggregate the housing land allocations across several sites in Kilmaurs and help ensure an effective 5 year land supply is maintained. Whilst the proposed LDP extends to support site 422H, Standalane should also be added either as an additional site to 305H and 422H, instead of either, or instead of the southern part of 305H which is not subject to the longstanding and as yet undetermined planning application which affects the northern part of 305H and is for '69 dwellings'. The 2013 audit has the 305H site earmarked to deliver 20 sites per annum from 2015/16, which</p>		

given the evidence is unlikely to occur, therefore leaving the shortfall which can be met by the allocation of Standalane.

Including the site at Standalane within the LDP will serve to deliver a better range of sites at Kilmaurs and help ensure that the land requirement will be met in full by the LDP.

Modifications sought by those submitting representations:

Mactaggart & Mickel (PLDP/271) Allocate the site at Standalane, Kilmaurs for residential development with capacity of approximately 40 houses.

The LDP should be revised with the Standalane site being identified as preferred for housing development under policy Kilmaurs 1, Kilmaurs Proposals Map 21 to be modified accordingly, and for the site to then be afforded associated support for residential development under policy RES1.

Summary of responses (including reasons) by planning authority:

With regard to the representation from **Mactaggart & Mickel (PLDP/271)**, the Council does not agree that a more optimistic approach than that already proposed is necessary or required. A higher growth scenario is considered to be too optimistic, particularly in the southern part of East Ayrshire where it will be difficult to achieve even the modest growth scenario as can be seen from completion trends over the past 12 years. Private house completions in East Ayrshire as a whole have remained relatively low since the economic downturn in 2008/2009 and whilst some of the larger sites are now progressing, the Council is of the view that completions will not increase so significantly as to justify going for a higher growth option. Such a course of action would likely lead to an oversupply of housing land over the plan period. If the housing market picks up significantly, the housing growth option can be reviewed as part of the next LDP review. In this regard it is not necessary to add any new sites to the LDP. (This representation is also considered within Issue 13 Housing Land Supply)

Mactaggart & Mickel have also not provided any information or substantially demonstrated why Site 305H cannot be developed. The northern portion of the site was recently granted consent for 69 houses. The Council therefore does not agree that it is necessary and appropriate to disaggregate the housing land allocations across several sites as part of the Modest Growth Scenario, as the Council is firmly of the opinion that the sites allocated for residential use within Kilmaurs are effective and can be delivered within the timeframe of the Local Development Plan.

Although the Council would agree that Standalane can be considered an effective site and could be developed, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Kilmaurs. The addition of a further site is not considered necessary within the town at this time.

Furthermore, by replacing either Site 305H or 422H with Standalane, or removing the southern part of site 305H and allocating Standalane in its place, would result in a reduction of housing numbers within the Kilmarnock and Loudoun Market Area of 50 units, in terms of Site 422H, and up to 100 residential units in relation to Site 305H. Mactaggart & Mickel do not consider these implications or how to address them within their representation.

In conclusion, the Council is therefore of the view that no changes to the Local Development Plan are required to be made in this regard.

Reporter's conclusions:

1. The Standalane site lies to the north of Kilmaurs and has a capacity of approximately 40 houses. The proposed plan allocates 2 sites to the west and south of the village with a indicative capacities of 90 and 140 units; 230 units in total. This would produce significant growth for a settlement with a population of around 2,800. All three sites are on greenfield land.

2. The proposed plan comments that Site 422H, Irvine Rd, may be subject to flooding and therefore will require a flood assessment prior to development, but there is no consultation response from SEPA to suggest that any risk could not be managed. The remarks in the plan regarding coalescence do not apply to this site, which lies on the south-western not the south-eastern side of the settlement.

3. The ability to deliver site 305H is questioned due to lack of progress, but its northern part has now been granted planning permission for 69 dwellings (roughly half of its indicative capacity). This demonstrates some progress and indicates that disaggregation could be achieved within sites rather than by adding a smaller site. Lack of built development since the site was allocated in 2010 does not necessarily indicate ineffectiveness, given the economic downturn. Nor does the granting of planning permission for part of the site necessarily mean that the remainder is not effective.

4. Arguments regarding the plan's growth scenario are examined under Issue 13, where my recommendation is for no modification. Under the proposed plan's Modest Growth scenario, I accept the council's position that it would be disproportionate to allocate a third site in Kilmaurs at this stage.

5. Alternatively, to substitute the Standalane site for one of the existing allocations would result in a reduction in overall capacity, contrary to the need for a generous supply.

Reporter's recommendations:

No modifications.

Issue 125	Kilmaurs Settlement Boundary	
Development plan reference:	Volume 2: Kilmaurs Settlement Map	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Graham Patterson (PLDP/54)		
Provision of the development plan to which the issue relates:	The settlement boundary of Kilmaurs	
Planning authority's summary of the representation(s):		
<p>Mr Graham Patterson (PLDP/54) requests that the ground located to the south of Kilmaurs adjacent to Crosshouse Road, as detailed in the attached drawings submitted as part of this representation, is included within the village envelope.</p> <p>The reasons for this request are that the area of ground would form a natural rounding off of the proposed village envelope between the proposed development at site 305H at Crosshouse Road and Tourhill Industrial Estate. The land is in a degraded state and has not been used for any form of agriculture since at least 1878 when the railway developed the land and had been residential housing, for a large part of that time. Since that time the land has been put to no beneficial use. The area is close to local amenities and services; is not dependent on private transport means; abuts directly onto the proposed Kilmaurs boundary on three sides and, in these circumstances, will be neither obtrusive nor isolated. The area of land would also not have any adverse environmental impact on the landscape, local distinctiveness or scenic value any more than the proposed development sites 305H: Crosshouse Road or 422H: Irvine Road.</p>		
Modifications sought by those submitting representations:		
Mr Graham Patterson (PLDP/54) requests that the ground located to the south of Kilmaurs adjacent to Crosshouse Road, as detailed in the attached drawings submitted as part of this representation, is included within the village envelope.		
Summary of responses (including reasons) by planning authority:		
<p>The Council's approach to settlement boundaries is to draw them tightly around existing property boundaries. The area of land in question is located outwith the settlement boundary and within the Rural Protection Area surrounding Kilmaurs. The Rural Protection Area restricts development in order to protect landscape quality and rural amenity and to prevent urban sprawl.</p> <p>The Council consider that including the area of land within the settlement boundary would potentially lead to development of the land and would constitute an unacceptable ribboning out of development along Crosshouse Road. The Council is also of the opinion that any potential development of this site would be detrimental to the character,</p>		

appearance and rural setting of the community. Development of the site would also have an adverse environmental impact on the landscape character, local distinctiveness and the scenic value of the area.

Any development on the land would be highly constrained in physical terms, being located in a narrow strip of land located between Crosshouse Road and the Glasgow / Kilmarnock Railway line and would be highly visible from both transport routes. It is considered that potential development within this area is likely to experience nuisance in terms of noise/vibration etc., particularly from trains using the railway line.

The statement that an area of land has not been used for agricultural purposes for a long period of time is not considered to be a valid planning justification for including the land within the settlement boundary of Kilmaurs. Similarly, the contention that the site has historically been developed for housing is also not a valid reason.

The Council is therefore of the view that the settlement boundary of Kilmaurs should not be amended to include this area of land.

Reporter's conclusions:

1. The area proposed for inclusion within the settlement boundary is a narrow wedge of brownfield land lying between an industrial estate and railway line on one side and agricultural land allocated for residential development on the other. Inclusion within the settlement boundary would be likely to lead to an application to develop the land.
2. The proposed plan incorporates the land in a Rural Protection Area, whose purpose is to protect landscape quality and rural amenity, and to prevent urban sprawl.
3. The dimensions and shape of the site would be likely to lead to an unsatisfactory form of ribbon development along the B751 road on the settlement edge. The land is now overgrown with trees and shrubs with little sign of its former uses. It blends with its mostly rural setting and helps to screen the industrial uses from the road. There could be potential for some disturbance arising from industrial activities and railway use. Finding a suitable access onto the site would be problematic given that the adjacent road rises and bends sharply over the railway bridge.

Reporter's recommendations:

No modifications.

Issue 126	Site 334H: Peesweep Brae, Lugar	
Development plan reference:	Volume 2, Pages 79-80, Site 334H: Peesweep Brae, Lugar	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Woodland Trust Scotland (PLDP 323/4)		
Provision of the development plan to which the issue relates:	Site 334H is a brownfield site within the settlement boundary of Lugar. The site extends to 0.48 hectares and has an indicative capacity of 5 residential units.	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/4) objects to site 334H as it is within an area of Ancient Woodland and could lead to the loss and damage thereof. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from development. It is requested that ancient woodland is protected from development and given a minimum 50m buffer of semi-natural vegetation. The woodland itself should not be lost or damaged and no development thereon should be allowed.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/4) objects to the inclusion of sites within ancient woodland and seeks the exclusion of site 334H: Peesweep Brae, Lugar from the plan unless ancient woodland within the site is guaranteed sufficient protection by means of a minimum 50 metre buffer around it.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early on in the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
<p>1. Site 334H is a brownfield site of 0.48 hectares within Lugar. The ground slopes fairly steeply down from the north and is well covered with trees. Peesweep Brae is a steep and winding road which runs along the west side of the site. The site is allocated for residential use with an indicative capacity of 5 units.</p>		

2. The Woodland Trust objects because the site includes an area of ancient woodland, which could be lost or damaged. In the Ancient Woodland Inventory this woodland is categorised as Other, which is shown as woodland on the Roy maps (circa 1750) but not on the first edition of the Ordnance Survey (circa 1860). Such woodlands are regarded to have had only a short break in continuity of woodland cover.

3. SPP identifies ancient woodland as “*an important and irreplaceable national resource that should be protected and enhanced.*” Scottish Government policy on control of woodland removal states that there is a strong presumption against removing ancient semi-natural woodland or plantations on ancient woodland sites.

4. The council relies on the protection offered by Policies ENV 6 (iii) and ENV 9. The first of those policies requires that development which may adversely impact on areas of local importance for nature conservation, among other things, will be expected to demonstrate how any impact can be avoided or mitigated. The second includes a presumption against the felling of ancient semi-natural woodlands; it makes cross-reference to the guidance contained in the Ayrshire and Arran Forestry and Woodland Strategy.

5. I am not satisfied that the protection of ancient woodland within a proposed development site is a matter of detail which can be left to the development management stage. Allocation of this land would establish the principle of development and an expectation that 5 dwellings could be located within it. Without prior detailed assessment, which has not been undertaken, development cannot be assumed to be acceptable in relation to the physical characteristics of the site and the need to protect the ancient woodland.

Reporter’s recommendations:

The plan should be modified by removing the Peesweap site allocation.

Issue 127	Site 424H: Muirkirk Road, Lugar	
Development plan reference:	Volume 1, Pages 79-80, Site 424H: Muirkirk Road, Lugar	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
The Woodland Trust Scotland (PLDP/323/5)		
Provision of the development plan to which the issue relates:	Site 424H extends to 1.17 hectares and has an indicative capacity of 19 residential units.	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/5) objects to site 424H as it is adjacent to an area of Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/5) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being adjacent to the site and to ensure that the area of ancient woodland does not suffer from edge effects.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early on in the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. The objection from The Woodland Trust Scotland looks for a standard minimum 50 metre wide buffer of semi-natural vegetation around all ancient woodlands within the plan area near or within which development is allocated. Their objective is to avoid harmful edge effects. 2. I consider that to impose such a requirement as standard on all sites close to ancient woodlands would be unduly restrictive. The setting of each area of ancient woodland will 		

vary considerably, as will the vegetation and fauna within it and its susceptibility to disturbance and damage. These are generally matters better considered during the development management process when they can be assessed against the provisions of policies ENV 6(iii) and ENV 9 of the plan on Nature Conservation and Trees, Woodland and Forestry, respectively. Those policies include a presumption against the felling of ancient semi-natural woodlands and an expectation that any development will demonstrate how any potential adverse impacts on areas of local importance for nature conservation can be avoided or mitigated. The advice from Natural England which the Trust quotes does not require a standard buffer width and, in any case, does not apply in Scotland.

3. Site 424H lies within the settlement of Lugar and extends to 1.17 hectares. It lies to the south-east of the area which includes ancient woodland and does not directly abut it. The A70 runs along its south-east side and a narrow lane along part of the north-east side. Potential access points are therefore on sides away from the woodland. It has an indicative capacity of 19 residential units.

4. The site is a large enough site that a developer should be able to adjust its design and layout to accommodate any possible impact on the adjacent ancient woodland. This could be assessed at development management stage.

Reporter’s recommendations:

No modification.

Issue 128	Site 335H, Station Road, Mauchline	
Development plan reference:	Volume 2, page 84, Site 335H, Station Road, Mauchline	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dr Katharine Morrison (PLDP/7/2); Donald and Margery Howe (PLDP/25); Adrian Scott (PLDP/26); Angus and Shona Fraser (PLDP/170); Graeme and Lynne Bryson (PLDP/172); Mrs Helen Harrigan (PLDP/227); Mr & Mrs Clint (PLDP/241); Bryce and Elizabeth Morris (PLDP/304) Allanvale Land Investments Ltd (PLDP/262/3)</p>		
Provision of the development plan to which the issue relates:	Volume 2, page 84 and Mauchline LDP map, Site 335H, Station Road, Mauchline	
Planning authority's summary of the representation(s):		
<p>All representations raise concerns over the additional traffic and congestion with new development attracting commuters. Representations cite particular issues with Barskimming Road, the A76 and Station Road in terms of queues and joining and leaving the roads, particularly at peak times. For PLDP/25 there will be a cumulative effect as traffic will also increase as a result of other site proposals in Mauchline. PLDP/240 and PLDP/172 remark that Station Road and Barskimming Road are not wide enough. PLDP/172 suggests significant junction improvements would be required to enable this development. PLDP/227 notes that public transport improvements are required and, alongside PLDP/25, states that a trunk road by-pass is necessary.</p> <p>PLDP/25, PLDP/170, PLDP/227 and PLDP/240 have safety concerns in respect of the additional traffic.</p> <p>PLDP/7/2 raises concerns over a loss of outlook, noise and vandalism. Similarly, PLDP/240 has concerns over privacy, distance and security.</p> <p>PLDP/172 and PLDP/227 point out that this is a greenfield site and development on this site would remove the already dwindling village / community feel of Mauchline. PLDP/172 states that there are other areas in the village which would more naturally expand it but does not specify where these are.</p> <p>PLDP/7 raises concerns over the value of their property which will be adversely affected by the development of site 335H.</p> <p>Flooding, (PLDP/25 and PLDP/240) drainage (PLDP/172, PLDP/25), sewer and run-off issues are highlighted (PLDP/172). Responsibility for and upkeep of ditches adjacent to the site and public park is queried by PLDP/26 and the presence of a gas pipe across the</p>		

site is noted by PLDP/240. .

PLDP/25 is concerned about the community facilities which it understands are to reduce with the closure of the community centre, games hall and library. PLDP/25 also states that it is difficult to gain appointments with doctors. PLDP/227 similarly states that public services require to be improved prior to such a development being considered.

PLDP/262/3 states that site 335H will put further pressure on Mauchline Cross and that this site will have further significant impacts on traffic congestion in the town.

Modifications sought by those submitting representations:

PLDP/7/2 states that the development of this site should be dependent upon the opening of a new train station at Mauchline. If this was achieved, congestion could be relieved by means of a one way system using West Park Avenue for access to Loudoun Street and access to rest of Barskimming Road via Loudoun Street at Barskimming Road if houses are to be built on the old Corrie Mains Farm site (363H also noted in Issue 129). If 335H is to be developed then access should be via Station Road leading onto Cumnock Road. A mini roundabout at Cumnock Road or traffic lights would facilitate traffic flow.

PLDP/25 seeks the modification of the Plan to remove site 335H. Infrastructure should be improved and a bypass should be built prior to the release of any land in Mauchline.

PLDP/172 requests a traffic action plan and the release of a detailed justification of this site compared to alternatives. The site should be removed from the plan unless the road traffic impact has been fully assessed and proposals are outlined as to improvements required.

PLDP/227 seeks the improvement of public services, public transport and the construction of a bypass prior to any development being considered on site 335H.

Summary of responses (including reasons) by planning authority:

With regard to concerns over the ability of the road network to accommodate the development of site 335H, the LDP seeks a Transport Assessment to be undertaken. This will provide the developer with a definitive list of what improvements require to be made to the local and trunk road network. Any such measures, including those related to safety, will then need to be included in a future planning application for the site. For this reason, it is not considered appropriate to comment on the merits or otherwise of individual local roads or junctions. It is, however, pointed out that the Ayrshire Roads Alliance were in general terms satisfied that site 335H can be accommodated within the local road network otherwise they would have recommended to the Planning Service that the site be removed from the plan during the pre-publication stages of plan preparation.

Whilst it is noted that there are congestion issues at Mauchline Cross particularly at peak times, it is considered that the LDP should continue to identify small scale development opportunities to accommodate housing demand. Mauchline is one of the few settlements in the southern half of East Ayrshire where national house builders are willing to develop and the LDP should not limit such small scale growth and the economic benefits this could bring.

With regard to building a by-pass for Mauchline, this is not identified as one of Transport

Scotland's priorities in their Strategic Transport Projects Review meaning that the substantial funding required for this project is not currently available with no other sources of funding being available at this time. The Council will, however, continue to work in partnership with relevant parties to investigate the potential funding mechanisms which could enable the construction of a by-pass for Mauchline as is set out in Proposal 20 of the plan.

It is noted that there are concerns over a loss of outlook and over a potential drop in value of properties if site 335H is developed. Neither of these matters is a valid planning consideration. With regard to noise, privacy and distance, it will be ensured at planning application stage that the amenity of existing residential properties is protected. The Council does not agree that new development would result in vandalism and security issues.

The Council is aware that a new rail halt could assist in reducing congestion at Mauchline and will also investigate the feasibility of such a project over the lifetime of the plan.

Whilst site 335H may be susceptible to flooding, this does not prevent development from taking place on the site. SEPA certainly did not object to development on this site and the LDP contains a note to state that early contact with the Ayrshire Roads Alliance and SEPA should be made. Any potential flooding issues can be dealt with at that stage.

In terms of the improvement of public facilities, the Council has not been made aware of any issues from the health authority that there is a shortage of facilities. It is considered that the level of development proposed in Mauchline is unlikely to put significant pressure on other community and leisure facilities. No change to the plan is necessary.

Reporter's conclusions:

1. The site is located in the south of the town of Mauchline, adjacent to proposed housing site 363H. It is a flat site and was in agricultural use at the time of my site visit. The immediate vicinity of the site is established residential in nature.
2. The representations made generally object to the allocation of the site for housing, for a variety of reasons.
3. The majority commented on the ability of the local road network to cope with increased traffic, and in particular about the access to the A76 junctions at peak times. Concerns regarding the potential cumulative impact on the town are also expressed in terms of traffic and road capacity in Mauchline.
4. I find that the issue of traffic generation from proposed new development is an issue for the whole settlement, not just site 335H. The Local Development Plan (LDP) seeks a Transport Assessment to be carried out for this site as part of any development proposal, which would impose any required mitigation measures, or limit the number of units to ensure that the road capacity is not exceeded or road safety compromised. I find that in terms of transport and the potential impact on the local road network, these are matters that can be addressed at planning application stage.
5. The potential for a by-pass for the town is not a matter addressed in detail in the plan, as it is not a project identified by Transport Scotland in its Strategic Transport Projects Review, which means that it is not identified for funding at this point in time.

6. PROP 20 also makes reference to the feasibility of a “rail halt” at Mauchline. There is broad support for this project, and the council intends to undertake a feasibility study during the plan period.

7. There is no evidence before to demonstrate that any of the community facilities such as healthcare, education and leisure available to the residents of Mauchline would be unable to cope with the additional residents generated by the proposed development.

8. In relation to the issue of flooding, the LDP requires that early contact be made with SEPA at that time of any planning application. SEPA did not object to the inclusion of this site for residential development in the plan, and I conclude that requesting contact be made at the development proposal stage is reasonable. I find that in terms of potential flooding issues, these are matters that can be addressed at the planning application stage.

