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By email to:
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Our ref: A20949158
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Dear Neale McIlvanney

RE: North Ayrshire Council – Local Development Plan – Proposed Plan

I refer to your correspondence of 1 May 2018, inviting comments on the above document. Please see below the representations from the Scottish Government:

1. Delivering New Homes

Proposed change - The proposed plan should set out a clear explanation of how the authority has arrived at the Housing Supply Target, the generosity margin (20%) applied and the Housing Land Requirement. This includes showing the matters that have been taken into account, starting from the figures in the HNDA.

Reason – To provide a clear and transparent explanation of housing figures, in line with paragraph 116 of the SPP .

2. Delivering New Homes

Proposed change – The local development plan should clearly set out the scale and distribution of the affordable housing requirement for the area.

Reason - The split between affordable and market is not explained and levels of affordable delivery are not clearly stated. To be consistent with SPP para 128 local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.

3. Delivering New Homes

Proposed change – Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate specialist and other specific needs housing and consider allocating specific sites.

Reason – To comply with the expectations of paragraphs 132 - 134 in SPP. At present there is no provision within the plan to address any specialist or other specific needs housing that may be required for the area. Older people and families with complex requirements are mentioned in relation to affordable units only. The plan makes no mention of Gypsy/Travellers, Showpeople or the need for other specialist provision for those with a disability or the elderly across all tenures. If there are no needs, this should be explained within the plan.

4. Page 23 - Hunterston Strategic Development Area

Proposed change – The supporting text accompanying the Hunterston Strategic Development area doesn't respond to all the matters set out on page 40 of National Planning Framework 3. The section should set out how it intends to manage potentially competing ambitions for tourism in the area and how it will continue to support strategic electricity grid connections.

Reason – To better align with the intentions for the Hunterston area of coordinated action as set out in National Planning Framework 3.

5. Page 95 – National Development

Proposed change – Remove Reference to NCN Route 7.

Reason – The box on the National walking and cycling network includes reference to NCN Route 7 between Kilwinning and Kilbirnie. This is not included in the statement of need in National Planning Framework 3 National Development 8 'National Long Distance Cycling and Walking Network'. This route is not designated as a national development in National Planning Framework 3.

6. Policy 29 – Energy Infrastructure Development

Proposed change – Remove the reference to wind turbine developments needing to 'comply' with the landscape capacity study.

Reason – The section on Public Safety includes a paragraph on redundancy plans. That paragraph states that proposals for wind turbine developments should 'comply with the current landscape capacity study' but then goes on to state that the study will be a 'point of reference' for the assessment of wind energy proposals. That indicates that the landscape capacity study is information for developers but is not something with which strict compliance is needed. Scottish Planning Policy paragraph 169 is clear that impacts on landscape can be a development management consideration. The landscape capacity study is one of many considerations in designing wind turbine proposals, and compliance with landscape capacity studies is not required by Scottish Planning Policy.

7. Section 3F of the Town and Country Planning (Scotland) Act 1997

Proposed change – Insert a policy which addresses section 3F of the Town and Country Planning (Scotland) Act 1997.

Reason – The Proposed Plan does not appropriately address section 3F of the Town and Country Planning (Scotland) Act 1997. The Climate Change (Scotland) Act 2009, requires local development plans to include a greenhouse gas emissions policy which seeks a specified and rising proportion of emissions from new buildings to be saved through the use of low and zero-carbon generating technologies. Dundee City Council is an example of such a policy. Further examples can be found in the annex of the annual operational report on Section 72 of the Climate Change (Scotland) Act 2009, available from the Scottish Government's website.

8. Policy 15(b) – Wild Land and Special Landscape Areas

Proposed change – Insert the following text to align with SPP and the approach taken to environmental policies for other designated and non-designated sites in the plan. Section to read:

'We will only support development in Special Landscape Areas or Wild Land areas as identified on the 2014 SNH map, where they would not have an unacceptable impact on the special character and qualities of these areas.

i) Development may be appropriate in wild land areas in some circumstances. Further consideration will be required to demonstrate that any significant effects on the quality of these areas can be substantially overcome by siting, design or other mitigation.'

Reason – This policy sets out safeguards for Wild Land Areas, for clarity it would be helpful to identify that the wild land areas are determined as the areas as identified on the 2014 SNH Wild Land map, which could be done by footnote in the text or map or by amending the text. SPP states that plans should set out the factors which will be taken into account in development management. Paragraph 215 of SPP sets out that development may be appropriate for areas of wild land in some circumstances.

9. Policy 16(a) – Protection of our designated sites

Proposed change – Modify paragraph to include all criteria to better align with SPP. Section to read:

'Development likely to have a significant effect on Natura 2000 sites will be subject to an appropriate assessment. Applicants will be required to provide information to inform the appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest and suitable compensatory measures have been identified and agreed.'

Reason – 16(a) includes the majority of criteria set out for a derogation in para 208 of SPP however is missing the inclusion of compensatory measures.

10. Policy 16(b) – Nature Conservation Sites of National Importance

Proposed change – Amend policy to include criteria as set out in SPP. Section to read:

‘Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.’

Reason – 16(b) has omitted 'environmental benefits of national importance' which is one of the criteria under which development could be considered as per para 212 of SPP.

In addition to the above, the wording of Schedule 6: Network of Centres (page 118, The Hawkhill Stevenson entry under the ‘Opportunities’ section), should be clarified as the current phrasing is unclear.

I trust these comments are of use.

Yours sincerely

Matthew Shepherd
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