9. There were a number of non- planning matters raised in representations, which have not been material to my conclusions.

10. I conclude that this site is effective and capable of delivering homes to meet the housing land requirement during the plan period.

Reporter’s recommendations:

I recommend no modification to the plan.

Issue 129	Site 363H, Corrie Mains Farm, Mauchline	
Development plan reference:	Volume 2, page 84, site 363H, Corrie Mains Farm, Mauchline	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dr Katharine Morrison (PLDP/7/2); Donald & Margery Howe (PLDP/25); Adrian Scott (PLDP/28); Mrs Helen Harrigan (PLDP/227); Frank & Linda Gardiner (PLDP/228); Allanvale Land Investments Ltd(PLDP/262/3)</p>		
Provision of the development plan to which the issue relates:	Volume 2, page 84 and Mauchline LDP map, site 363H, Corrie Mains Farm, Mauchline	
Planning authority's summary of the representation(s):		
<p>All representations raise concerns over the additional traffic and congestion with new development attracting commuters. Representations cite particular issues with Barskimming Road, the A76 and Station Road in terms of queues and joining and leaving the roads, particularly at peak times. For PLDP/25 there will be a cumulative effect as traffic will also increase as a result of other site proposals in Mauchline. PLDP/228 notes that the traffic upgrades required have previously proved prohibitive to developers. PLDP/25 states that a trunk road by-pass is necessary.</p> <p>PLDP/25, PLDP/28, PLDP/227, PLDP/228 and PLDP/240 have safety concerns in respect of the additional traffic and PLDP/228 raises parking concerns if new development goes ahead in conjunction with the railway proposal.</p> <p>PLDP/7/2 raises concerns over a loss of outlook, noise and vandalism. Similarly, PLDP/240 has concerns over privacy, distance and security and PLDP/228 over overlooking, encroachment, privacy, pollution and noise.</p> <p>PLDP/227 point out that this is a greenfield site and development on this site would remove the already dwindling village/community feel of Mauchline.</p> <p>PLDP/7 and PLDP/228 raise concerns over the value of their property which will be adversely affected by the development of site 363H which are added to by the lack of a detailed design or layout for the site.</p> <p>Flooding, (PLDP/25, PLDP/28, PLDP/228 and PLDP/240) drainage (PLDP/25) issues are highlighted. PLDP/228 also mentions that there is a gas pipe running across the site.</p> <p>PLDP/25 is concerned about the community facilities which it understands are to reduce with the closure of the community centre, games hall and library. PLDP/25 also states that it is difficult to gain appointments with doctors. PLDP/227 similarly states that public services require to be improved prior to such a development being considered.</p>		

Modifications sought by those submitting representations:
<p>PLDP/7/2 states that the development of this site should be dependent upon the opening of a new train station at Mauchline. If this was achieved, congestion could be relieved by means of a one way system using West Park Avenue for access to Loudoun Street and access to rest of Barskimming Road via Loudoun Street at Barskimming Road if houses are to be built on the old Corrie Mains Farm site.</p> <p>PLDP/25 seeks the modification of the Plan to remove site 363H. Infrastructure should be improved and a bypass should be built prior to the release of any land in Mauchline.</p> <p>PLDP/227 seeks the improvement of public services, public transport and the construction of a bypass prior to any development being considered on site 363H.</p> <p>PLDP/228 requires further detail of the proposals.</p>
Summary of responses (including reasons) by planning authority:
<p>With regard to concerns over the ability of the road network to accommodate the development of site 335H, the LDP seeks a Transport Assessment to be undertaken. This will provide the developer with a definitive list of what improvements require to be made to the local and trunk road network. Any such measures, including those related to safety and parking, will then need to be included in a future planning application for the site. For this reason, it is not considered appropriate to comment on the merits or otherwise of individual local roads or junctions. It is, however, pointed out that the Ayrshire Roads Alliance were in general terms satisfied that site 363H can be accommodated within the local road network otherwise they would have recommended to the Planning Service that the site be removed from the plan during the pre-publication stages of plan preparation.</p> <p>Whilst it is noted that there are congestion issues at Mauchline Cross particularly at peak times, it is considered that the LDP should continue to identify small scale development opportunities to accommodate housing demand. Mauchline is one of the few settlements in the southern half of East Ayrshire where national house builders are willing to develop and the LDP should not limit such small scale growth and the economic benefits this could bring.</p> <p>With regard to building a by-pass for Mauchline, this is not identified as one of Transport Scotland's priorities in their Strategic Transport Projects Review meaning that the substantial funding required for this project is not currently available with no other sources of funding being available at this time. The Council will, however, continue to work in partnership with relevant parties to investigate the potential funding mechanisms which could enable the construction of a by-pass for Mauchline as is set out in Proposal 20 of the plan.</p> <p>It is noted that there are concerns over a loss of outlook and over a potential drop in value of properties if site 335H is developed. Neither of these matters are valid planning considerations. With regard to noise, privacy and distance, it will be ensured at planning application stage that the amenity of existing residential properties is protected. The Council does not agree that new development would result in vandalism and security issues. Any infrastructure issues such as gas pipes would be addressed at planning application stage as would full details of the development. The Council can confirm,</p>

however, that no major gas mains run through the site.

With regard to the point raised that development on this site would remove the already dwindling village/community feel of Mauchline, the Council does not agree that this modestly sized 26 unit development which constitutes an infill development, would change the character of Mauchline.

The Council is aware that a new rail halt could assist in reducing congestion at Mauchline and will also investigate the feasibility of such a project over the lifetime of the plan.

Whilst site 335H may be susceptible to flooding, this does not prevent development from taking place on the site. SEPA certainly did not object to development on this site and the LDP contains a note to state that early contact with the Ayrshire Roads Alliance and SEPA should be made. Any potential flooding issues can be dealt with at that stage.

In terms of the improvement of public facilities, the Council has not been made aware of any issues from the health authority that there is a shortage of facilities. It is considered that the level of development proposed in Mauchline is unlikely to put significant pressure on other community and leisure facilities. No change to the plan is necessary.

Reporter's conclusions:

1. The site is located in the south of the town of Mauchline, adjacent to proposed housing site 335H Station Road. It is a flat site and was in agricultural use at the time of my site visit. The immediate vicinity of the site is established residential in nature.
2. The representations made generally object to the allocation of the site for housing, for a variety of reasons.
3. The majority commented on the ability of the local road network to cope with increased traffic, and in particular about the access to the A76 junctions at peak times. Concerns regarding the potential cumulative impact on the town are also expressed in terms of traffic and road capacity in Mauchline.
4. I find that the issue of traffic generation from proposed new development is an issue for the whole settlement, not just site 363H. The Local Development Plan (LDP) seeks a Transport Assessment to be carried out for this site as part of any development proposal, which would impose any required mitigation measures, or limit the number of units to ensure that the road capacity is not exceeded or road safety compromised. I find that in terms of transport and the potential impact on the local road network, these are matters that can be addressed at planning application stage.
5. The potential for a by-pass for the town is not a matter addressed in detail in the plan, as it is not a project identified by Transport Scotland in its Strategic Transport Projects Review, which means that it is not identified for funding at this point in time.
6. PROP 20 also makes reference to the feasibility of a "rail halt" at Mauchline. There is broad support for this project, and the council intends to undertake a feasibility study during the plan period.
7. The council has confirmed that no major gas mains runs thorough the site, and so I conclude that no modification to plan is required to address such a matter.

8. There is no evidence before me to demonstrate that any of the community facilities such as healthcare, education and leisure available to the residents of Mauchline would be unable to cope with the additional residents generated by the proposed development. In addition, I conclude that the addition of 26 houses to an established residential area of the town would have a minimal impact on the community feel of Mauchline.

9. In relation to the issue of flooding, the LDP requires that early contact be made with SEPA at that time of any planning application. SEPA did not object to the inclusion of this site for residential development in the plan, and I conclude that requesting contact be made at the development proposal stage is reasonable. I find that in terms of potential flooding issues, these are matters that can be addressed at the planning application stage.

10. There were a number of non- planning matters raised in representations, which have not been material to my conclusions.

11. I conclude that this site is effective and capable of delivering homes to meet the housing land requirement during the plan period.

Reporter's recommendations:

I recommend no modification to the plan.

Issue 130	Non-inclusion of site at Ayr Road, Mauchline	
Development plan reference:	Mauchline LDP Map and Rural Area LDP Map.	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Allanvale Land Investments (PLDP/262/3) & (PLDP/262/4)		
Provision of the development plan to which the issue relates:	This representation is objecting to the non-inclusion of a site at Ayr Road, Mauchline. This site appears in the adopted East Ayrshire Local Plan 2010 as site 337H.	
Planning authority's summary of the representation(s):		
<p>These representations object to the removal of site 337H: Ayr Road, Mauchline from the proposed plan and the reallocation of the site to the Rural Diversification Area as it has the potential to provide effective and deliverable housing, which led to its support for development in the adopted local plan and Main Issues Report. Allanvale Land Investments are willing to work with East Ayrshire Council towards a solution to the traffic issues in Mauchline if their site is reinstated.</p>		
Modifications sought by those submitting representations:		
<p>PLDP 262/3 seeks the removal of land at Ayr Road, Mauchline (formerly site 337H) from the Rural Diversification Area and its reinstatement as a housing opportunity site on the Mauchline LDP map and associated schedules.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The site at Ayr Road, Mauchline which is identified as residential development opportunity site 337H suitable for the development of 150 units in the East Ayrshire Local Plan 2010, was part of a wider proposal to cross fund the construction of a bypass and the notes attached to this site designation in the 2010 plan clearly stated that developers of the site would require to fund and facilitate the early construction of a new by-pass for the town. The house builder originally involved in this project (Stewart Milne Homes) has since indicated to the Council that the cross funding of a by-pass using profit from housing development is no longer a viable prospect which is the key reason this site has not been carried over to the new plan. In preparing the proposed plan, the Council examined the likely need for new housing in Mauchline over the plan period. It was not considered appropriate for the Council to identify the site at Ayr Road over and above the sites that are already identified at Corrie Mains Farm, Station Road and Kilmarnock Road. The impact of traffic on the already congested Mauchline Cross was part of this consideration. Site 425H to the north of Mauchline was identified for the first time because it will generate less trips through Mauchline Cross whereas the site at Ayr Road would have a more significant impact on this already congested junction. Overall the numbers currently identified are considered to be sufficient to accommodate a modest growth of Mauchline whilst minimising impacts on Mauchline Cross.</p>		

Reporter's conclusions:

1. This site is located to the west of Mauchline, and is bounded by existing residential development, the railway line and the B743 Ayr Road. At the time of my site visit it appeared to be in agricultural use, and is generally flat with a slight fall to the west. Adjacent to the east is a new housing development. The site is outside the settlement boundary.
2. In the 2010 Local Development Plan (LDP), the site had been identified for residential development (reference site 337H), for 150 homes. Since then, the housebuilder associated with the site advised the council that the site was no longer effective due to the requirement for developer contributions to address the issue of funding a by-pass for the town.
3. The council has removed the site from the 2012-2017 Agreed Housing Land Supply Audit as being effective, and noted that it would be able to deliver homes post-2019. The site is also removed from the Proposed Plan as an allocation and the site is now outside the settlement boundary and in the Rural Diversification Area.
4. The representation submitted is on behalf of the new developers, Allanvale Land Investments, who state that the site is effective and can contribute to any required funding for a by-pass, and so should be reallocated as a housing site.
5. There appears to be agreement that in general terms, the site is capable of delivering homes in the plan period, or in the next five-year LDP period.
6. Since the 2010 LDP, the council have included a new housing site in Mauchline, site 425H for 75 units. The notes on page 84 of Volume 2 suggest that access to the site will not be from the A76 but from the local road network. The site is considered to generate fewer trips through Mauchline Cross than the subject site.
7. I find that although the previous developers had advised that the site was not viable taking into account potential developer contributions for a by-pass, the current developers advise that it is now considered effective. I would think this is a perennial problem, in that the economic cycle of property development will render sites viable or not, depending on prevailing market conditions. It may, for example, have been a viability issue that arose due to the land value agreed in the previous deal with the previous developers, and is not relevant to the current arrangement with the current developers, but I have no evidence on the individual financial details relating to this site.
8. The allocations in Mauchline are all subject to a requirement for a Transport Appraisal, as it is acknowledged by the council that peak time congestion occurs at present. The council also seeks to investigate the potential for a by-pass in Mauchline in the LDP at PROP 20 of the plan, but the by-pass is not an item included in Transport Scotland's Strategic Transport Projects Review, and there is no commitment from any party to fund the project.
9. Mauchline is not identified in the Spatial Strategy of the Proposed Plan as an area for large scale development, nor is the town identified as a Future Growth Area. I find that despite the individual characteristics of the site, at this point in the plan process it would not be compliant with the Spatial Strategy or Policy OP1. At Volume 2, Mauchline page 84, the council states that it is seeking to designate Mauchline as a local centre to

meet local needs.

10. This site had been allocated in the 2010 LDP as a site to deliver 130 homes, and the sole reason for removing from this plan is the presumption on viability made by the previous developers. However, since the current developers state that the site is effective and viable and they are willing to enter into a solution to address the existing traffic issues on the A76 in Mauchline, I conclude that it could be considered effective.

11. However, at Issue 13 of this examination, we have established that sufficient effective housing land will be available for development in nearby settlements over the plan period to meet the housing land requirement, and there is sufficient land for housing allocated in Mauchline to meet the policy aspirations of the council as set out in the plan and there is no requirement, at this point in time, to identify additional housing land in Mauchline.

12. The capacity of the site would double the allocated housing land in Mauchline, which would result in additional pressure on Mauchline Cross. There is no immediate prospect of a by-pass for the town being delivered to resolve this issue. There is no requirement to identify additional housing land in Mauchline, and doubling the allocated housing land by the addition of this site would, I find, be contrary to the spatial strategy of the plan. I conclude that it would not be appropriate to allocate the site as a Housing Opportunity Site under Policy RES1 of the Proposed Plan.

Reporter's recommendations:

No modifications to the plan.

Issue 131	Non-inclusion of land at Mauchline Creamery, south of Mauchline	
Development plan reference:	Volume 1, Schedule 2, and Volume 2 Pages 120-124, the Rural Area	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
First Milk PLDP/314/5		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of land at Mauchline Creamery to the south of Mauchline	
Planning authority's summary of the representation(s):		
<p>Whilst the Mauchline Creamery site lies outside and detached from the settlement of Mauchline it is submitted that the distance to the settlement (approx. 1.7km to the town centre) is not substantial (a 5 minute drive) and that any future development at the Creamery site would benefit from the facilities and services on offer at Mauchline.</p> <p>The Mauchline Creamery site is by definition previously developed brownfield land and whilst outside the settlement boundary is not located within a remote rural area, access to facilities and services are available within the settlement of Mauchline. It is submitted that such facilities and services are accessible to the site.</p> <p>As such it is submitted that the promotion of housing at the Mauchline Creamery site would comply with the principles of sustainable development.</p> <p>The total landholding extends to approximately 2.59 hectares (6.4 acres). The site was developed as a milk processing facility, which was demolished to make way for a cheese cutting and packing plant. The site closed in 2007/8 and the main buildings/cold store have not been used since. The north part of the site is now occupied by one of First Milk's haulage partners (Bibby Distribution) who have erected a number of temporary buildings. There are several houses adjacent to the site which presumably originally served as workers residences. The majority of the site is level although to the north of the site there is an embankment on top of which sits the Bibby Distribution offices.</p> <p>It is understood that the existing buildings on site have a GEA of in excess of 38,000 sq ft. As such, the site is considered a prime example of 'previously developed brownfield land'</p> <p>The settlement of Mauchline has a population of 4,105 and is an attractive settlement, strategically located on the A76 trunk road, at its junction with the B731 to Ayr. Mauchline has a rich heritage linked to Robert Burns and has considerable tourism potential, supported by the attractive conservation area at the core of the town.</p> <p>Mauchline is designated as a local centre in the settlement hierarchy and has an ample supply of existing of local shops and community facilities to meet local needs. In this instance the Council make clear that there has been a historic undersupply within</p>		

the authority area overall and within all identified 'sub areas'. The site falls within the Cumnock sub area which notably is identified as having a particularly low rate of completions over the last 12 years.

It is submitted that give the shortfall of housing land supply, particularly within the Cumnock area, the development of the site for housing should be considered acceptable under the principle of sustainable development.

The entirety of the site is available with immediate effect in that, a site is considered available for development, when there are no legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners. The landowner has expressed an interest to sell / develop the land.

The development of the site would not have a detrimental effect on the amenities of neighbouring land uses.

The development of the site, given that it is by definition previously developed brownfield land, will have a limited impact on the character of the wider landscape and that the scope for mitigation is good in the medium to long term. The site benefits from extensive areas of level ground.

The development of the site has the potential to substantially improve the biodiversity of the area. Any future development of the site would involve a comprehensive landscape/screening scheme. As part of this scheme as much of the existing trees, hedgerows, foliage, etc. will be utilised, and this will aid with preserving the biodiversity of the area.

The development of the site will not affect any listed buildings or ancient monuments and their settings as there are no such buildings within close proximity. The sites development would not have an effect on any Conservation Area.

It is concluded that the site offers an opportunity to serve as a small/medium scale housing site in its own right in a sustainable location, which would avoid undue harm to the countryside or surrounding area and make best use of a vacant previously developed brownfield site. Furthermore it would make a valuable contribution to meeting the housing needs of the Cumnock area and assist in addressing the identified shortfall in housing land supply.

Modifications sought by those submitting representations:

Inclusion of Mauchline Creamery as a Housing opportunity site in the Proposed Plan.

Summary of responses (including reasons) by planning authority:

The Council acknowledges that the Mauchline Creamery site is brownfield in nature and that additional new housing units at this location would add to the supply of housing in this area where completion rates have been historically low. However, the site is located within the rural area distant from the settlement boundary of Mauchline. In line with sustainability principles set out in SPP and in the spatial strategy of the LDP, the Council generally directs new housing developments of this size to sites within settlements and is of the view that the LDP identifies sufficient housing sites within Mauchline for the period of the LDP. For this reason the Council do not agree that this site should be identified as

a housing opportunity site.

Reporter’s conclusions:

1. Mauchline Creamery lies to the south-west of the town and has a site area of 2.59 hectares. At the time of my visit, the site appeared to be occupied. The site is generally flat with a high embankment running along the northern boundary, and is currently occupied by warehouse buildings and hardstanding for car parking.
2. An allocation as a residential opportunity is sought for the site, and it is available immediately.
3. I find that the site is previously developed and so could properly be considered a brownfield site. The advantages of Mauchline as a settlement are acknowledged.
4. This site is located on the Barskimming Road, approximately 1.7 kilometres from the centre of Mauchline. The intervening land from the site to the settlement boundary is primarily agricultural in nature, and the railway line currently forms a defensible western boundary to the town. The site is located within the rural area of the plan.
5. I find that the Spatial Strategy and Policy OP1 seek to locate development in or on the edge of existing settlements. The location of Mauchline Creamery, and it’s current occupied status leads me to conclude that an allocation for residential development would not be appropriate at this point in time.
6. Reference is made in the submission to a shortfall in the housing land supply figure for the Cumnock sub-housing market area, in which Mauchline is included. As mentioned in Issue 13 of this report, we are satisfied that any overall shortfall in housing land may be met through the contributions of other sites that have come to light since publication of the draft plan.
7. Taking the above into account, I conclude that the Mauchline Creamery should not be identified as a housing opportunity site in the plan.

Reporter’s recommendations:

No modifications to the plan.

Issue 132	Site 051M: Muirkirk Bing, Muirkirk	
Development plan reference:	Volume 2, Pages 89-92, Site 051M: Muirkirk Bing, Muirkirk	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
The Woodland Trust Scotland (PLDP/323/9)		
Provision of the development plan to which the issue relates:	Site 051M is allocated for residential, Class 4 (Business), recreational and amenity purposes, subject to the ground conditions being proved suitable for such developments. The site is brownfield and extends to 10.33 hectares.	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/6) objects to the development of Muirkirk Bing, Muirkirk as it is adjacent to an area of this Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/1) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being adjacent to the proposed cemetery extension and to ensure that the area of ancient woodland does not suffer from edge effects.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early on in the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
<p>1. The objection from The Woodland Trust Scotland looks for a standard minimum 50 metre wide buffer of semi-natural vegetation around all ancient woodlands within the plan area near or within which development is allocated. Their objective is to avoid harmful edge effects.</p>		

2. I consider that to impose such a requirement as standard on all sites close to ancient woodlands would be unduly restrictive. The setting of each area of ancient woodland will vary considerably, as will the vegetation and fauna within it and its susceptibility to disturbance and damage. These are generally matters better considered during the development management process when they can be assessed against the provisions of policies ENV 6(iii) and ENV 9 of the plan on Nature Conservation and Trees, Woodland and Forestry, respectively. Those policies include a presumption against the felling of ancient semi-natural woodlands and an expectation that any development will demonstrate how any potential adverse impacts on areas of local importance for nature conservation can be avoided or mitigated. The advice from Natural England which the Trust quotes does not require a standard buffer width and, in any case, does not apply in Scotland.

3. In this case the ancient woodland comprises long established woodland of plantation origin on the opposite side of the River Ayr to the allocated site and on land already in use as a caravan and camping site. There is no reason to think that access to the woodland would increase as a result of development on the site of the former bing. Any other potential impacts could be assessed and dealt with at planning application stage.

Reporter's recommendations:

No modification.

Issue 133	Site 365H, Mansfield Road, New Cumnock	
Development plan reference:	Volume 2, page 94, site 365H, Mansfield Road, New Cumnock	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Anne & Trevor Basford (PLDP/44)		
Provision of the development plan to which the issue relates:	Volume 2, Page 94 and New Cumnock LDP Map, Site 365H, Mansfield Road, New Cumnock	
Planning authority's summary of the representation(s):		
<p>Anne & Trevor Basford (PLDP/44) object to the inclusion of site 365H, which they state is greenfield land. Given the onus of the plan upon development on brownfield the inclusion of this greenfield site for housing is not understood, nor is the 'unethical' alteration of the village boundaries to include this site. There are brownfield sites which should be developed in the first instance and the use of these sites would enhance the environment in New Cumnock.</p> <p>Additional concerns relate to the impact upon services/utilities, an increase in run-off, security and safety, litter, loss of a view / rural aspect, noise and light pollution, increased emissions and damage to existing properties.</p> <p>The access to the site is reckoned to be too narrow and the increased level of traffic resulting from this development will have safety implications.</p> <p>The proposal will result in a lesser environment for users and residents surrounding the site and the removal of a popular open space.</p>		
Modifications sought by those submitting representations:		
Removal of site 365H from the proposed plan and reallocation of housing to brownfield sites in New Cumnock.		
Summary of responses (including reasons) by planning authority:		
It is acknowledged that site 365H is greenfield. As is set out in paragraph 4.1.8 of the proposed plan, the Council has identified a wide range of housing sites including both brownfield and greenfield land. This provides the house building industry with a number of options for developing within each settlement. As can be seen on the New Cumnock LDP map, a number of brownfield sites have been identified for a range of possible uses elsewhere in the town.		

Large areas of Council housing within the southern part of New Cumnock have been demolished in recent years which the Council has turfed over. There are therefore large tracts of vacant green space in this part of town. Whilst it would be preferable in planning terms to identify these vacant sites for housing development, the reality is that private house builders are unwilling to develop in these areas. The Council is of the view that a private house builder may be more attracted to a greenfield site in the northern part of the town. The Council is of the view that it is taking a realistic view of what the market is likely to take forward for development over the LDP period.

In preparing the proposed plan, no constraints to development were identified in terms of infrastructure and drainage. Security and loss of a view are not material planning considerations and issues such as safety, litter, noise and light pollution can be dealt with at planning application stage. By their very nature new development will result in increased emissions and this is not seen as a valid reason for removing a site from the plan. The Council is of the view that new development is unlikely to cause damage to existing properties.

With regard to access to the site, the LDP seeks a Transport Assessment to be undertaken. This will provide the developer with a definitive list of what improvements require to be made to the local road network to access the site. Any such measures, including those related to access, will then need to be included in a future planning application for the site. It is, however, pointed out that the Ayrshire Roads Alliance were in general terms satisfied that site 365H can be accommodated within the local road network otherwise they would have recommended to the Planning Service that the site be removed from the plan during the pre-publication stages of plan preparation.

The Council does not agree that the development of this site will result in a lesser environment for users and residents surrounding the site and the removal of a popular open space. The Council will ensure through any planning application that new housing development will enhance the environment of the local area. With regard to this being a popular area of open space, there are no recreational features on the site which is currently an open field.

The Council does not agree that the site should be removed from the plan.

Reporter's conclusions:

1. This is a 2 hectare greenfield site with an indicative capacity of 35 dwellings at the northern end of the village.
2. The council's judgement is that brownfield sites within the village are unlikely to appeal to private house builders and therefore not progress. In a difficult market, the council is taking a pragmatic approach in the interests of encouraging new housing in the village.
3. There have been no objections or serious concerns expressed by consultees with responsibility for drainage, flooding, road access, noise and light pollution and emissions. I therefore have no reason to believe that these are matters which cannot be resolved in detail as part of the development management process. The land is undulating but not to the extent that it would make construction problematic. No evidence has been provided to support other concerns, such as potential damage to property. Loss of a view for householders is not a planning consideration. Existing recreational use has been referred

to, but there are no formal recreational facilities on the land or access routes across it to be protected.

Reporter's recommendations:

No modification.

Issue 134	Site 431H: Ladeside, Newmilns	
Development plan reference:	Volume 1, Pages 97-100, Site 431H: Ladeside, Newmilns	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
The Woodland Trust Scotland (PLDP/323/7)		
Provision of the development plan to which the issue relates:	Site 431H is a brownfield site within the settlement boundary of Newmilns. The site extends to 0.46 hectares and has an indicative capacity of 5 residential units.	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/7) objects to site 431H as it is adjacent to an area of Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/7) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being adjacent to the site and to ensure that the area of ancient woodland does not suffer from edge effects.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early on in the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. The objection from The Woodland Trust Scotland looks for a standard minimum 50 metre wide buffer of semi-natural vegetation around all ancient woodlands within the plan area near or within which development is allocated. Their objective is to avoid harmful edge effects. 2. I consider that to impose such a requirement as standard on all sites close to ancient woodlands would be unduly restrictive. The setting of each area of ancient woodland will 		

vary considerably, as will the vegetation and fauna within it and its susceptibility to disturbance and damage. These are generally matters better considered during the development management process when they can be assessed against the provisions of policies ENV 6(iii) and ENV 9 of the plan on Nature Conservation and Trees, Woodland and Forestry, respectively. Those policies include a presumption against the felling of ancient semi-natural woodlands and an expectation that any development will demonstrate how any potential adverse impacts on areas of local importance for nature conservation can be avoided or mitigated. The advice from Natural England which the Trust quotes does not require a standard buffer width and, in any case, does not apply in Scotland.

3. Site 431H is a brownfield site in Newmilns on the north bank of the River Irvine. It extends to 0.46 hectares and has an indicative capacity of 5 residential units. An area of ancient woodland (Long Established – of plantation origin) lies on the opposite bank of the river. This is a small development site and the river itself provides a significant buffer. It stands in a similar relationship to the ancient woodland as other housing along the riverbank. I see no reason why potential impacts of development on the woodland cannot be addressed as part of any planning application process.

Reporter’s recommendations:

No modification.

Issue 135	Site 348B: Brown Street, Newmilns	
Development plan reference:	Volume 2, Pages 97-100, Site 348B: Brown Street, Newmilns	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
The Loudoun Valley Trust (PLDP/115/5)		
Provision of the development plan to which the issue relates:	Site 348B is located within the settlement boundary of Newmilns. The site extends to 11.06 hectares and is allocated for Class 4, 5 and 6 business and industrial uses.	
Planning authority's summary of the representation(s):		
<p>The Loudoun Valley Trust (PLDP/115/5) support the continued inclusion of site 348B in the plan for industrial and business use as it provides a unique opportunity for new business in the valley area. The Trust is of the view that the Council should look to carry out a specific study of the area to improve the infrastructure, encourage owners of empty buildings to bring them to the market for letting and provide financial assistance for the building of small nest units for business start-ups.</p>		
Modifications sought by those submitting representations:		
<p>The Loudoun Valley Trust (PLDP/115/5) seek amendments to the plan which will enable a study of the area to improve infrastructure, encourage owners of vacant units to market them and provide financial assistance for business start-ups.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Although the Council see merit in investigating improvements to the infrastructure and bringing back empty buildings into business and industrial use within the site, it is of the view that the responsibility for bringing forward a study, as the Loudoun Valley Trust suggests, lies with the owners of the various properties within the site.</p> <p>The Council would point out that the Economic Development Section actively encourages owners of vacant business and industrial properties to bring them back into active use and provides advice and financial support to businesses, including start-up businesses. The Economic Development Section can therefore assist the owners in this regard.</p> <p>The Council is therefore of the view that it is not appropriate to amend the Local Development Plan to include the Trust's modification as a proposal, where there has been no resources allocated, or commitment given, to undertaking a study and where the responsibility for undertaking the study clearly lies with the owners of the properties within the site.</p> <p>The Council is therefore of the opinion that no changes are required to be made to the Local Development Plan in this regard.</p>		

Reporter's conclusions:

1. Site 348B is 11.06 hectares in extent and is allocated for business and industrial uses. It comprises existing units some of which are occupied for those uses and some vacant.
2. The council wishes to rely on the advice and financial support offered by its Economic Development Section rather than committing to a study for which it has not allocated any resources and which it regards as being the responsibility of the property owners within the site. I have no grounds for requiring otherwise.

Reporter's recommendations:

No modification.

Issue 136	Newmilns Settlement Boundary	
Development plan reference:	Volume 2, Pages 97-100, Newmilns	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Scott Bonnell (PLDP/258)		
Provision of the development plan to which the issue relates:	The settlement boundary of Newmilns.	
Planning authority's summary of the representation(s):		
<p>Mr Scott Bonnell (PLDP/258) wishes an area of land between numbers 15/17 and 23 Foulpapple Road to be included within the settlement boundary of Newmilns.</p> <p>The current settlement boundary has simply been drawn to follow the curtilages of the properties in the area. This area of land had been subject to planning consent in the 1960's but for many years the land has been maintained by the Mr Bonnell as a field. The site is considered to be a gap site and Mr Bonnell refers to another gap site on Foulpapple Road which had been granted consent for two houses in 2007. Mr Bonnell considers that the rear boundary of this area of land aligns with the rear boundary of the neighbouring properties.</p> <p>If the area of land where to be included within the settlement boundary of Newmilns, it would make a small contribution to the housing land supply as much of the land identified for housing in Newmilns is land liable to flooding, so it is worthy of consideration in a village which needs new residents to help to regenerate it. Smoothing out the settlement boundary along the north side of Foulpapple within an established enclave of housing, will have little or no visual impact on Newmilns. Rather it could unobtrusively consolidate what development is already there.</p>		
Modifications sought by those submitting representations:		
<p>Mr Scott Bonnell (PLDP/258) wishes an area of land between numbers 15/17 and 23 Foulpapple Road to be included within the settlement boundary of Newmilns.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council's approach to settlement boundaries is to draw them tightly around existing property boundaries. The area of land in question is located outwith the settlement boundary and within the Rural Protection Area surrounding Newmilns. The Rural Protection Area restricts development in order to protect landscape quality and rural amenity.</p> <p>In light of the representation from Mr Bonnell, the Council consider that it may be appropriate to amend the settlement boundary of Newmilns to include the area of land</p>		

requested within this representation. The Council is of the opinion that the area of land in question is considered to be of low landscape value and there is nothing intrinsic within the land that would require it to be safeguarded from potential development. Furthermore, the proposed amendment would not constitute a major change to the Council's overall approach as it would result in the settlement boundary being more linear in this area and would follow the plot boundaries of the adjacent properties.

The Council would therefore have no objection if the Reporter is agreeable to an amendment and considers that a change to settlement boundary of Newmilns is appropriate in this instance. For clarification, the change would be that proposed by Mr Scott Bonnell in his representation.

Reporter's conclusions:

1. This 0.6 hectare site forms a gap between houses at 15-17 and 23 Foulpapple Rd, Newmilns. It is suggested that it could accommodate no more than two houses, and that these would make a small contribution to housing in the town.
2. There is ribbon development along the south side of the road and discontinuous development along the north side. The proposal would tend to consolidate ribbon development along that northern side.
3. In 1966, consent was granted on the site for a single bungalow but never implemented. The representee cites, as a precedent, the two houses granted in 2007 on infill plots a short distance down the same road.
4. The council's response to the representation concedes that the settlement boundary could be amended to incorporate the representee's land.
5. The council's policy is normally to draw boundaries tightly around each settlement and this has placed the contested land in the Rural Protection Area. Within that area, the council states that development is restricted in order to protect landscape quality and rural amenity. In this location, the council regards the overall landscape value to be low. Although I would not accept that, nevertheless, the impact of development on the wider landscape would be small because of screening provided by the topography and existing buildings and trees and because the site has existing development on three sides and the fourth boundary would align with other development to the north of Foulpapple Rd,. The suggested plot sizes would accord with others on this road. Access would be onto a fairly quiet minor road which is subject to traffic calming. It is not evident that there would be a significant harmful effect on rural amenity
6. In all the circumstances, I accept the council's suggested amendment.

Reporter's recommendations:

Modify the plan to amend the Newmilns settlement boundary to include the land between 15-17 and 23 Foulpapple Rd, as illustrated in the supporting documents.

Issue 137	Site 351H: Carskeogh Caravan Site, Patna	
Development plan reference:	Volume 2, Pages 103- 105, Site 351H: Carskeogh Caravan Site, Patna	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
The Woodland Trust Scotland (PLDP/323/8)		
Provision of the development plan to which the issue relates:	Site 351H is a former caravan site within the settlement boundary of Patna. The site is partially brownfield and extends to 11.45 hectares. The indicative capacity of the site is 160 residential units	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/8) objects to site 351H as it is adjacent to an area of Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/8) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being adjacent to the site and to ensure that the area of ancient woodland does not suffer from edge effects.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early on in the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. The objection from The Woodland Trust Scotland looks for a standard minimum 50 metre wide buffer of semi-natural vegetation around all ancient woodlands within the plan area near or within which development is allocated. Their objective is to avoid harmful edge effects. 2. I consider that to impose such a requirement as standard on all sites close to ancient woodlands would be unduly restrictive. The setting of each area of ancient woodland will 		

vary considerably, as will the vegetation and fauna within it and its susceptibility to disturbance and damage. These are generally matters better considered during the development management process when they can be assessed against the provisions of policies ENV 6(iii) and ENV 9 of the plan on Nature Conservation and Trees, Woodland and Forestry, respectively. Those policies include a presumption against the felling of ancient semi-natural woodlands and an expectation that any development will demonstrate how any potential adverse impacts on areas of local importance for nature conservation can be avoided or mitigated. The advice from Natural England which the Trust quotes does not require a standard buffer width and, in any case, does not apply in Scotland.

3. Site 351H comprises a former caravan park on the edge of Patna village and has an indicative capacity of 160 residential units.

4. The Inventory of Ancient Woodland indicates a block of ancient woodland (categorised as Other in the Ancient Woodland Inventory) lying to the south of the site with a wedge of other woodland standing between the site and the designated woodland. However, my site inspection revealed that these woodland areas had been clear felled. Nevertheless, the designation remains and there may be ground cover or other interest on the site still. I am satisfied that the site is big enough for there to be scope to address any potential impacts on the ancient woodland designation through the planning application process.

Reporter's recommendations:

No modification.

Issue 138	Site 057H: Catrine Road, Sorn	
Development plan reference:	Volume 2, pages 110-111, Sorn	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Sorn Community Council (PLDP/91)		
Provision of the development plan to which the issue relates:	Site 057H is a greenfield site within the settlement boundary of Sorn. The site extends to 2.05 hectares and is allocated for residential purposes with an indicative allocation of 26 residential units.	
Planning authority's summary of the representation(s):		
<p>Sorn Community Council (PLDP/91) questions the allocation of the site for housing. They raise issues regarding foul water drainage, impacts on educational facilities and road traffic problems. They also question the need for another residential development within Sorn due to the fact that a housing development has not been completed nor is it fully occupied.</p>		
Modifications sought by those submitting representations:		
<p>Sorn Community Council (PLDP/91) has not requested any modifications to the Local Development Plan and it is inherent in their representation that they are not against the allocation of the site but are seeking further information on the issues that they have raised.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council can advise that it has consulted Scottish Water on all of the sites allocated within the Local Development Plan. Scottish Water has not raised any issues with site 057H in terms of water infrastructure or capacity issues. The Council can also confirm that there will be no adverse impacts on primary or secondary schooling as a result of the development of the site.</p> <p>With regard to the issues raised in relation to road traffic, the Ayrshire Roads Alliance has not raised any concerns about the development of the site but has requested that a Transport Assessment is provided with any planning application for the site. This requirement has been included as a note within Page 110 of Volume 2 of the Local Development Plan in relation to Site 057H.</p> <p>The Council would agree that the existing development at Woolmill Place has not been fully completed or fully occupied; however, this is mainly due to the developer going into administration. The Council is firmly of the opinion that Site 057H is required to meet the housing land supply target and to meet with the provisions of SPP. The Council is also of the opinion that the site is effective and developable within the timeframe of the Local Development Plan.</p>		

The Council is therefore of the view that the site should be continued to be allocated as a residential development site within the Local Development Plan.

Reporter's conclusions:

1. This is a 2.05 hectare greenfield site with an indicative capacity of 26 residential units on the south side of the conservation village of Sorn.
2. None of the consultation bodies responsible for water infrastructure and capacity, schools or road traffic has raised concerns in principle about development of this site. I noted the quarry traffic passing through the village, but given the standard and alignment of the roads and the lack of congestion, its impact appears to be tolerable.
3. The Woolmill Place development on the east side of the village is incomplete and few of the houses are occupied. The end section of the cul-de-sac is fenced off. The council suggests that this is mainly due to its developer going into administration. It may be that the economic downturn and difficulties in obtaining mortgages played their part. However, I am not persuaded that the problems associated with Woolmill Place necessarily indicate that the proposed site would fail to be developed or to attract buyers.

Reporter's recommendations:

No modification.

Issue 139	PROP 22: Sorn Cemetery	
Development plan reference:	PROP 22: Sorn Cemetery	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
The Woodland Trust Scotland (PLDP/323/9)		
Provision of the development plan to which the issue relates:	The proposal refers to the proposed extension of Sorn Cemetery	
Planning authority's summary of the representation(s):		
<p>The Woodland Trust Scotland (PLDP/323/1) objects to the extension of Sorn Cemetery as it contains an area of Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>		
Modifications sought by those submitting representations:		
<p>The Woodland Trust Scotland (PLDP/323/1) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being within the proposed cemetery extension and to ensure that the area of ancient woodland does not suffer from edge effects.</p> <p>The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council consider that the provisions of Policy ENV 6 (iii) and Policy ENV 9 gives adequate protection to areas of Ancient Woodland from development. In relation to the request for a 50 metre buffer of semi-natural vegetation, the Council is of the opinion that any form of buffering is a detailed consideration which should be discussed early on in the planning application stage. As a result, the Council is of the view that no changes to the Local Development Plan are required in relation to this issue.</p>		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. The site of this proposed small cemetery extension protrudes into an extensive belt of ancient woodland of semi-natural origin running along the northern side of Sorn church and cemetery. The Woodland Trust objects because the woodland could be lost or damaged. 2. SPP identifies ancient woodland as <i>"an important and irreplaceable national resource</i> 		

that should be protected and enhanced.” Scottish Government policy on control of woodland removal states that there is a strong presumption against removing ancient semi-natural woodland or plantations on ancient woodland sites.

3. The council relies on the protection offered by Policies ENV 6 (iii) and ENV 9 of the plan on Nature Conservation and Trees, Woodland and Forestry, respectively. The first of those policies requires that development which may adversely impact on areas of local importance for nature conservation, among other things, will be expected to demonstrate how any impact can be avoided or mitigated. The second includes a presumption against the felling of ancient semi-natural woodlands; it makes cross-reference to the guidance contained in the Ayrshire and Arran Forestry and Woodland Strategy.

4. I am not satisfied that the protection of ancient woodland within a proposed development site is a matter of detail which can be left to the development management stage as the council contends. The site is largely covered by mature deciduous trees, whose canopy spreads over much of the land. The root systems of these trees are likely to be of similar extent. Allocation of this land would establish the principle of development and an expectation that a number of graves could be located within it, neither of which can be assumed to be acceptable in relation to the protection of ancient woodland, together with its associated ground cover and fauna, without prior detailed assessment. I have not been informed of such an assessment.

Reporter’s recommendations:

Modify the plan by deleting allocation PROP 22: Sorn Cemetery.

Issue 140	Site 354H, Kilwinning Road, Stewarton	
Development plan reference:	Volume 2 Page 113, Site 354H Kilwinning Road Stewarton	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Gladman Developments (PLDP/291/3 and 4)		
Provision of the development plan to which the issue relates:	Volume 2 page 113 and Stewarton LDP Map, Site 354H Kilwinning Road Stewarton	
Planning authority's summary of the representation(s):		
<p>Gladman Developments objects to the rolling forward of housing sites in Stewarton. They state that the Council should provide evidence that all sites proposed for allocation have been assessed for effectiveness against the criteria in Scottish Government advice note PAN 2/2010 (see also Issue 141, site 355H; Issue 142, site 356H; Issue 143, site 433H; Issue 144, site 436H; and Issue 145, FGA4).</p> <p>Sites which do not pass these tests should be removed from the effective housing land supply and the Council should seek to allocate additional housing land that is proven to be effective and deliverable in the short term.</p>		
Modifications sought by those submitting representations:		
Evidence of assessment of site 354H against PAN2/2010 and removal of site 354H should it not pass the tests.		
Summary of responses (including reasons) by planning authority:		
Both phases of site 354H are under construction therefore the whole site is clearly effective.		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. This site lies to the west of Stewarton, has a site area of 10.05 hectares and capacity for approximately 160 homes. It is allocated in the plan as site 354H. 2. At the time of my site visit, development of the site appeared to be substantially complete with most, if not all, homes occupied. 3. The representation questions the effectiveness of site 354H, seeking to have it assessed against the criteria set out in Planning Advice Note (PAN) 2/2010. If found not 		

to be effective, then the site should be removed from the plan and replace with sites which have been proven to be effective in terms of the PAN.

4. In this instance, given that the site is substantially complete, I find there is no question of effectiveness to answer.

Reporter's recommendations:

I recommend no modification to the plan.

Issue 141	Site 355H: Draffen East, Stewarton	
Development plan reference:	Volume 2 page 113, Site 355H, Draffen East, Stewarton	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Gladman Developments (PLDP/291/3 and 4); Mrs Diane Fraser (PLDP/246/4)		
Provision of the development plan to which the issue relates:	Volume 2 Page 113 and Stewarton LDP Map, Site 355H, Draffen East, Stewarton	
Planning authority's summary of the representation(s):		
<p>Gladman Developments (PLDP/291/3 and 4) objects to the rolling forward of housing sites in Stewarton. They state that the Council should provide evidence that all sites proposed for allocation have been assessed for effectiveness against the criteria in Scottish Government advice note PAN 2/2010 (see also Issue 140, site 354H; Issue 142, site 356H; Issue 143, site 433H; Issue 144, site 436H; and Issue 145, FGA4).</p> <p>Sites which do not pass these tests should be removed from the effective housing land supply and the Council should seek to allocate additional housing land that is proven to be effective and deliverable in the short term.</p> <p>Gladman Developments state that the land at Draffen East (355H) is known to have significant issues with ground conditions rendering it undevelopable for residential use. The fact that consent has drifted for almost 15 years would suggest ineffectiveness and that other sites should be appropriately considered.</p> <p>Mrs Diane Fraser (PLDP/246/4) supports the inclusion of site 355H but notes that as a result of outline consent 01/0859/OL and submitted application for reserved matters 14/0903/AMCPPP (note: approved since submission of representation) the information relating to site 355H is inaccurate. To reflect the consent, the capacity should read 150 units instead of 100.</p> <p>In addition, in terms of Note (ii) on page 113 of volume 2, it is indicated that the site “may be susceptible to flooding”. As part of application 14/0903/AMCPPP, a detailed Flood Risk Assessment was provided to the Council, the terms of which have been accepted by SEPA and which demonstrate that the site is not subject to any flood risk.</p> <p>Note (iii) indicates that a Transport Assessment will be required in respect of any detailed development proposals relating to the site. As part of the consideration of the application for planning permission in principle for the development of the site, planning permission reference number 01/0859/OL, a Transport Assessment was submitted and subsequently approved in relation to the proposed development of the site.</p> <p>Note (iv) indicates that the developer of the site will require to prepare a design statement</p>		

in line with the terms of PAN 68. A master plan report was submitted and approved by the Council as part of their assessment of planning permission reference 01/0859/OL, and it has been confirmed in relation to planning application reference 14/0903/AMCPPP that the form of development proposed for the site is in compliance with the provisions of the approved master plan for the site.

Modifications sought by those submitting representations:

Gladman Developments (PLDP/291/3 and 4) recommends that the Council provide evidence that all sites proposed for allocation have been assessed for effectiveness against the criteria in Scottish Government advice note PAN 2/2010.

Sites which do not pass these tests should be removed from the effective housing land supply and the Council should seek to allocate additional housing land that is proven to be effective and deliverable in the short term. Gladman Developments is promoting a site at Peacockbank Farm, Stewarton for residential development which fulfils the effectiveness criteria in PAN2/2010 and this site should be allocated for housing in the LDP (see also Issue 150, Inclusion of land at Peacockbank Farm, Stewarton for residential purposes).

Mrs Diane Fraser (PLDP/246/4) seeks a modification to change the capacity of the site to 150 units to accurately reflect the actual capacity of the site – this should also be reflected in Schedule 2. In addition, she seeks that in notes (ii), (iii) and (iv) references to site 355H are removed.

Summary of responses (including reasons) by planning authority:

Gladman Developments (PLDP/291/3 and 4): Site 355H is considered to be effective. A detailed planning application for 150 units on this site has recently been granted consent. The owner now intends to market the site. There are no ground conditions that render it undevelopable.

Mrs Diane Fraser (PLDP/246/4): It is noted by the Council that since publication of the proposed plan, site 355H has been granted consent for 150 units and that the indicative capacity in Volume 2 of the EALDP Proposed Plan is 100. The Council would point out that the 100 units is indicative only and that planning applications have the ability to amend this amount which has been the case with this particular site. At the time of publication of the plan, and within the draft Housing Land Audit 2013, the site did not have consent for 150 units and a lower density development was envisaged which is why the indicative capacity was set at 100. The Council would point out that site 355H is referred to in Issue 13 Housing Land Supply as it is recognised that the additional 50 consented units which have entered the land supply since the publication of the proposed plan could assist in meeting the shortfall set out in Table 1 of Volume 1. The Council has pointed out the additional 50 units for the reporter to note in relation to housing land supply issues but doesn't necessarily consider that this increased capacity should be reflected in the plan at this stage. With regard to removing the notes referring to transport assessments, flooding and a design statement, the Council does not agree that this should happen. If this particular consent is not implemented and subsequently lapses, the Council needs to be able to require any potential future proposals for this site to meet with these requirements. No changes to the plan are necessary.

Reporter’s conclusions:

1. This site at Draffen East lies to the south-east of Stewarton, and is identified in the Proposed Plan as site 355H with a site area of 8.84 hectares and a capacity for 100 homes. It was in agricultural use at the time of my visit, appears mainly laid to pasture and has a gentle slope in the land running to the south.
2. There is no evidence before me to suggest that this site is not effective. Planning consent has recently been granted for 150 houses, and its previous planning history does not render the site non-effective. No evidence has been provided to demonstrate that there are ground conditions which might impact on delivery, and so I conclude that the site is effective.
3. Removal of the notes (ii) and (iii) and (v) are sought in a representation. It is argued that the current planning permission has addressed the issues of flooding, design and transport impacts and so they are no longer required in the plan. I find that although such issued may have been addressed in the consideration of the current planning permission, retention of the notes would ensure that any subsequent application would be subject to the same level of assessment, and on that basis their retention is appropriate.
4. The current planning consent establishes the capacity of the site at 150 houses. The notional capacity is set in Volume 2 of the Proposed Plan at 100, but at Issue 13 of this examination, the capacity of the site is noted as 150 houses, to reflect the consent. I find that to maintain consistency, the table at page 113, Stewarton 1, line 2 column 4, be amended to read “150”, and “100” be deleted. I conclude that such a modification would ensure that the plan accurately reflects the capacity of the site and the effective housing land supply for the five year plan period 2015-2020.

Reporter’s recommendations:

Modify the plan by deleting the number 100 from the table on page 113, titled “Stewarton 1”, line 2 column 4, and replacing with the number 150.

Issue 142	Site 356H: Dunlop Road, Stewarton	
Development plan reference:	Volume 2, Pages 112-115, Site 356H: Dunlop Road, Stewarton	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Louise Campbell (PLDP/4); Mr Thomas and Mrs Margret Lochrie (includes a petition with 43 signatures) (PLDP/49); Andrew Martin Shields (PLDP/260); Gladman Developments (PLDP/291/3 and 4); The Woodland Trust Scotland (PLDP/323/10); Graham Williams (PLDP/327)</p>		
Provision of the development plan to which the issue relates:	Site 356H is a greenfield site within the settlement boundary of Stewarton and is allocated for residential use. The site extends to 7.59 hectares and has an indicative capacity of 130 residential units.	
Planning authority's summary of the representation(s):		
<p>Ms Louise Campbell (PLDP/4) and Mr Graham Williams (PLDP/327) are concerned with the impact of the proposal upon wildlife, with the use of the land ruining habitats of protected species in contravention of the Habitats Regulations 1994 and the Wildlife and Countryside Act 1981.</p> <p>Flooding is of concern to Ms Louise Campbell (PLDP/4) and Mr Thomas and Mrs Margret Lochrie (PLDP/49) who enclose photographic evidence. Mr Graham Williams (PLDP/327) states that the area is a wetland, forming a catchment area for a stream and water run-off from the Manor Gardens Estate.</p> <p>Mr Andrew Martin Shields (PLDP/260) understood that housing development was not allowed on this site and is concerned about development spoiling his outlook.</p> <p>The difference between the allocation for 130 units and the current interest in the site by Persimmon Homes for 217 units is confusing for Mr Shields. Mr Shields has concerns over the state of the infrastructure of the town, the additional traffic generated and the pressure on medical and educational facilities, which in his opinion, will not be able to cope. Mr Shields alleges that the Council have failed to provide the growing town with better facilities and that the sports centre is insufficient. Mr Shields also fails to comprehend why there has been no investment in the town as Council services have been cut whilst tax remains unchanged and thus there must be revenue available.</p> <p>Gladman Developments (PLDP/291/3 and 4) objects to the rolling forward of housing sites in Stewarton. They state that the Council should provide evidence that all sites proposed for allocation have been assessed for effectiveness against the criteria in Scottish Government advice note PAN 2/2010.</p> <p>Sites which do not pass these tests should be removed from the effective housing land supply and the Council should seek to allocate additional housing land that is proven to be effective and deliverable in the short term.</p>		

<p>The Woodland Trust Scotland (PLDP/323/10) object to site 424H as it is adjacent to an area of Ancient Woodland which the trust are concerned could lead to the loss and damage of ancient and long-established woodland. They consider that these proposals should not be taken forward unless these concerns are addressed and ancient woodland is guaranteed sufficient protection from adjacent development.</p>
<p>Modifications sought by those submitting representations:</p>
<p>Ms Louise Campbell (PLDP/4) seeks the complete review of the plan with a conclusion to either dismiss it entirely or to limit residential development to the main Dunlop Road area only.</p> <p>Mr Thomas and Mrs Margret Lochrie (PLDP/49) and the 43 signatures of the petition, request a guarantee that existing properties will not be affected by flood water.</p> <p>Mr Andrew Martin Shields (PLDP/260) requires that the land be retained as greenbelt until such time as the infrastructure and facilities in and around Stewarton have been upgraded.</p> <p>Gladman Developments (PLDP/291/3 and 4) recommend that the Council provide evidence that all sites proposed for allocation have been assessed for effectiveness against the criteria in Scottish Government advice note PAN 2/2010. Sites which do not pass these tests should be removed from the effective housing land supply and the Council should seek to allocate additional housing land that is proven to be effective and deliverable in the short term. Gladman Developments is promoting a site at Peacockbank Farm, Stewarton for residential development which fulfils the effectiveness criteria in PAN2/2010 and this site should be allocated for housing in the LDP (see also Issue 150, Inclusion of land at Peacockbank Farm, Stewarton for residential purposes).</p> <p>Mr Graham Williams (PLDP/327) seeks an investigation of the proposed site use on local drainage and wildlife, as well as revision of the Proposed Plan in line with good environmental practice in respect of these issues. The site allocation either be eliminated or revised to allow a level of housing consistent with good environmental practice.</p> <p>The Woodland Trust Scotland (PLDP/323/10) request that a buffer of at least 50 metres of semi-natural vegetation is provided, due to ancient woodland being adjacent to the site and to ensure that the area of ancient woodland does not suffer from edge effects. The Trust also recommends that suitable survey work is carried out for any potential species present on site to determine the impact any development may have on their populations.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>The representations to Site 356H: Dunlop Road, Stewarton relate to biodiversity, flora and fauna; flooding; infrastructure and facilities, capacity and effectiveness of the site; and the loss of a view. The Council's responses to the representations have been grouped under these headings and are provided below.</p> <p><u>Biodiversity, Flora And Fauna</u></p> <p>In relation to the representations from Ms Louise Campbell (PLDP/4) and Mr Graham Williams (PLDP/327) with regard to flora and fauna, the Council would point out that</p>

there no statutory wildlife designations within the site; however, the site does lie adjacent to a Provisional Wildlife Site.

As SNH and the Scottish Wildlife Trust have not objected to the allocation of the site, the Council is of the view that the site can be developed in a way which would not adversely impact upon or disturb the species and habitats within the adjacent Provisional Wildlife Site.

Flooding

With regard to the representations from **Ms Louise Campbell (PLDP/4)** and **Mr Thomas and Mrs Margret Lochrie (PLDP/49)** and the petitioners, it should be noted that SEPA has not objected to the allocation of this site. The Council is, however, aware that parts of the site are at risk of flooding and has requested that a Flood Risk Assessment is submitted with any planning application for the site to demonstrate that the proposal complies with the provisions of SPP. This requirement has been included as a note within Page 113 of Volume 2 of the Local Development Plan.

The developer will also be required to ensure, in accordance with Policy ENV 11 of the Local Development Plan, that development of the site can be undertaken subject to appropriate flood prevention measures and will not have an adverse effect on the risk of flooding off-site. The Council therefore considers that there is no impediment to the site being developed, subject to a Flood Risk Assessment being provided and approved by SEPA and the Ayrshire Roads Alliance.

In relation to the representation from **Mr Graham Williams (PLDP/327)** the Council do not agree that the area is a wetland, rather it is an agricultural field which is at risk from pluvial flooding and ponding, which can be addressed through the measures detailed above.

Infrastructure And Facilities

In response to the representation from **Mr Andrew Martin Shields (PLDP/260)**, the Council is of the opinion that the development of Site 356H will not detrimentally impact on infrastructure within the town. With regard to the issue of traffic generation, the Council would advise the Reporter that the Ayrshire Roads Alliance has not raised any objections to the development of this site but has requested that a Transport Assessment is submitted with any planning application for the site, to identify the transport effects of the proposal on the immediate area. The requirement has been included as a note within Page 113 of Volume 2 of the Local Development Plan.

The Council would further point out that the Council's Education and Social Services Department had raised no issues in the preparation of the Local Development Plan that would indicate that there are capacity issues within the Lainshaw and Nether Robertland primary schools and Stewarton Academy. NHS Ayrshire and Arran has also not objected to the development of the site in terms of the provision of their service responsibilities within the town. Therefore, the Council consider that there would not be any adverse pressures on educational and medical provision within Stewarton as a result of this development.

The Council would also point out that there has been investment in the town, most recently with the development of the new Sports Centre and therefore, the Council would

disagree with Mr Shields on this matter.

Capacity And Effectiveness Of The Site

The Council would point out to **Mr Andrew Martin Shields (PLDP/260)**, that the Local Development Plan sets an indicative capacity for the site; however, that does not preclude a developer from submitting an application where the proposed residential units are higher or lower than the indicative figure. Any increases in the site capacity will be considered in line with the policies of the Local Development Plan. The Council would also highlight that a planning application for Site 356H and an adjacent field has been recently submitted to the Council. This explains the higher number of houses being proposed.

In response to the representation from **Gladman Developments (PLDP/291/3 and 4)**, the Council would point out that a developer has bought the site and has submitted a planning application; therefore, the Council is of the view that Site 356H is clearly effective and meets with the requirements of SPP.

Loss of a View

In response to the representation from **Mr Andrew Martin Shields (PLDP/260)** that development of the site would spoil his outlook, the Council contend that in planning terms, there is no individual right to a view of the countryside and that this representation should not be considered as part of the examination of this site.

As a result of the representations, the Council is of the view that the site should continue to be allocated as a residential development site within the Local Development Plan.

Reporter’s conclusions:

Background

1. This site is identified as site 356H in the plan, and is allocated for residential use, with a capacity of 130 homes. The site area is 7.59 hectares. At the time of my site visit the site appeared to be in agricultural use. It is generally flat, with a slight rise to the south. It is bounded to the south and west by an established residential area, to the east by the Dunlop Road and to the north by agricultural land.

Flora, Fauna and Biodiversity

2. Representations have cited a number of species to be on site, but I have no further evidence before me to support those claims. Nevertheless, I am aware that there are no statutory designations on site that offer any protection to such species. There is a Provisional Wildlife Site to the north, at Hillhousemuir Quarry. Neither SNH nor the Scottish Wildlife Trust have objected to the allocation of the site for housing.

3. However, I consider that it would be prudent to ensure that in the case of any proposed development, a NVC Phase 1 Habitat Study should be carried out.

Flooding

4. This site has been identified as being within the 1:200 floodplain, but this in itself is

not a complete barrier to development. SEPA has not objected to the allocation of the site for development, and I find that the council has specifically addressed this issue at note (i) on page 113 of Volume 2 of the plan. I do not consider that, subject to the appropriate Flood Risk Assessment, the risk of flooding is such that development could not proceed on this site.

5. I conclude that the site is not a wetland, it is an agricultural field subject to events of flooding following adverse weather conditions.

Infrastructure and Facilities

6. None of the local service providers, namely NHS, Council Education, Council Social Services or Ayrshire Roads Alliance, have objected to the allocation of this site for residential purposes. Note (iii) on page 113 of Volume 2 sets out that a Transport Assessment will be required to accompany any detailed proposal for this site, which would identify any transport effects of the proposed development and any sustainable transport measures required to deliver the development.

7. I conclude that the impact on services and infrastructure would be as expected and proportionate from a site such as this one, and that there would be no adverse impacts on services, facilities and infrastructure in Stewarton.

Capacity

8. In relation to the capacity of the site, the plan identifies it as being for 130 homes. It is my understanding that the current planning application is for some 217 homes but on a larger, and different site area. For that reason, I conclude that the capacity of this site, 356H, should remain identified as 130 homes.

Effectiveness

9. There is no evidence before me to suggest that this site is not effective. A planning application has been submitted for 217 homes on this and an adjacent site, which is currently being considered by the council. No evidence has been provided to demonstrate that there are any matters relating to this site which might impact on delivery, and so I conclude that the site is effective.

Ancient Woodland

10. The Woodland Trust Scotland is seeking a standard minimum 50 metre wide buffer of semi-natural vegetation around all ancient woodlands within the plan area near or within which development is allocated. Their objective is to avoid harmful edge effects.

11. Policies ENV 6(iii) and ENV 9 of the plan address Nature Conservation and Trees, Woodland and Forestry, respectively. Those policies include a presumption against the felling of ancient semi-natural woodlands and an expectation that any development will demonstrate how any potential adverse impacts on areas of local importance for nature conservation can be avoided or mitigated. The advice from Natural England which the Trust quotes does not require a standard buffer width and, in any case, does not apply in Scotland.

12. Site 356H extends to 7.59 hectares and has an indicative capacity of 130 residential

units. From my site visit, I note that the woodland in question lies to the north of the site and is separated from it by Cocklebie Farm house, yard and access road.

13. I find that this is a large enough site that a developer should be able to adjust its design and layout to accommodate any possible impact on the adjacent ancient woodland. I conclude that Note (iv) on page 113 of Volume 2 of the plan already seeks a design statement in accordance with PAN 68 : Design Statement to be prepared for this site, which would address any context issues including any appropriate separation or buffer areas to eliminate or minimise any edge effects on the existing ancient woodland.

Non-planning matters

12. I note that representations included matters that are not relevant to planning, and so cannot be taken into account in this examination.

Reporter’s recommendations:

Modify the plan as follows.

Add the following new note to page 113, Volume 2 of the plan:

“(viii) require any developer of Site 356H to undertake, as appropriate, an NVC Phase 1 Habitat Study to ensure that habitats and species are protected.”

Issue 143	Site 433H, Riverford, Stewarton	
Development plan reference:	Volume 2, Page 113, Site 433H, Riverford, Stewarton	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Gladman Developments (PLDP/291/3 and 4)		
Provision of the development plan to which the issue relates:	Volume 2, page 113 and Stewarton LDP map, Site 433H, Riverford, Stewarton	
Planning authority's summary of the representation(s):		
<p>Gladman Developments objects to the rolling forward of housing sites in Stewarton. They state that the Council should provide evidence that all sites proposed for allocation have been assessed for effectiveness against the criteria in Scottish Government advice note PAN 2/2010.</p> <p>Sites which do not pass these tests should be removed from the effective housing land supply and the Council should seek to allocate additional housing land that is proven to be effective and deliverable in the short term.</p>		
Modifications sought by those submitting representations:		
Evidence of assessment of site 433H against PAN2/2010 and removal of site 433H should it not pass the tests.		
Summary of responses (including reasons) by planning authority:		
A national house builder has submitted a planning application for this site. There are no known physical or service constraints that would prevent its development. It is therefore considered to be effective. No change to the plan is necessary.		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. This site lies to the north east of Stewarton, has a site area of 0.26 hectares and capacity for approximately 6 homes. It is allocated in the plan as site 433H. 2. At the time of my site visit, the site appeared to be vacant, with areas of hardstanding indicating previous development. It is surrounded by established residential development. 3. The representation questions the effectiveness of site 433H, seeking to have it assessed against the criteria set out in Planning Advice Note (PAN) 2/2010. If found not to be effective, then the site should be removed from the plan and replaced with sites in or Stewarton which have been proven to be effective in terms of the PAN. 		

4. This site is a small brownfield site within the settlement. Planning consent is currently being sought for residential development. There are no known constraints which would prevent delivery of this site, nor has any evidence been provided to demonstrate any barrier to effectiveness.

Reporter's recommendations:

No modification to the plan.

Issue 144	Site 436H: Robertland Square, Stewarton	
Development plan reference:	Volume 2, Pages 112-115, Site 436H: Robertland, Stewarton	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Gladman Developments (PLDP/291/3 and 4)		
Provision of the development plan to which the issue relates:	Site 463H is a brownfield site within the settlement boundary of Stewarton. The site extends to 0.35 hectares and has an indicative capacity of 8 residential units.	
Planning authority's summary of the representation(s):		
<p>Gladman Developments (PLDP/291/3 and 4) object to the rolling forward of housing sites in Stewarton. They state that the Council should provide evidence that all sites proposed for allocation have been assessed for effectiveness against the criteria in Scottish Government advice note PAN 2/2010</p> <p>Sites which do not pass these tests should be removed from the effective housing land supply and the Council should seek to allocate additional housing land that is proven to be effective and deliverable in the short term.</p>		
Modifications sought by those submitting representations:		
<p>Gladman Developments (PLDP/291/3 and 4) recommend that the Council provide evidence that all sites proposed for allocation have been assessed for effectiveness against the criteria in Scottish Government advice note PAN 2/2010.</p> <p>Sites which do not pass these tests should be removed from the effective housing land supply and the Council should seek to allocate additional housing land that is proven to be effective and deliverable in the short term.</p>		
Summary of responses (including reasons) by planning authority:		
<p>In response to the representation from Gladman Developments (PLDP/291/3 and 4), the Council would point out that the site has a valid planning consent and since publication of the Plan has been developed by the Council; therefore, Site 436H is clearly effective and meets with the requirements of SPP. The Council is therefore of the view that no changes to the Local Development Plan are required in this regard.</p> <p>The Council would, however, point out that there is an error in the site reference as it has been duplicated within the Local Development Plan; therefore, the Council propose to renumber the site as Site 439H: Robertland Square, Stewarton within Schedule 1, Page 123 of Volume 1; Page 113 of Volume 2 and the Settlement Map of Stewarton. The Council consider these amendments to constitute non-notifiable changes and, as such, are included within the schedule of non-notifiable changes.</p>		

Reporter's conclusions:

1. This site lies to the east of Stewarton, has a site area of 0.35 hectares and capacity for approximately 8 homes. It is allocated in the plan as site 436H.
2. At the time of my site visit, the site appeared to be substantially complete, with most if not all, homes occupied.
3. The representation questions the effectiveness of site 436H, seeking to have it assessed against the criteria set out in Planning Advice Note (PAN) 2/2010. If found not to be effective, then the site should be removed from the plan and replaced with sites in Stewarton which have been proven to be effective in terms of the PAN.
4. In this instance the council advises that planning permission has been granted and that it has developed the site, and given that the site is substantially complete, I find there is no question of effectiveness to answer, and I recommend no modification to the plan.
5. The council has advised that there is an error in the site reference, in that there has been duplication of site numbers in the plan, and that Robertland Square should be numbered 439H, not 436H. I find that the suggested modification is required to accurately reflect the site in the plan.

Reporter's recommendations:

Modify the plan as follows.

Volume 2, Page 113, Table "Stewarton 1", line 5, column 4 and the Settlement Map on page 115 – replace "436H+" with "439H".

Issue 145	Future Growth Area 4: Stewarton	
Development plan reference:	Volume 2, Pages 112-115, Stewarton 2	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr William Smith (PLDP/11/3); Mr & Mrs MacPherson & Mr & Mrs Muir (PLDP/156); Gladman Developments (PLDP/291/4)		
Provision of the development plan to which the issue relates:	Future Growth Area 4 is identified within Volume 2 of the plan and the LDP map as an area for Stewarton's future growth post 2025.	
Planning authority's summary of the representation(s):		
<p>Mr William Smith (PLDP/11/2) objects to the allocation of FGA4: Stewarton, which is not a natural extension to the town. This site would extend Stewarton westwards in prominent and sporadic manner into open countryside. Instead, PLDP/11/2 promotes a site at Lainshaw Estate, Stewarton (see also Issue 147, Non Inclusion of land for residential purposes at Lainshaw Estate Stewarton) which would be better contained in the landscape. FGA4 is not as accessible as this alternative option, and Lainshaw Estate is better placed than FGA4 to encourage sustainable modes of transport.</p> <p>Mr & Mrs MacPherson & Mr & Mrs Muir (PLDP/156) support the inclusion of site FGA4 but, based upon its effectiveness, deliverability and lack of constraints as demonstrated in their representation, request that Future Growth Area 4 (FGA4) is designated as a formal housing allocation within the East Ayrshire Local Development Plan.</p> <p>Gladman Developments (PLDP/291/4) are promoting a site at Peacockbank, Stewarton (see also Issue 150, Non-inclusion of land at Peacockbank Farm, Stewarton) for residential purposes. In considering the proposed allocations in Stewarton they assert that the Council has not justified why future growth to the west of Stewarton (FGA 4) is preferred in advance of growth to the south (Peacockbank Farm, as proposed) which is bound by development on three sides and would tie in to the existing settlement boundary.</p>		
Modifications sought by those submitting representations:		
<p>Mr William Smith (PLDP/11/2) seeks that the site at Lainshaw Estate be designated a FGA under Stewarton 2 for future growth 2025 – 2035 in preference to the location currently proposed (FGA4) and thus that FGA4 be deleted from the Plan.</p> <p>Mr & Mrs MacPherson & Mr & Mrs Muir (PLDP/156) request that Future Growth Area 4 (FGA4) is designated as a formal housing allocation within the East Ayrshire Local Development Plan.</p> <p>Gladman Developments (PLDP/291/4) seek justification for the inclusion of FGA4.</p>		

Summary of responses (including reasons) by planning authority:

In response to the representation from **Mr William Smith (PLDP/11/2)**, the Council disagree with Mr Smith's assertion that Future Growth Area 4 (FGA 4) is not a natural extension to the town and would result in a prominent and sporadic development in open countryside. As can be seen in the Entec landscape study (2005), FGA 4 is more suitable in landscape capacity terms than the site being promoted by Mr Smith. The Council contend that FGA 4 would integrate well with the town and recent housing developments that have taken place adjacent to this area.

The Council does not share Mr Smith's view that the site he is proposing to replace FGA 4, at Lainshaw Estate, is better placed than FGA 4 to encourage sustainable modes of transport, as both sites are within equal walking distance of public transport.

The Council would point out Mr Smith's assertion that FGA 4 is not accessible is incorrect, as FGA 4 can be accessed from Kilwinning Road and Dalry Road, providing greater accessibility in transportation terms, than the proposed site at Lainshaw Estate, which can only be accessed from Kilwinning Road. Non-inclusion of land at Lainshaw Estate is also considered within Issue 147.

In relation to the representation from **Mr & Mrs MacPherson & Mr & Mrs Muir (PLDP/156)**, the Council is of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Stewarton. The addition of a further site would constitute an oversupply of housing land in Stewarton and is not considered necessary within the town at this time.

With regard to **Gladman Developments (PLDP/291/4)** objection to FGA 4, the Council is of the view that FGA 4 is preferable, in terms of access and landscape capacity and integration with the town rather than land at Peacockbank Farm, which has limited potential for development in landscape terms and does not integrate well with the town, as it is separated from the town by the river and its associated banking and green space. Furthermore, vehicular access to this area of land would be required from an unclassified road which is not the case with FGA4. Non-inclusion of land at Peacockbank Farm is also considered within Issue 150.

In conclusion, the Council is of the view that no changes to the Local Development are required to be made in this regard and that FGA 4 should continue to be allocated as a future residential growth area post 2025.

Reporter's conclusions:

1. This site lies to the west of Stewarton, and it is allocated in the plan as Future Growth Area 4 (FGA4).
2. At the time of my site visit, the site appeared to be in agricultural use. It is bordered to the east by established residential development, to the north by the B778, to the west by fields and to the south by the Kilwinning Road
3. The representations question the effectiveness of FGA4, seeking to have it removed from the plan and replaced by one or other of two alternative sites being promoted by the relevant parties. Each of the proposed alternative sites is considered at Issue 147 and Issue 150 of this report.

4. FGA4 is not a site allocated for development in this plan, it is an indication of the council's preferred direction for expansion in future plans. As FGA4 is indicative only, it is understandable that no detailed assessment has been carried out. Scottish Planning Policy (SPP) requires only an indication of the scale and location of such FGAs. To carry out detailed assessments on such sites could pre-judge appropriate future debate on the location of residential expansion at a time when more thorough analysis has been undertaken and fuller information is available, including through strategic environmental assessment, and I find that the approach of the council in this regard is compliant with SPP.

5. In relation to the lack of a defensible boundary at FGA4, the issue of FGA boundaries has been addressed at Issue 13 of this report, where it is concluded that FGAs indicate the preferred direction of future growth, not precise sites. Although the Proposed Plan indicates the Future Growth Areas by hatching on the Proposals Map, this cannot be definitive because they are not formal designations. In my opinion, this is a matter that would be determined by more detailed assessment and the next review of the local development plan. In any event, we have determined at Issue 13 of this examination that the hatching should be replaced by a different notation on the proposals maps to recognise that the Future Growth Areas can only be indicative, in accordance with Scottish Planning Policy (SPP).

6. The Entec Landscape Study 2005 indicates that the landscape capacity at FGA4 is capable of accommodating development, there appears to be no ground conditions that may impact on delivery, access to the FGA would be possible from the north, south and east, access to facilities appears to be reasonable and the topography would not appear to limit development potential.

7. Allocating the site as an effective residential site contributing to the plan Housing land Supply is, I find, not required at this point in time. It has been established at Issue 13 of this report that sufficient effective housing land will be available for development in the housing market area and East Ayrshire over the Plan period to meet the housing land requirement. There is no requirement, at this point in time, to identify additional housing land in Stewarton. In addition, I consider that the purpose of identifying an FGA would be negated if it were then identified as a housing allocation, as the plan would then fail to indicate where future expansion and growth may take place.

8. I recommend no modification to the plan, in relation to the representations, but there is a modification arising from Issue 13, where the notation on the maps of all FGA's is amended to fully reflect SPP.

Reporter's recommendations:

At page 115, Volume 2: Settlement Maps, modify the plan by replacing the hatched area indicating FGA4 with an arrow symbol showing the potential direction of growth from the edge of the settlement.

Issue 146	Site 193B: Bridgend, Stewarton	
Development plan reference:	Site 193B: Bridgend, Stewarton	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Keith Mackie (PLDP/29)		
Provision of the development plan to which the issue relates:	Site 193B extends to 0.83 hectares and is a vacant brownfield site within the centre of Stewarton. The site is allocated for Class 4, 5 and 6 uses.	
Planning authority's summary of the representation(s):		
<p>Mr Keith Mackie (PLDP/29) states that there are no plans for the existing Robert Mackie of Scotland knitwear business to expand into the remainder of site 193B and that no approaches have been made for industrial development on this land in the last 40 years. Mr Mackie would like to see the site altered to industrial / residential use to allow housing on the undeveloped land which is overlooked by three different housing developments.</p>		
Modifications sought by those submitting representations:		
<p>Mr Keith Mackie (PLDP/29) seeks to alter the allocation of site 193B from industrial to industrial/residential.</p>		
Summary of responses (including reasons) by planning authority:		
<p>SPP requires that the Local Development Plan allocates <i>'a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.'</i></p> <p>The allocation of business and industrial sites within the Local Development Plan has also been informed by the provisions of the Council's Economic Development Strategy, which sets out the Council's ambitions for transforming the local economy. Priority 6 of the Strategy states that to ensure that East Ayrshire is attractive to potential investors, an attractive range of land and property options, underpinned by easy access and good connectivity, are required.</p> <p>Both the Economic Development Strategy and the Local Development Plan have incorporated the advice and information contained within the Review of Land Supply for Business & Industry in East Ayrshire (May 2013) carried out on behalf of the Council by Ryden. The review highlighted that despite an apparent healthy supply of business and industrial land within East Ayrshire, additional land may in fact be needed instead of the business and industrial supply being reduced.</p>		

In recent years, Stewarton has seen the majority of its former business and industrial sites developed for residential purposes, which has resulted in Site 192B: Rigg Street being the only business and industrial estate within Stewarton. The Rigg Street site is an attractive business and industrial location for local business and, as a result, is nearing full occupancy.

Therefore, due to the lack of additional business and industrial space, the Council, through the Main Issues Report, undertook a site search within Stewarton for a new business and industrial location. Three locations were considered for business and industrial uses with the Bridgend site being preferred as it is within a sustainable location close to services and infrastructure. The allocation of a new business and industrial site within Stewarton is fully in accordance with the provisions of SPP; accords with the Council's Economic Development Strategy and reflects the vision and spatial strategy of the Local Development Plan.

In relation to the representation from **Mr Keith Mackie (PLDP/29)**, the Council is aware of a recent approach to purchase the site for business and industrial development, which would demonstrate that there is an interest in developing the site for these purposes. The Council, however, is of the view that changing the allocation of the site to a mixed use site would not be in the interests of economic development within Stewarton, as there is a high possibility that the majority of the site would be developed for residential uses, which would not address the lack of business and industrial land within the settlement.

The Council, therefore, is firmly of the view that the site should be allocated for business and industrial purposes in order to increase the supply of business and industrial land within a sustainable location. Therefore, the site should be continued to be allocated for such purposes within the Local Development Plan.

Reporter's conclusions:

1. This site lies to the east of Stewarton town centre, in a predominantly residential area. It is a flat site of some 0.83 hectares. It forms part of the site occupied by Robert Mackie knitwear and at the time of my site visit the site appeared to have been previously developed, although I could not discern for what purpose.

2. The site is currently allocated for Class 4, 6 and 6 land uses, which encompass business, industrial and storage uses amongst others. The 2013 Ryden Review of Land Supply for Business and Industry in East Ayrshire concluded that there is limited supply of industrial land in the plan area, and a review of sites is recommended, with a view to either allocating them or de-allocating them.

3. This site was reviewed in the Main Issues Report as part of a Stewarton-wide search to identify suitable locations for new business and industrial uses in the town. The only other such allocation in the plan is Rigg Street, a successful location which is almost fully let. The Bridgend site was identified because of its location and proximity to existing industrial uses.

4. I find that the current site allocation for Class 4, 5 and 6 uses is appropriate, and in accordance with Scottish Planning Policy at paragraph 101, which states that local development plans should allocate *"a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their*

accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6. Although it is suggested that there is no demand for such sites in Stewarton, I have no evidence of unsuccessful marketing of the site to demonstrate the lack of demand, nor did I see any signs on the site advertising its availability at my site visit.

5. An allocation for residential development is sought for the site. Such an allocation would remove the potential for the site to deliver economic development in Stewarton, given the limited supply of such land in the settlement.

6. In addition, I conclude that allocating the site as an effective residential site contributing to the plan Housing land Supply would not be `required at this point in time. It has been have established at Issue 13 of this report that sufficient effective housing land will be available for development in the East Ayrshire Housing Market Area over the plan period to meet the Housing Land Requirement. There is no requirement, at this point in time, to identify additional housing land in Stewarton.

Reporter’s recommendations:

I recommend no modification to the plan.

Issue 147	Non-inclusion of land for residential purposes at Lainshaw Estate Stewarton	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 112-115	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr William Smith + Others (PLDP/11/2)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site Lainshaw Estate, Stewarton. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, pages 112-115 is being sought.	
Planning authority's summary of the representation(s):		
<p>Mr William Smith + Others (PLDP/11/1) object to the non-inclusion of a site at Lainshaw Estate, Stewarton for housing development in the East Ayrshire LDP. The site was a subject of the East Ayrshire Local Plan 2010 examination where the Reporter did not consider that addition to those sites identified by the Council were required at the time. However, the Council did not dispute that the objection site could contribute to the effective housing land supply and identifying it as an additional housing development opportunity would widen the range and choice of housing locations in Stewarton. This agreement makes the site a suitable addition or replacement for sites currently identified in the Proposed Plan.</p> <p>The site is approximately 6 hectares in size and incorporates a former egg packing station. The partly brownfield site is within the settlement boundary for Stewarton; areas to the south and east contain new residential development; there are no difficulties with flood risk, environmental constraints, ecology or landscape enclosure; the Category B listed Lainshaw Mains Farm Building would be respected in any layout/design and its setting preserved; in terms of accessibility, the site is in a sustainable location close to local facilities and links to existing footpaths and cycle networks; the site can be developed within the plan period and is effective in terms of Government Advice PAN/2010. The site is appropriate in the context of Stewarton, is effective and would contribute approximately 100 units to the housing land supply.</p> <p>The market for housing in Stewarton has proved robust and is capable of being further encouraged through the additional release of this site at Lainshaw Estate. There is some doubt concerning the effective capacity of sites 355H and 356H due to physical constraints likely on both sites. Although there is interest in these sites, there is still a need for an additional site to provide a 5 year supply at all times from the date of adoption. The site would also partly meet the shortfall identified in the plan.</p>		
Modifications sought by those submitting representations:		
<p>Mr William Smith + Others (PLDP/11/1) seek the Adopted Plan zones the 6 hectare site at Lainshaw Estate (incorporating the former egg processing factory) within Policy Stewarton 1 as a housing site with a capacity of 100 units.</p>		

In the event that either East Ayrshire Council or the Reporter do not agree with the objection, we would seek the site identified under Stewarton 2 for future growth 2025 – 2035 in preference to the location currently proposed (FGA4).

Summary of responses (including reasons) by planning authority:

In relation to the representation from **Mr William Smith + Others (PLDP/11/1)**, the Council is of the view that the proposed site is not required as an addition or replacement for sites currently allocated in the Local Development Plan as the Council is firmly of the view that the allocated sites are effective and can be delivered within the period of the Local Development Plan.

The proposed site is also not required in addition to Sites 355H and 356H, as there are no doubts regarding the effective capacity of both sites. In terms of Site 355H a detailed planning application for 150 units on this site has recently been granted consent and the owner now intends to market the site. There are no known ground conditions that render it undevelopable or would restrict capacity.

With regard to Site 356H, the Council would point out that a developer has bought the site and has submitted a planning application for 228 residential units. There are also no known ground conditions that render this site undevelopable or would restrict capacity. (Site 355H is also considered within Issue 141 and Site 356H is also considered under Issue 142)

The Council acknowledges that there is a shortfall in the housing land supply in the Kilmarnock and Loudoun sub-HMA of 188 units. However, as is set out under Issue 13 relating to Housing Land Supply, paragraph 4.1.13 of the plan states that this shortfall will be met through miscellaneous development opportunity sites and windfall sites. Since the publication of the plan, this shortfall has already been met by an increase in site capacities at two sites in Stewarton through planning applications and an appeal decision at a large greenfield site in Kilmarnock. The Council is therefore of the view that additional sites to meet this shortfall are not required.

The Council is therefore of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Stewarton. The addition of a further site is not considered necessary within the town at this time.

The Council is also of the view that the proposed site should not replace Future Growth Area 4 as it is within an area, which in landscape terms, is most suitable for development and there are no access issues that would constrain development of the site. Therefore, the Council considered that in terms of access and landscape capacity and integration with the town, FGA 4 is more suitable for future growth than the site being promoted by Mr Smith.

In conclusion, the Council is of the view that no changes to the Local Development Plan are required to be made as a result of this representation.

Reporter’s conclusions:

1. The site at Lainshaw Estate is approximately 6 hectares in area and despite what is stated in the representation, it is not within the settlement boundary of Stewarton. At the

time of my site visit, the site appeared to be in agricultural use. It appears generally flat, with established residential development to the east and south. The site is not allocated for a specific land use in the plan, and an allocation for residential development is sought. It is suggested that the site has capacity for approximately 100 homes.

2. The representation seeks to have the site allocated as either a residential development opportunity site, or a Future Growth Area. The level of housing that could be accommodated on the site is considered to deliver a strategic expansion of the settlement, and would compensate for sites considered unlikely to be effective in the plan period, elsewhere in Stewarton, and it is suggested that the subject site could contribute to meeting any shortfall in the Housing Land Supply (HLS).

3. It is submitted in representations that the site would be effective in accordance with Scottish Planning Policy, Planning Advice Note 52: *Affordable Housing and Land Supply*. Accompanying information has also been submitted with the representation, providing background information on the capability of the site and its surrounds to accommodate the potential development.

4. The Entec Landscape Study 2005 indicates that in landscape terms it is considered that the local landscape character has the capacity to accommodate housing development.

5. The representation makes reference to the last Local Plan Examination report, and that the site at that time was considered to be capable of being effective. It was not allocated as there was no requirement for additional housing sites in the Local Plan.

5. I agree that the site appears to be effective and capable of delivering homes in the town. Its location is broadly consistent with the conclusions of the Entec Landscape Study, and residential development would be generally consistent with the policy objectives of the Plan.

6. Stewarton is identified as a service centre in the Spatial Strategy of the Proposed Plan, and as an area for medium scale housing development. Paragraph 2.25 recognises that Stewarton has the capacity to offer opportunities for growth, and to that end Future Growth Area 4 and five residential sites have been identified for development in this plan. I find that despite the individual characteristics of the site, at this point in the plan process it would not be compliant with the Spatial Strategy or Policy OP1, as it is not required to contribute to meeting the Housing Land Requirement.

7. It is expected that future growth will be generally take place in Kilmarnock, Stewarton and Galston, as described in Volume 2 of the plan as Future Growth Areas. Any remaining housing and employment land requirements could be directed to locations in settlements (not excluding other locations within the above three settlements) which have the infrastructure and landscape capacity to accommodate them and which respect the principles of the plan vision and spatial strategy.

8. Reference is made in submissions to a shortfall in the housing land supply figure for the Kilmarnock and Loudon sub-housing market area, in which Stewarton is included. As mentioned in issue 13 above, we are satisfied that any overall shortfall may be met through the contributions of other sites that have come to light since publication of the draft plan.

9. There is sufficient land for housing allocated in Stewarton, including sites 355H and 356H (Issues 141 and 142 respectively) which are both considered to be effective and capable of delivering homes in the plan period. Should there be a failure in the 5 year Effective Housing Land Supply in East Ayrshire, and consequently additional housing land required to deliver the five year effective housing land supply, then this site could be a candidate site for inclusion in the Housing Land Supply, subject to the appropriate environmental assessments, consultation and planning consent processes. However, there is no requirement, at this point in time, to identify additional housing land or an additional Future Growth Area in Stewarton.

Reporter's recommendations:

I recommend no modification to the Plan.

Issue 148	Non-inclusion of land at Loudoun Street, Stewarton for residential purposes	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 112-115, Stewarton	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Robert Lindsay (PLDP/47)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site at Loudoun Street, Stewarton. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, pages 112-115 is being sought.	
Planning authority's summary of the representation(s):		
<p>Mr Robert Lindsay (PLDP/47) wishes to promote residential development on an area of land to the south west of Loudoun Street on the south western side of Stewarton. The area of land comprises of 2.5 hectares (6.3 acres) and could be developed for a residential scheme consisting of 49 dwelling houses developed in two phases with 22 houses proposed to the north of the Brides Burn in Phase 1 and a further 27 houses in Phase 2 on land lying to the south of the Burn.</p> <p>The majority of the site is very well contained in the landscape and with the additional strategic landscaping and planting belts suggested represents a very logical and appropriate small scale addition to the existing settlement envelope.</p> <p>There are no constraints preventing the development of the site for residential purposes. It is in the ownership of an individual who is prepared to release it for such purposes; there are no constraints of a physical nature preventing the economical development of the site; it is green field in nature and therefore is not contaminated in any way; the proposal is economically viable without any finding; it is in a highly marketable location, it can be provided with the required infrastructure to service it; and it relates well to the existing settlement.</p>		
Modifications sought by those submitting representations:		
<p>Mr Robert Lindsay (PLDP/47) Identify the site for residential development in the Local Plan with 22 houses identified for the area of land within Phase 1 and a further 27 houses identified for the area of land within Phase 2.</p>		
Summary of responses (including reasons) by planning authority:		
<p>With regard to the representation from Mr Robert Lindsay (PLDP/47), it is not appropriate for the Council to identify an area of land at Loudoun Street, Stewarton for residential purposes, as the majority of the proposed area of land sits within a location, identified through the Entec Landscape Study (2005), as not having potential for development in landscape capacity terms. Only a small section of the area of land in question has potential for development in landscape terms.</p>		

The Council is therefore firmly of the opinion that development of the site could not take place without significant detriment to the landscape character, local distinctiveness and scenic value of the area.

The Council is further of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Stewarton. The addition of a further site is not considered necessary within the town at this time.

The Council therefore does not considered it necessary to make changes to the Local Development Plan in response to this representation.

Reporter's conclusions:

1. The site is approximately 2.5 hectares in area and it is not within the settlement boundary of Stewarton. At the time of my site visit, the site appeared to be in agricultural use. It appears generally flat, with established residential development to the west. The site is not allocated for a specific land use in the plan, and an allocation for residential development is sought. It is suggested that the site has capacity for approximately 49 homes.

2. The representation seeks to have the site allocated as a residential development opportunity site. It is suggested that the subject site could contribute to meeting any shortfall in the Housing Land Supply (HLS).

3. It is submitted in representations that the site would be effective in accordance with Scottish Planning Policy, Planning Advice Note 52: *Affordable Housing and Land Supply*.

4. The Entec Landscape Study 2005 indicates that in landscape terms it is considered that the local landscape character has lower capacity to accommodate development, and that such areas are of strategic importance to the overall setting of the town. The representation appears to suggest that an Entec 2004 study recognises that the site is well contained in landscape terms, but I have not been provided with any reference to that document, and I find that the Entec Landscape Study 2005 clearly sets out, at part 4.8 Stewarton, the landscape capacity of the town and immediate surrounds. The site itself is partially within an area that has potential in landscape terms for development, but the majority of the site is identified as not having potential for development. I conclude that the site has very limited, if any, capacity for development in landscape terms.

5. Stewarton is identified as a service centre in the Spatial Strategy of the Proposed Plan, and as an area for medium scale housing development. Paragraph 2.25 of Volume 1 of the plan recognises that Stewarton has the capacity to offer opportunities for growth, and to that end Future Growth Area 4 and five residential sites have been identified for development in this plan. I find that, at this point in the plan process, allocating the site at Loudon Street would not be compliant with the Spatial Strategy or Policy OP1, as it is not required to contribute to meeting the Housing Land Requirement.

6. It is expected that future growth will be generally take place in Kilmarnock, Stewarton and Galston, which are described in Volume 2 of the plan as Future Growth Areas. Any remaining housing and employment land requirements could be directed to locations in settlements (not excluding other locations within the above three settlements) which have the infrastructure and landscape capacity to accommodate

them and which respect the principles of the plan vision and spatial strategy.

7. Reference is made in submissions to a shortfall in the housing land supply figure for the Kilmarnock and Loudon sub-housing market area, in which Stewarton is included. As mentioned in issue 13 above, we are satisfied that any overall shortfall may be met through the contributions of other sites that have come to light since publication of the draft plan.

8. There is sufficient land for housing allocated in Stewarton. There is no requirement, at this point in time, to identify additional housing land or an additional Future Growth Area in Stewarton.

Reporter's recommendations:

I recommend no modification to the Plan.

Issue 149	Non-inclusion of land at Cutsburn Road, Stewarton for mixed use purposes	
Development plan reference:	Volume 1, Policy TC3, Page 61; Policy IND 4, Pages 67; Schedule 4 and Volume 2, Pages 112-115, Stewarton.	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr Ian Kelly (PLDP/57/1)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site at Cutsburn Road, Stewarton. Inclusion of this site within Volume 1, Schedule 4 and Volume 2, page 112-115 is being sought.	
Planning authority's summary of the representation(s):		
<p>Mr Ian Kelly (PLDP/57) objects to the provisions of the East Ayrshire LDP in terms of the Cutsburn Road Fields site in Stewarton. In the MIR the site was partly shown as site 193B alternative 2. The MIR set out a positive assessment of the site and the Proposed Plan does not refute that assessment. No explanation is given in the Plan to why the Council has rejected the concept of a planned mixed use development of the site. The development would deliver a viable package of mixed uses and contribute to the creation of a vibrant and sustainable community. This development would deliver high quality modern employment premises on an infill site.</p> <p>The site supports the Plan's Spatial Strategy, in terms of providing long term mixed use development in a sustainable location. Placemaking Map 7 identifies the site as part of the wider landscape setting of the area to be protected. This is not justified through an analysis of landscape character and impacts. It ignores the fact that the site is an infill area with existing development around sections of the site. The Housing policies do not address how residential development can be a strong enabling component of mixed use developments in order to secure early delivery of high quality employment land. The policies should provide for this through linking to policy IND4. They should also positively address how the development of sites such as this can facilitate other development, such as social/affordable housing. In terms of retail, the policies need to look at how opportunities can help deliver other much needed land uses as part of mixed use proposals. TC3 should be amended to provide support for appropriately scaled retail developments. In terms of the economy, the site supports paragraph 5.1.7 of the Plan, however the requirement of policy IND4 that the relevant site "is primarily developed for business and industrial development" is too restrictive and may create viability issues in smaller settlements. In terms of the LDP Map for Stewarton, this section contains no rebuttal of the issues and assessments set out in the MIR and no analysis of the responses to the MIR. Therefore, there is no reasoned justification for the selection of the proposed housing allocation to the east of Site 354H as a future growth area.</p> <p>Note: Supporting information detailing the potential development and planning history of the site and surrounding area has not been submitted as part of the objection. It is considered such detail is not appropriate for direct inclusion within an objection but would be addressed at the Examination stage. In addition, the MIR response should be considered and passed to the DPEA Examination Reporter as part of the Examination papers.</p>		

Modifications sought by those submitting representations:

Mr Ian Kelly (PLDP/57/1) seeks the allocation of the Cutsburn Road Fields site, Stewarton for mixed use development. Mr Kelly also seeks the listing of the Cutsburn Road Fields site, Stewarton as a mixed use site in Schedule 4.

Mr Ian Kelly (PLDP/57/2 and 57/3) seeks changes to Policies to support the allocation of the mixed use site to enable retail and business and industrial uses to be acceptable within it. Specifically he requests that:

- Policy TC3 should be amended to provide support for appropriately scaled retail developments; and
- The first bullet point of policy IND4 should be changed to read “The site contains a significant amount of business and industrial development in line with an agreed masterplan and cross funding proposal”.

Summary of responses (including reasons) by planning authority:

In response to the presentation from **Mr Ian Kelly (PLDP/57/1)**, the Council would point out that the Cutsburn Road, Stewarton site was consulted upon during the Main Issues Report stage as an alternative option for a business and industrial site and not as a mixed-use site as Mr Kelly alludes to in his representation. The Council had concluded within the Main Issues Report that the Cutsburn Road site would require significant investment in infrastructure and site servicing and the Council was also concerned about access to the site by heavy goods vehicles and the impact of the business and industrial development within a predominantly residential location. For these reasons, the Council ruled out this alternative option as an appropriate site for business and industrial development.

It was only through the representation to the Main Issues Report that Mr Kelly, on behalf of his client, first raised the issue of a Mixed Use designation on the site comprising of residential, retail and business and industrial uses. The Council after considering the representation concluded that the site was not suitable for mixed-use development for the following reasons:

- The majority of the site sits in a location identified through the ENTEC Landscape Assessment carried out in 2005 as not having potential for development in landscape terms, with a smaller area being identified as having limited potential for development;
- There is doubt whether the site could be developed due to its topography and steep gradient and whether it could be satisfactorily accessed;
- Retail uses are not acceptable at this location given its out of town centre location; and
- The portion of the site with limited development potential was considered for business and Industrial uses as a reasonable alternative within the MIR. However, due to concerns about access to the site and its compatibility with residential uses, it was considered that the site should remain out with the settlement boundary.

The representation submitted by Mr Kelly to the Local Development Plan is almost identical to that representation submitted at Main Issues Report stage. The applicant has not provided any information within the current representation to address any of the Council's reasons for the non-inclusion of the site. Therefore, the Council is still of the opinion that the site is not suitable for mixed use development.

In addition to the original reasons for non-inclusion of the site, the Council is of the view that retail development in this location would not be in accordance with SPP and would impact on the vitality and viability of Stewarton town centre.

With regard to representation on Policy TC3 by **Mr Ian Kelly (PLDP/57/2)**, the Council is of the view that no changes to Policy T3 are required to be made as the provisions of the Policy allow small scale retail development in out of town centres and accords with the provisions of SPP in this regard. (This issue is dealt within Issue 25 Policy TC 3)

In response to the suggested change to first bullet point of Policy IND 4 by **Mr Ian Kelly (PLDP/57/3)**, the Council is of the view that the Mr Kelly's proposed amendment would significantly weaken the Policy and the Council's approach to Mixed-Use developments as it could result in a reduced amount of business and industrial development been allocated on the 'MXD' sites. (This issue is dealt within Issue 28 Policy IND 4)

With regard to Mr Kelly's view that the housing policies of the Local Development Plan require to be amended to specifically refer to how residential development can be a strong enabling component of mixed use developments in order to secure early delivery of high quality employment land, the Council would point out that the other forms of enabling development can be used to cross fund mixed use development in terms of Policy IND 4. The Council would refer the Reporter to Paragraph 5.1.7, which adequately conveys the Council's approach to mixed use development in this regard. The Council is therefore of the view that the residential policies of the Local Development Plan do not need to be altered as Policy IND 4 is the most appropriate place to consider proposals for business and industrial developments that require to be cross-funded within the 'MXD' sites contained within Schedule 4, Page 126 of Volume 1 of the Local Development Plan.

With regard to Mr Kelly's assertion that the Council has not provided reasoned justification for the selection of Future Growth Area 4, the Council would point out that Future Growth Area 4 is within an area, which in landscape terms, is most suitable for development and there are no access issues that would constrain development of the site. Therefore, the Council consider that in terms of access and landscape capacity and integration with the town, development and future expansion to the west, identified as FGA 4 on the Stewarton Settlement Map on Page 115 of Volume 2, is appropriate.

In conclusion, the Council is of the view that no changes to the Local Development Plan are required to be made in relation to this representation.

Reporter's conclusions:

1. I note from the MIR and SEA, as submitted with this plan for examination, that this site was consulted upon as a site for business and industry, not as a site for mixed use development. The council concluded at that stage of the plan that the site at Cutsburn Road required significant investment in infrastructure, and that the predominant land use being residential might create issues in relation to the movement of heavy goods vehicles. As alternative sites were identified in Stewarton for business and industrial use

in the Proposed Plan, this site was not pursued further and not allocated for a particular use, or included within the settlement boundary.

2. A mixed-use allocation is sought for the site, and it is considered that the site is suitable for Class 4 Business and Commercial use, food retail and residential development. The proportionate distribution of such uses on the site is not discussed.

3. The Entec Landscape Study 2005 concluded that the site had limited capacity for development, and from my site visit I noted the significant change in level across the site, and the prominent nature of the site in the setting of the town particularly from the south and east.

4. I do not consider that this site could be developed for food retail purposes and comply with SPP and the local plan, given its out of centre location and potential accessibility issues.

5. Issue 25 of this examination has regard to small scale retail development in out of centre locations, in relation to Policy TC3. I concluded at Issue 25 that a modification to Policy TC 3 to include a reference to “appropriately scaled retail development” would not be necessary, as existing Policies TC 2 and TC3 already provide the appropriate policy context for such development, and I recommended no modification to the Plan.

6. In relation to Issue 28 of this examination, I found that the underlying purpose of Policy IND 4: Mixed Use Sites is to enable the provision of business and industrial units, or the infrastructure to allow such units to be developed, and that removing the word “primarily” from criterion (i) of the policy would have alter the intention of the policy. “Significant” amounts are not the same as “primarily”, and could give rise to the loss of existing economic development uses on mixed sites. I recommended no modification to the Plan.

7. A change to the housing policies of the plan to acknowledge how residential development can be a strong enabling component of mixed use sites is sought. I find that paragraph 5.1.7 on page 64 of Volume 1 of the plan specifically, but not exclusively, mentions housing as enabling development to cross-fund business and industrial uses. I consider that reference at paragraph 5.1.7 is sufficient to permit appropriate land uses on mixed sites without repeating it in other policies in the plan.

8. The identification of Future Growth Area (FGA) 4 to the west of Stewarton is questioned. As set out at Issue 145 of this Examination, FGA4 is not a site allocated for development in this plan, it is an indication of the council’s preferred direction for expansion in future plans. As FGA4 is indicative only, it is understandable that no detailed assessment has been carried out. Scottish Planning Policy (SPP) requires only an indication of the scale and location of such FGAs. To carry out detailed assessments on such sites could pre-judge appropriate future debate on the location of residential expansion at a time when more thorough analysis has been undertaken and fuller information is available, including through strategic environmental assessment, and I find that the approach of the council in this regard is compliant with SPP.

9. The Entec Landscape Study 2005 indicates that the landscape capacity at FGA4 is capable of accommodating development. There appear to be no ground conditions that may impact on delivery. Access to the FGA would be possible from the north, south and east. Access to facilities appears to be reasonable and the topography would not appear

to limit development potential. I conclude that the identification of FGA4 is appropriate.

10. Overall, I have found that Cutsburn Road has limited landscape capacity for development, and it has been established that sufficient effective housing land, business and industrial land and sites for food retail development would be available for development in Stewarton over the plan period to meet the plan requirements.

Reporter's recommendations:

I conclude that there is no modification required to the plan.

Issue 150	Non-inclusion of land at Peacockbank Farm, Stewarton for residential purposes	
Development plan reference:	Volume 1, Schedule 2, Volume 2, pages 112-115, Stewarton	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Gladman Developments (PLDP/291/4)		
Provision of the development plan to which the issue relates:	This representation relates to the non-inclusion of a site at Peacockbank Farm, Stewarton. Inclusion of this site within Volume 1, Schedule 2 and Volume 2, pages 112-115 is being sought.	
Planning authority's summary of the representation(s):		
<p>Gladman Developments Ltd (PLDP/291/4) object to the rolling forward of existing housing allocations from the Local Plan.</p> <p>Gladman also object to the allocation of Draffen East (H355). The site is known to have significant issues with ground conditions rendering it undevelopable for residential use. The fact that consent has drifted for almost 15 years would suggest ineffectiveness and that other sites should be appropriately considered. (This objection is also considered within Issue 141 Draffen East, Stewarton)</p> <p>Stewarton is an attractive and sustainable settlement within the HMA with a healthy provision of facilities and services and recognised as accessible and well placed for investment and growth. However, the LDP strategy is inappropriate and is failing to deliver a range of effective housing land allocations in Stewarton. In order for local services to be enhanced, it is essential that new housing is introduced to increase the size and vibrancy of the settlement population.</p> <p>Gladman, on behalf of the landowners, is promoting land at Peacockbank Farm for residential development. The background assessments to the adopted Local Plan identified that the land at Peacockbank Farm had some potential for development. During examination, the Reporter agreed that the site had potential, stating “the site has the capacity to accommodate some housing and that this could be designed to be in keeping with Stewarton’s settlement form, pattern and identity”. However, at that time the Reporter did not consider further housing allocations were needed in Stewarton.</p> <p>The context is now very different to when the site was previously considered. The draft LDP proposes an inappropriate strategy to housing land allocations, relying upon ineffective site(s), whilst facing a shortfall in the housing land supply. The Council has not justified why future growth to the west of Stewarton (FGA 4) is preferred in advance of growth to the south (Peacockbank Farm, as proposed) which is bound by development on three sides and would tie in to the existing settlement boundary.</p> <p>As such, Gladman encourage the Council to reconsider allocating land at Peacockbank Farm. Housing development at Peacockbank can provide a sustainable, attractive, accessible and effective option for planned growth in the settlement during the LDP period. This proposal is for an economically viable stand-alone development, delivering</p>		

all requisite infrastructure on a developer funded basis. The scheme is also capable of significantly enhancing the proposed green network and proposed cycle/ footpath route, both by environmental improvements and investment as necessary.

East Ayrshire Council should fully consider this proposal and include the site as a housing allocation in the forthcoming LDP.

Note: Supporting information provided with original representation.

Modifications sought by those submitting representations:

Gladman Developments Ltd (PLDP/291/4) Inclusion of land at Peacockbank Farm as a housing allocation for Stewarton.

Summary of responses (including reasons) by planning authority:

In relation to **Gladman Developments Ltd (PLDP/291/4)** objection to Site 355H Draffen East, the Council is of the opinion that Site 355H is considered to be effective. A detailed planning application for 150 units on this site has recently been granted consent and the owner now intends to market the site. There are no ground conditions that render it undevelopable.

Although the land at Peacockbank Farm has been identified within the Entec Landscape Study (2005) as having limited potential for development, the Council is of the view that the land does not integrate well with the town as it is separated by the river and its associated banking and green space. Furthermore, vehicular access to this area of land would be required at a location to the south which is remote from the town itself.

The Council disagree with the assertion made by Gladman Developments Ltd, that the Proposed Local Development Plan proposes an inappropriate strategy to housing land allocations, relying upon ineffective site(s), whilst facing a shortfall in the housing land supply. The Council would point out that the sites within the Local Development Plan are considered to be effective and the sites within Stewarton, in particular, have a current active interest from national housebuilders. The Council would point out that since publication of the proposed plan, the capacities of certain sites in Stewarton and Kilmarnock have increased as a result of planning applications received and/or decided by the Council and by appeal decisions made by the DPEA and that these increases result in the shortfall of 188 units in the Kilmarnock and Loudoun Market Area already being met in full. This is covered in more detail in Issue 13 Housing Land Supply.

With regard to Gladman Developments Ltd assertion that the Council has not justified the selection of Future Growth Area 4, the Council would point out that Future Growth Area 4 is within area, which in landscape terms, is most suitable for development and there are no access issues that would constrain development of the site. Therefore, the Council considered that in terms of access and landscape capacity and integration with the town, development and future expansion to the west, identified as FGA 4 on the Stewarton Settlement Map on Page 115 of Volume 2, is appropriate.

The Council is therefore of the view that sufficient land for housing has already been identified to accommodate growth over the Local Development Plan period in the plan in Stewarton. The addition of a further site is not considered necessary within the town at this time.

In conclusion, the Council does not consider it necessary to make changes to the Local Development Plan in response to this representation.

Reporter's conclusions:

1. A general objection to the rolling forward of sites from the last Local Development Plan is made, based on an assumption that no assessment of effectiveness has been carried out. A number of site-specific objections have been made to various (not all) allocation residential sites in Stewarton, on the basis that there has been no demonstration that the sites are effective. This representation seeks the removal of such sites, and the inclusion of land at Peacockburn Farm as a residential development allocation in this plan.

2. It is noted that during the examination of the adopted LDP, this site was identified as having the capacity to accommodate some development, but not included in the plan as no further housing allocations were required in Stewarton.

3. The representation considers that the LDP strategy for Stewarton is inappropriate, and fails to deliver a range of effective housing land allocations. As set out at Issues 11, 13, 140, 141, 142, 143, 144, 145, 146, 147, 148 and 149 of this examination report, I have concluded that there is sufficient effective residential land to meet the Housing Land Requirement in Stewarton and East Ayrshire. Reference is made in submissions to a shortfall in the housing land supply figure for the Kilmarnock and Loudon sub-housing market area, in which Stewarton is included. As mentioned in Issue 13 above, I am satisfied that any shortfall may be met through the contributions of other sites that have come to light since publication of the draft plan. No evidence has been provided to support the assertion that sites in Stewarton are ineffective in terms of Planning Advice Note 2/2010.

4. A specific objection is made to the allocation of a site at Draffen East (Issue 141), which lies to the south-east of Stewarton, and is identified in the proposed plan as site 355H with a site area of 8.84 hectares and a capacity for 100 homes. It was in agricultural use at the time of my visit, appears mainly laid to pasture and has a gentle slope in the land running to the south. There is no evidence before me to suggest that this site is not effective. Planning consent has recently been granted for 150 houses, and its previous planning history does not render the site non-effective. No evidence has been provided to demonstrate that there are ground conditions which might impact on delivery, and so I conclude that the site is effective.

5. The identification of Future Growth Area (FGA) 4 to the west of Stewarton is questioned. As set out at Issue 145 of this examination, FGA4 is not a site allocated for development in this plan, it is an indication of the council's preferred direction for expansion in future plans. As FGA4 is indicative only, it is understandable that no detailed assessment has been carried out. Scottish Planning Policy (SPP) requires only an indication of the scale and location of such FGAs. To carry out detailed assessments on such sites could pre-judge appropriate future debate on the location of residential expansion at a time when more thorough analysis has been undertaken and fuller information is available, including through strategic environmental assessment, and I find that the approach of the council in this regard is compliant with SPP.

6. The Entec Landscape Study 2005 indicates that the landscape capacity at FGA4 is capable of accommodating development, there appear to be no ground conditions that

may impact on delivery, access to the FGA would be possible from the north, south and east, access to facilities appears to be reasonable and the topography would not appear to limit development potential. The Entec study identifies limited potential at Peacockburn Farm, which is separated from the town by the river. I conclude that the identification of FGA4 is appropriate.

Reporter's recommendations:

No modification to the plan.

Issue 151	Site 058M: Mauchline Colliery, Mauchline	
Development plan reference:	Volume 2, Page 120, Site 058M: Mauchline Colliery, Mauchline	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr and Mrs Goldie (PLDP/58); Mr and Mrs Muir (PLDP/66); Mr MacMillian (PLDP/69); Ms Tyreman (PLDP/73); Mr James and Mrs Fiona Goldie (PLDP/74); Mr William Mark Crawshaw (PLDP/77); Mr and Mrs Braithwaite (PLDP/92); Ms Mary Wisener (PLDP/94); Ms Susan Wisener (PLDP/95); Ms Lynda Smith (PLDP/110); Mr Jack Bishop (PLDP/167); Mrs May MacMillian (PLDP/231); Mr and Mrs Latchford (PLDP/316)</p>		
Provision of the development plan to which the issue relates:	The site is a former colliery site within the rural area on the outskirts of Mauchline. The miscellaneous development site extends to 21.40 hectares and is allocated for leisure and recreational uses or class 4, 5 and 6 business and industrial uses.	
Planning authority's summary of the representation(s):		
<p>Mr and Mrs Goldie (PLDP/58); Ms Tyreman (PLDP/73); Mr James and Mrs Fiona Goldie (PLDP/74); Mr and Mrs Braithwaite (PLDP/92); Ms Mary Wisener (PLDP/94); Ms Susan Wisener (PLDP/95); Ms Lynda Smith (PLDP/110); Mr Jack Bishop (PLDP/167); and Mr and Mrs Latchford (PLDP/316) state that the boundaries of the site are incorrect and overlap both private and commercial properties and state that the wording of the development proposal is so wide ranging that it is difficult to respond specifically to any proposed use. The further state that various studies have been undertaken in the past relating to this site, several of which emphasise that considerably more work is required to determine the suitability of the site for any development; and that the site has a history of planning refusal for industrial use. Also they are of the opinion that any developer would require to address the possibility of land and river contamination due to disturbance. They conclude that the environment has naturally regenerated extensively with increasing numbers of flora and fauna evident and this should be preserved.</p> <p>Mr and Mrs Muir (PLDP/66) make the same points but add that before any potential use can be allowed, major re-engineering of the A76 would be required. They also state that there is a surplus of business and industrial premises and better use of these premises should be made.</p> <p>Mr MacMillian (PLDP/69) states that reports produced by the Ayrshire Conservation Trust in the late 1990's regarding previous plans for redevelopment showed potential for ground and water contamination from mining spoil and that the ground to be potentially</p>		

unstable and would need significant work to stabilise areas of site 058M. Therefore, Mr MacMillian is of the view that since there has been no further modification on drainage or ground stability to site 058M since the production of these reports, the concerns raised are still valid.

Mr MacMillian further states that the site has been significantly reclaimed by natural flora and fauna and he states that he has anecdotal evidence of this. According to Mr MacMillian unsympathetic redevelopment would destroy the animal and bird populations. He also highlights transportation issues and traffic accidents. He concludes by stating that the Environmental Report shows 6/8 assessment criteria for the redevelopment to give "significant positive/negative effect", by which means the effect of redevelopment is unknown and that there is likely to be significant negative environmental and cumulative/synergistic effect which may have impacts on human health.

Mr William Mark Crawshaw (PLDP/77) states that In response to a previous planning application to develop the Mauchline Colliery as a waste processing plant, several studies were commissioned which concluded that significantly more investigation was required to determine the suitability of the ground, particularly its stability, and also the risk of pollution of land and water courses, as a result of any development. Mr Crawshaw also states that there has been considerable natural regeneration and there are a number of species of flora and fauna now present on the site that are of conservation interest, as well, pointing out there has previously been a planning refusal for industrial use. Mr Crawshaw points out that the site appears to include at least two privately owned properties.

Mrs May MacMillian (PLDP/231) states that the access to the A76 is dangerous and that the road to the site is not suitable for most vehicles. Mrs MacMillian also raises the same issues in terms of natural environment and that the site sits on top of an aquifer.

Modifications sought by those submitting representations:

Mr and Mrs Goldie; Mr and Mrs Muir; Mr MacMillian Ms Tyreman; Mr James and Mrs Fiona Goldie; Mr and Mrs Braithwaite; Ms Mary Wisener; Ms Susan Wisener; Ms Lynda Smith; Mr Jack Bishop; Mrs May MacMillian and Mr and Mrs Latchford (PLDP/316) request that only leisure and recreation uses be allowed for the site.

Mr William Mark Crawshaw (PLDP/77) states that the site should be retained only as a conservation site.

Summary of responses (including reasons) by planning authority:

With regard to the representations from **Mr and Mrs Goldie (PLDP/58); Mr MacMillian (PLDP/69); Ms Tyreman (PLDP/73); Mr James and Mrs Fiona Goldie (PLDP/74); Mr William Mark Crawshaw (PLDP/77) Mr and Mrs Braithwaite (PLDP/92); Ms Mary Wisener (PLDP/94); Ms Susan Wisener (PLDP/95); Ms Lynda Smith (PLDP/110); Mr Jack Bishop (PLDP/167); and Mr and Mrs Latchford (PLDP/316,** the Council accept that the site, due to its previous use, is likely to have soil and groundwater contamination. The Council would also concur that any developer of the site would have to undertake ground condition surveys and take forward any remediation that is required. Furthermore, the Council would accept that the site has become host to a range of flora and fauna; however, no evidence has been provided to the Council that these natural resources are protected by legislation.

The site is a large vacant and derelict site within the rural area, which due to its previous use, has lain vacant for a significant period of time. The Council is of the opinion that the site can be brought back into active use and that business and industrial uses would be in accordance with the former use of the site. Due to the rural nature of the site, leisure and recreational uses are also considered to be acceptable.

In terms of points raised by the **Mr and Mrs Muir (PLDP/66)**, **Mr MacMillian (PLDP/69)** and **Mrs May MacMillian (PLDP/231)** with regard to traffic safety issues, the Ayrshire Roads Alliance (ARA) has stated that there is no accident blackspot at the junction of the C51 and the A76, which provides the primary access to the Mauchline Colliery site. ARA do state that there is a slight problem with traffic travelling north to south on the A76 as there are a few instances where the junction with the C51 is not visible as a result of the vertical geometry. ARA suggest that a simple solution to this address this issue is to demarcate the road with a section of double white lines on the A76 as it approaches the C51 junction, in order to ban overtaking within this section of road.

The representations also raised transportation issues in relation to site access and width of the C51. Although the road is narrow and less than the 5.5 metre standard road width, the C51 is wide enough to meet normal rural criteria for this type of road and 2 standard vehicles can pass easily without any restrictions and the need for passing places. ARA also state that reasonable visibility splays should be achievable for access to the Mauchline Colliery site in relation likely vehicle speeds on the C51.

As a result, the Council is of the view that site should continue to be allocated for leisure and recreational uses or class 4, 5 and 6 business and industrial use within the Local Development Plan. However, in light of the representations received the Council consider that it may be appropriate to include two new notes to the site designation within Page 19 of Volume 2 of the Local Development Plan to specifically:

- (i) require any developer of the site to undertake a NVC Phase 1 Habitat Study to ensure that habitats and species are protected, where appropriate, and*
- (ii) to submit a Transport Statement with any planning application for the site, indicating the proposal and likely trips (numbers and types) to ensure that the road is adequate for the nature of the development proposed.*

The Council would therefore have no objection if the Reporter is agreeable to an amendment and considers that additional notes are required as suggested above.

In light of the representations from **Mr and Mrs Goldie (PLDP/58)**; **Ms Tyreman (PLDP/73)**; **Mr James and Mrs Fiona Goldie (PLDP/74)**; **Mr William Mark Crawshaw (PLDP/77)** **Mr and Mrs Braithwaite (PLDP/92)**; **Ms Mary Wisener (PLDP/94)**; **Ms Susan Wisener (PLDP/95)**; **Ms Lynda Smith (PLDP/110)**; **Mr Jack Bishop (PLDP/167)**; and **Mr and Mrs Latchford (PLDP/316)** regarding the inclusion of privately owned properties, the Council would accept that the site should not have included any private properties within its boundaries. The Council therefore consider that it may be appropriate to make a minor amendment to the boundary of the site to exclude private properties if the Reporter agrees that such an amendment is necessary. The Council consider that this amendment would constitute only a minor amendment to this site.

Reporter's conclusions:

1. The site is a large brownfield site to the north of the village of Mauchline. It was previously in use as a colliery, but is currently unused and largely over-grown. The site is

accessed from the C51 road, which in turn meets the A76 to the west. There are a number of private properties at the southern end of the site but no structures within the site itself. There are paths and tracks visible on site.

2. Mauchline Colliery is allocated in the Plan as a Rural Development Opportunity, Site 058M within Rural Area 1, and as being suitable for leisure and recreational use, or for business, industrial or storage and distribution uses falling within Classes 4, 5 & 6.

Ground Contamination and Stability

3. It is likely that given the previous use of the site there is residual ground contamination, although the extent of any potential contamination is not known at this point. Ground stability, given the mining that took place, may also be of concern. I find that both these issues remain to be investigated fully, and that would take place during the submission and assessment of any planning application. The valid concerns raised in objections, would, I find be addressed by note (iii) on page 120 of Volume 2, which requires this site to provide the mitigation measures contained in the Environmental Reports prepared for the site, which would include any appropriate mitigation measures relating to ground contamination and stability.

Traffic Safety

4. There is evidence from the Ayrshire Roads Alliance (ARA) that there is no accident blackspot at the junction of the C51 and the A76, which would provide the primary access to the site. There is an acknowledged problem with traffic travelling north to south on the A76, where the junction with the C51 is not visible as a result of the vertical geometry. A solution to address this issue has been suggested by the ARA, which is to demarcate the road with a section of double white lines on the A76 as it approaches the C51 junction, in order to ban overtaking within this section of road.

5. Access to the site itself from the C51 has also been identified as an area of concern. Although the road is narrow and less than the 5.5 metre standard road width, the C51 is wide enough to meet normal rural criteria for this type of road. Two standard vehicles can pass easily without any restrictions or the need for passing places. ARA also state that reasonable visibility splays should be achievable for access to the site in relation to likely vehicle speeds on the C51.

6. I find that the council's suggested amendment of adding a new note to page 19 specifically for Site 058M Mauchline Colliery would address the road capacity and safety concerns.

Flora and Fauna

7. As the site has naturalised following cessation of the colliery activity, it appears to have become home to a number of species of flora and fauna. I have no evidence before me to indicate whether any of these flora and fauna are in any way protected under the relevant legislation, but I am aware that there are no statutory designations on site that offer any protection to such species.

8. I consider that it would be prudent to ensure that in the case of any proposed development an NVC Phase 1 Habitat Study should be carried out. I recommend that the plan be modified to include a new note for the site on page 120, in accordance with the

council's suggested amendment. I have corrected the suggested numbering for clarity.

Reporter's recommendations:

Modify the plan as follows.

1. Add two new notes to Rural Area 1, page 120 of Volume 2 of the plan as follows :

(iv) Any developer of the site is required to undertake, where appropriate, an NVC Phase 1 Habitat Study to ensure that habitats and species are protected.

(v) A Transport Statement must be submitted with any planning application for the site, indicating the proposal and likely trips (numbers and types) to ensure that the local road system is adequate for the nature of the development proposed.

2. In the table on page 120 of Volume 2 of the plan, add a reference in row 1, column 2 of Site 058M to notes (iv) and (v).

Issue 152	193M: Rowallan Castle, Kilmarnock	
Development plan reference:	Volume 2, Page 121, Site 193M: Rowallan Castle, Kilmarnock	Reporter: Martin Seddon
Body or person(s) submitting a representation raising the issue (including reference number):		
Duffield Morgan Ltd (PLDP/280)		
Provision of the development plan to which the issue relates:	Site 193M is located within the Rowallan Garden and Designed Landscape and within its grounds are the Rowallan Castle Scheduled Monument, the Category A listed new Rowallan Castle and two other Category B Listed Buildings. The site extends to 126.35 hectares and includes a Country Club, Restaurant, Golf Course and Residential Properties. The acceptable uses within Site 193M are hotel, leisure and recreational (golf).	
Planning authority's summary of the representation(s):		
<p>Duffield Morgan Ltd (PLDP/280) supports the continued allocation of the site for hotel, leisure and recreation purposes, however, they would like to see the policy wording amended. It should be amended to include ancillary residential development as an acceptable use in line with consent 10/0965/PPP and should remove from policy requirements the need for supporting Transport Assessment and Flood Risk Assessment which could be discussed at pre-application stage. The requirement for a Master Plan could inhibit development opportunities as there are a number of proposals being progressed by various parties and no single developer has responsibility for the entire site.</p>		
Modifications sought by those submitting representations:		
<p>Duffield Morgan Ltd (PLDP/280) requests that the policy allocation is amended to include ancillary residential as an acceptable use at Rowallan Castle</p> <p>They also request that notes (i) (relating to a transport assessment) and (iii) (relating to a flood risk assessment) are removed and any assessments required to support a planning submission are dealt with via pre-application discussions</p> <p>They further request that note (ii) is removed.</p>		
Summary of responses (including reasons) by planning authority:		
<p>Whilst it is recognised that various residential consents have been granted at Rowallan Castle Estate over the last 15 – 20 years, these have all been for housing as an enabling development to cross fund development and tourist based development. The Council does not consider it appropriate to identify rural enabling development as a housing development opportunity in the plan as it is there to serve a specific purpose, i.e. release funds for the reinstatement of a historic building and not as a general housing development opportunity. The prime purpose of identifying Rowallan Castle Estate as an</p>		

opportunity site is to encourage tourism and recreation development, not to allow additional residential development.

The Council is also of the view that notes (i) and (iii) attached to the site within Volume 2, Page 121 of the Local Development Plan should not be removed, as these notes are required to ensure that development within the Estate, in line with the acceptable uses for the site, is considered in relation to transportation and flooding issues at an early stage in the development process. The Council is firmly of the view that transportation and flooding issues cannot be adequately addressed through pre-application discussions.

The Council is also of the view that, due to the importance of built and natural resources within the site, a masterplan for development within Rowallan Estate is required.

In conclusion, the Council is of the view that no changes are required to the Local Development Plan in this regard.

Reporter's conclusions:

1. Site 193M includes the Rowallan garden and designed landscape, the castle scheduled monument, three listed buildings, the country club, restaurant, golf course and some limited areas of new housing.

Inclusion of ancillary housing

2. The council advises that the various permissions for housing have been on the basis of enabling development to cross fund development and tourist based development. The most recent approval was permission in principle for 66 dwellings granted in September 2013, subject to a section 75 agreement.

3. Clearly, with its heritage designations and rural character, site 193M is a sensitive location. When assessing any planning applications for the site the council will need to have special regard to the desirability of preserving the setting of listed buildings under section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

4. The representation seeks a change to the policy allocation at Rowallan Estate to include ancillary residential as an acceptable use. However, I agree with the council that this would be inappropriate. A significant amount of enabling development has been allowed to date. Scottish Planning Policy indicates that enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of an asset and securing its long-term future. It adds that any development should be the minimum necessary to achieve these aims. In my view the capacity of the site estate to accept additional ancillary residential development would be constrained by its rural character and heritage interest.

Notes regarding a transport assessment and flood risk assessment

5. It is entirely reasonable for a local development plan to list assessments that will be required for an allocated site. The council has explained that there are potential flooding and transportation issues which cannot be dealt with adequately at the pre-application stage. Moreover, in view of the various development interests in the site these assessments would help to inform any master planning process.

Requirement for a masterplan

6. The representation advises that there are a number of existing planning consents and development proposals at Rowallan that are being progressed by various parties. On that basis it is submitted that there is not one single developer to take on the responsibility of preparing a master plan for the whole site. Nevertheless, it seems to me that the development of this sensitive site needs to be properly co-ordinated and that any detrimental cumulative impacts from development are avoided. The fact that there are a number of parties involved is also a reason why such co-ordination is necessary.

7. I disagree with the view that a master plan approach would be overly restrictive and could inhibit potential development opportunities. A master plan that was endorsed by the council would be likely to assist the development management process and avoid unnecessary work developing schemes that could eventually prove to be unacceptable through the development management process.

Reporter's recommendations:

No modification to the Plan.

Issue 153	Site 366M: Loudoun Castle, Galston	
Development plan reference:	Volume 2, Pages 122 and 124, Site 366M: Loudoun Castle, Galston	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Alex McNab (PLDP/153)		
Provision of the development plan to which the issue relates:	Site 366M is located within the Rural Protection Area and within the Loudoun Castle Garden and Designed Landscape. The former theme park site is allocated as a miscellaneous development site and extends to 259.8 hectares.	
Planning authority's summary of the representation(s):		
<p>Mr Alex McNab (PLDP/153) objects to this aspect of the plan in the context of current planning application 14/085/PP. He questions the need to develop outwith the confines of the former theme park thus ruining a greenfield site and damaging wildlife and woodland. There are other brownfield sites available. Investment would be better used restoring the castle and erecting lodges within the theme park boundaries.</p> <p>Access to the site is an issue as the distillery proposal will result in congestion on a single track road. In addition, the distillery is sited where the water supply is located for existing properties.</p>		
Modifications sought by those submitting representations:		
<p>Mr Alex McNab (PLDP/153) asks that the plan eliminates opportunities for housing and a distillery on this site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>It is clear that Mr McNab is objecting to the proposals contained within a planning permission in principle application for the site and wishes the residential and distillery elements of that planning application to be removed. For the information of the Reporter, the planning application for Loudoun Castle was withdrawn by the applicant on 4th September 2015. A new planning permission in principle application is expected to be lodged in due course and is subject to a Processing Agreement between the applicant and the Council.</p> <p>The Council is therefore of the view that as the representation does not object to any provisions of Local Development Plan, in relation to Site 366M, it should not be considered as part of the examination.</p>		
Reporter's conclusions:		
<p>1. Having perused the full submission which forms this representation, I find that the comments made do relate to an earlier planning application for the Loudoun Castle Estate, which had residential and distillery elements as part of the overall scheme. It is</p>		

my understanding that this application has been withdrawn, and that a subsequent planning application has been called in by Scottish Ministers for a decision to be taken by them. At the time of writing, that application is yet to be decided.

2. The matters raised in the representation relate to development outside the boundary of the original theme park and Estate, access and water supply. Each of these are matters that would be addressed in detail at the planning application determination stage, and would be dependent on the specific assessment of the scheme submitted for determination. The Local Development Plan is not the appropriate forum in which to determine site specific proposals which do not have planning consent.

3. The site in question, Loudoun Castle Estate Site 366M, is identified in the Plan as a site in Schedule 5 : Miscellaneous development opportunity sites, and as being appropriate for tourism and related development in Policy TOUR 1, and may be subject to other polices in the Plan, depending on the specific development proposal. Opportunities for residential development and distillery may form part of an appropriate development proposal, but any such proposal would remain to be determined through the development management process.

4. I conclude that the policy context to enable the re-development of Loudoun Castle Estate appears to be appropriate, and would state that no direct objection has been made to the policy context for the Estate itself in this Examination.

Reporter’s recommendations:

I recommend no modification to the Plan.

Issue 154	Galston Rural Protection Area Boundary	
Development plan reference:	Volume 2, Page 124, Rural Area Map	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mr Franklin Clark (PLDP/42); Ms Tracey Telfer (PLDP/43); Ms Sally Cogley (PLDP/79/1); Mr Jim Tait (PLDP/248); Mrs Jane Tait (PLDP/252)</p>		
Provision of the development plan to which the issue relates:	The Rural Protection Area is designated to restrict development in order to protect landscape quality and rural amenity.	
Planning authority's summary of the representation(s):		
<p>Mr Franklin Clark (PLDP/42) and Ms Tracey Telfer (PLDP/43) state that their property, Kingarth Lodge, sits just within the boundary of the Rural Protection Area. They both state that the area of land on which Kingarth Lodge sits is not prime agricultural land and is therefore more suitable to be included in the Rural Diversification Area. Including Kingarth Lodge in the Rural Diversification Area would be in line with paragraph 83 of SPP as it is in a remote rural area and within an existing cluster of houses.</p> <p>The topography is such that a portion of the property lies within a walled garden and the remaining portion is low lying in relation to the surrounding countryside and therefore any future development in relation to paragraph 83 of SPP would have very little visual impact on the surrounding environment and there is also adequate vehicular access to the lodge. There is potential for any development under paragraph 83 to contribute to the economic regeneration of the surrounding towns, villages and rural community.</p> <p>There is also the potential for any future development to utilise community owned energy from the available green energy sources of solar, biomass, ground source heat pumps etc. to minimize the carbon footprint and accord with paragraph 154 of SPP.</p> <p>Ms Sally Cogley (PLDP/79/1) seeks an extension to the Rural Protection Area around Cessnock Castle, Galston. Cessnock Castle is a category A listed building and a fine example of a particular style and building type. The surrounding landscape is identified in the Ayrshire Designed Landscape study as being of high quality. It lies adjacent to and is linked to the nationally important Loudoun Castle designed landscape. The landscape immediately around the Castle retains much of its 19th century form today. Tree preservation orders protect both the shelter belts and the woods around the Castle and the specimen trees within the former parkland.</p> <p>Cessnock Castle, the neighbouring properties, plus Sornhill and adjacent properties have all been the subject matter of heated, lengthy, contested and expensive planning applications involving multiple rejections, appeals to Scottish Ministers and the imposition of conditions. This could be avoided if the additional protection afforded by extending the</p>		

Rural Protection Area is given. At the moment the proposed southernmost boundary of the Rural Protection Area affords this protection to only 'half' of the area that we know has been the subject of these issues. It is anomalous to divide this sensitive area simply by reference to or convenience of where a minor road happens to be. If the reference point is a road, then it should be the road further south.

Mr Jim Tait (PLDP/248) proposes that the current Rural Protection Area Boundary of Galston is extended to include Bankwood.

The wood is currently used by many local people to walk their dogs and enjoy the peace and tranquillity of the Ayrshire countryside. Local ramblers also use the walk which begins in Galston at the foot of Clockston Road and continues through Cessnock wood and then through Bankwood. It seems sensible to incorporate both of these wooded areas within boundary to protect them for the benefit of the local community.

Mrs Jane Tait (PLDP/252) would like to suggest an extension to the Rural Protection Area Boundary to include Bank Wood, which is a continuation of Cessnock Woods and is currently already included within the boundary of the Rural Protection Area. Currently the proposed boundary has cut the wood in half, so half is protected and the other half is not.

The area is of outstanding natural beauty with an abundance of wildlife, flora and fauna. The wood is home to many birds some rare in Scotland such as the Jay and Nuthatch, some of which are migratory such as the Spotted Flycatcher, Blackcap and Chiffchaff, not to mention the pippastrells, Barn and Tawny owls and the abundant wild flowers.

Whilst it is appreciated that the woodland itself is unlikely to be developed, the area surrounding the woodland needs protection from development so that the peace and tranquillity that people enjoy is protected from nearby development which would ruin it for all.

Modifications sought by those submitting representations:

Mr Franklin Clark (PLDP/42) and **Ms Tracey Telfer (PLDP/43)** seek an alteration to the Rural Protection Area of Galston, as defined on the Rural Area Map within Volume 2 of the LDP, to include Kingarth Lodge within the Rural Diversification Area.

Ms Sally Cogley (PLDP/79/1) requests that the Galston Rural Protection Area is extended further south to include Cessnock Galston and the surrounding landscape, as detailed on the attached plans submitted with the representation.

Mr Jim Tait (PLDP/248) and **Mrs Jane Tait (PLDP/252)** seek an extension of the Galston Rural Protection Area from South Woods along B7037 turning in at Sornhill to join C104 to Newmilns, as detailed on the attached plan submitted with their respective representations.

Summary of responses (including reasons) by planning authority:

The Rural Protection Area restricts development in order to protect the landscape quality and rural amenity.

With regard to the representations from **Mr Franklin Clark (PLDP/42)** and **Ms Tracey Telfer (PLDP/43)**, the Council would agree that Kingarth Lodge is not located within an

area of prime or good quality, locally important agricultural land; however, there is a substantial amount of Category 3(2) good quality, locally important agricultural land in the immediate vicinity of Kingarth Lodge and within the surrounding area. Including this land within the Rural Diversification area widens the circumstances under which housing development is acceptable and, as a result, could potentially have a detrimental impact on the character, appearance and rural setting of this area.

The Council is, therefore, of the opinion that the area of land, which includes Kingarth Lodge, should not be located within the Rural Diversification Area, as a tighter control over development, in terms of the protection of the landscape, is required in this location. Therefore, the Council is of the view that no changes to the Rural Protection Area of Galston are required in this instance.

In light of the representations from **Ms Sally Cogley (PLDP/79/1)**, **Mr Jim Tait (PLDP/248)** and **Mrs Jane Tait (PLDP/252)**, the Council consider that it may be appropriate to amend the Galston Rural Protection Area boundary to include the landscape surrounding Cessnock Castle and Bankwood. The Council is of the opinion that including these areas of land would further protect the landscape character and rural setting of Galston and would not constitute a major change to the Councils overall approach.

The Council would therefore have no objection if the Reporter is agreeable to an amendment and considers that a change to the Galston Rural Protection Area boundary is required. For clarification, the changes should be per those suggested by PLDP/79/1, PLDP/248 and PLDP/252.

Reporter's conclusions:

Kingarth Lodge

1. The representation argues that the subject property is not prime agricultural land and that any future development would have a limited visual impact on the local area, and so the boundary of the Rural Protection Area should be moved north to exclude their property. The council does not agree.
2. I note from my site visit that Kingarth Lodge does not form part of a group of houses, it is a rural property outside a settlement. I can see no planning reason to exclude this individual property from the Rural Protection Area, as it forms a logical southern boundary to the area surrounding Galston, and would fulfil the Plan objective of resisting pressure from commuters for rural housing, as set out at paragraph 4.1.18 of the Plan. Any development of the site could be detrimental to the rural setting of the area. I recommend no modification to the Plan.

Cessnock Castle and Bankwood

3. Cessnock Castle itself is within the Rural Protection area, and the representations seek to extend the Area to the south to include the designed landscape, Cessnock Woods and Bankwood. The council supports the representations.
4. I visited the area surrounding Cessnock Castle, the adjacent woods and Bankwood. The proposal to move the boundary to the south has merit, and I travelled the proposed new southern edge of the Rural Protection Area, as set out in PLDP 248. I find that the

proposed amendment to the boundary is logical and would achieve the Plan objectives as set out at paragraph 4.1.18. The rural character and landscape setting to the south of Galston would be enhanced by the boundary change.

Reporter's recommendations:

Modify the plan as follows.

Amend the Rural Area Map with the extension of the Rural Protection Area to the south of Galston, as set out in PLDP 248, from South Woods along B7037 turning in at Sornhill to join the C104 to Newmilns.

Issue 155	Rural Protection Boundary: Fenwick and Stewarton	
Development plan reference:	Volume 2, Page 124, Rural Area Map	Reporter: Sinead Lynch
Body or person(s) submitting a representation raising the issue (including reference number):		
Moscow and Waterside Community Council (PLDP/296/2)		
Provision of the development plan to which the issue relates:	The Rural Protection Area is designated to restrict development in order to protect landscape quality and rural amenity.	
Planning authority's summary of the representation(s):		
<p>Moscow and Waterside Community Council (PLDP/296/2) note that the Rural Protection Boundary remains the same as in the Adopted Local Plan, although it was previously termed 'Settlement Protection'. We ask for a definition of this to be included in the Glossary, for clarity.</p> <p>It appears that areas in the north of East Ayrshire, such as those near the roads leading out of Fenwick and Stewarton will not have RPA protection, even though they are on commuting/transport corridors where there is pressure for development, both commercial and residential.</p> <p>We suggest that further consideration be given to extending the RPA in these areas.</p>		
Modifications sought by those submitting representations:		
<p>Moscow and Waterside Community Council (PLDP/296/2) request that a definition of Rural Protection Area is provided in the Glossary. They also wish to see the Rural Protection Area for Fenwick and Stewarton extended.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Rural Protection Area protects areas of countryside surrounding existing settlements from sporadic and inappropriate development in order to protect the rural settings of the settlements concerned. The Rural Protection Area therefore ensures that the landscape setting is also protected from insensitive and inappropriate development.</p> <p>In light of the representation from Moscow and Waterside Community Council (PLDP/296/2), the Council consider that an amendment to the glossary may be appropriate to include a definition of the Rural Protection Area in order to ensure that the purpose of the designation is properly understood.</p> <p>The Council would therefore have no objection if the Reporter is agreeable to an amendment and considers that a change to the glossary contained within Page 118 of Volume 1 of the Local Development Plan is required in this instance. Should this be the case, the Council suggest that the following text is added to the glossary:</p>		

Rural Protection Area: The Rural Protection Area protects areas of countryside surrounding existing settlements, and other areas under pressure for development, from sporadic and inappropriate development in order to protect the rural settings of the settlements concerned and the rural area in general.

In relation to the expansion of the Rural Protection Area, the Community Council have not provided any plans or drawings which detail the specific extensions to the Rural Protection Area that they seek. The Council is of the opinion that the Rural Protection Boundary around the settlements of Fenwick and Stewarton is of a sufficient scale and size, which already protects these areas under most pressure for development. The Council is therefore of the view that no changes are required to the boundary of the Rural Protection Area around these settlements.

Reporter’s conclusions:

1. It has been suggested that a definition of the term “Rural Protection Boundary” be included in the plan. The council have suggested an addition to the Glossary on page 119, Volume 1 of the plan.
2. Paragraph 4.1.18 of the plan sets out the rationale for designating the Rural Protection Area, namely to limit pressure from commuters on rural housing. Policy RES 4: Housing in the Rural Protection Area then sets out the policy criteria and basis on which development may be appropriate, subject to compliance with other policies of the plan.
3. At present, the plan does not contain a definition of the Rural Protection Area, and I find that it would be appropriate to include one in the Glossary. The council has provided suggested text for inclusion, and I conclude that the Glossary should be modified to include the suggested text, as it reflects the rationale set out in paragraph 4.1.18 and Policy RES 4.
4. An extension of the Rural Protection Area around the settlements of Fenwick and Stewarton is sought. I note from the Rural Area map that both settlements appear to be within the Rural Protection Area, and that the road corridors leading out of each settlement appear to be covered by the designation for some considerable distance. No evidence has been provided to demonstrate why an extension of the Rural Protection Area is required for these particular settlements, nor have the particular road corridors been identified. I find that the Rural Area map appears to illustrate a reasonable protection area, and that any development proposal in such locations will fall to be assessed against the policies for rural housing of the plan. I recommend no modification of the plan in relation to the Rural Protection Area boundary.

Reporter’s recommendations:

Modify the plan by adding a definition to the Glossary at page 119, Volume 1 of the plan as follows :

“Rural Protection Area: The Rural Protection Area protects areas of countryside surrounding existing settlements, and other areas under pressure for development, from sporadic and inappropriate development in order to protect the rural settings of the settlements concerned and the rural area in general.”