



# SCOTTISH EXECUTIVE

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Your ref:  
Our ref: P/SP/96/SG/3

Date: 21 January 2000

Dear Sir

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AYRSHIRE JOINT STRUCTURE PLAN 1999**

The Scottish Ministers have decided to approve the Ayrshire Joint Structure Plan 1999 which was submitted to the Secretary of State on 9 March 1999. In reaching their decision the Scottish Ministers considered all representations and objections made to them in accordance with the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. In addition to the matters taken into account in the Plan as submitted, the Scottish Ministers have considered such other matters as they thought relevant.

The Scottish Ministers have approved the Plan subject to a number of modifications which are set out in Annex A to this letter. At Annex B are comments on objections made to the Secretary of State during public consultations on the Plan as drafted, and on the proposed modifications where the Scottish Ministers have not accepted the substance of the objections and propose no modifications to the Plan in respect of them.

While the Scottish Ministers' approval of the Plan is founded primarily on consideration of the policies and general proposals, it relates to the Plan as a whole. It should be understood that the Scottish Ministers' approval of the Plan does not convey approval of any matter therein for any other statutory purpose. In particular, it does not commit the Scottish Ministers, or any Government Department, to the payment of grant on any particular project or to the amount or timing of any capital expenditure.

The Plan shall become operative on 24 January 2000.

The foregoing decision is final, subject to the right, conferred by Section 238 of the Town and Country Planning (Scotland) Act 1997, of any person aggrieved by the Scottish Ministers' decision to apply to the Court of Session within 6 weeks from the date of publication of the first notice of approval of the Plan, whereby the Court may quash the decision if satisfied that it is not within the



powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act.

I am sending a copy of this letter and annexes to the Chief Executives and Heads of Planning at East Ayrshire, North Ayrshire and South Ayrshire Councils.

Yours faithfully

**K W JOBLING**



## AYRSHIRE JOINT STRUCTURE PLAN 1999: FINAL MODIFICATIONS

Mod.	Reference	Deletion	Addition / Replacement	Reason
1	Page 11 Policy W1	Delete: “A Sites protected in the National interest • Hunterson • Glengarnock”	Replace with: “A Site protected in the National interest • Hunterson”  And add “Glengarnock” to W1C	Glengarnock is not protected ‘in the National interest’
2	Page 17 Para before Policy L3 3 <sup>rd</sup> sent.		Add at end of sentence: “and should allow for choice in terms of location, size and type of development.”	To ensure the provision of an adequate choice of housing
3	Page 20 Policy L9B	Delete: “proposed developments”	Replace with: “approved developments (including those in adopted local plans)”	To accord with NPPG8
4	Page 20 Policy L9D	Delete: “existing”		To accord with NPPG8
5	Page 20 Policy L10		Add after ‘existing’: “and proposed”	To indicate that the policy also applies to new development (and to accord with NPPG 8)
6a	Page 25 2 <sup>nd</sup> para	Delete last sentence	Add new paragraph: “The Habitats Directive also promotes other measures for the management of the countryside outwith designated sites. Features of concern are those which, because of their linear nature, function as stepping stones or wildlife corridors and are essential for migration, dispersal or genetic exchange.”	To ensure a clear distinction between sites of European, national and more local importance
6b	Page 25 Policy E8	Delete: E8C		
6c	Page 25		Add new policy (and <u>renumber</u> subsequent E policies): “E9 In assessing the likely effects of development on the natural heritage value of sites which are not of national or international importance, the three Ayrshire Councils shall have regard to the need to manage features of the natural heritage which are of importance for habitats and species, with a view to complementing the Natura 2000 network.”	

Mod.	Reference	Deletion	Addition / Replacement	Reason
7	Page 25 Policy E7	Delete E7	Replace with: “E7 Development likely to have a significant effect on a Natura 2000 site will be subject to an assessment of the implications for the site’s conservation objectives. The development will only be permitted where the assessment indicates that: <ul style="list-style-type: none"> <li>• it will not adversely affect the integrity of the site; or</li> <li>• there are no alternative solutions, and there are reasons of over-riding public interest, including those of a social or economic nature.</li> </ul>	To ensure compliance with the Habitats Directive
8	Page 26 E9	Delete	Replace with: “E10 Proposals for renewable energy development shall conform to the structure plan where it can be demonstrated that: A there are likely to be no significant adverse environmental impacts or infrastructure constraints; and B the design of the development is sensitive to the landscape character and appropriate to the local circumstances.”	To conform with NPPG6
9	Page 26 Policy E10 (now E11)	Delete E10G and “:and” at end of E10F	Add “and” at end of renumbered E11E and full stop at end of E11F  Add at end of policy: “When assessing proposals, account will be taken of existing sites with planning permission and the cumulative impact of development proposals.”	To clarify the policy
10a	Page 27 2 <sup>nd</sup> para	Delete 3 <sup>rd</sup> sentence	Replace with: “In addition, in March 1999, the Government published National Planning Policy Guideline 16 – Opencast Coal and Related Minerals.”	To update reference to national policy
10b	Page 28 1 <sup>st</sup> para	Delete: “the NPPG4, Annex A”	Replace with: “NPPG 16”	
11	Page 27 Policy E11	Delete: E11A and B and renumber as E12	Add: “, including aggregates, limestone and coal,” after ‘resources’ in line 3.  Add: “these resources.” at end of 2 <sup>nd</sup> sentence.	To clarify that the policy applies to the resource (inc coal)

Mod.	Reference	Deletion	Addition / Replacement	Reason
12a	Page 27 1 <sup>st</sup> para, last sentence	Delete: “because of its significance in the wider ecology of the area.”	Replace with: “where there are nature conservation and archaeological resources, which remain relatively undamaged.”	To conform with NPPG 4
12b	Page 27 Policy E11 (now E12)	Delete: “bring forward policies to prevent the commercial extraction of peat.”	Replace with: “identify areas of low conservation or archaeological interest which might be suitable for peat extraction.”	
13	Page 27 Policy E12F (now E13F)	Delete: “extent of community benefit that is derived;”	Replace with: “extent of directly related community benefit derived, such as the enhancement and creation of landscapes and habitats, and removal of dereliction;”	To accord with NPPG 14
14	Page 28 Policy E13B (now E14B)	Delete: “In this circumstance” at start of 2 <sup>nd</sup> sentence	Add at end of 1 <sup>st</sup> sentence: “, and there is an overall benefit for communities affected, including local employment. In these circumstances”	To conform with NPPG 16
15a	Page 28 2 <sup>nd</sup> para 3 <sup>rd</sup> sentence		Add: “, which are all located in East Ayrshire,” after ‘The three areas identified as Preferred Areas of Search’ ...	To clarify the implications of NPPG 16 for particular parts of Ayrshire
15b	Page 28 2 <sup>nd</sup> para last sentence		Add: “,in North and South Ayrshire and the remaining part of East Ayrshire,” after ‘Outwith these areas’	
15c	Page 28 Policy E13A (now E14A)		Add: “in East Ayrshire” after ‘Preferred Areas of Search’	
15d	Page 28 Policy E13B (now E14B)	Delete: “Outwith the Preferred Areas of Search”	Replace with: “In North and South Ayrshire, and the remaining parts of East Ayrshire outwith the Preferred Areas of Search,”	
16a	Page 28 Policy E13 (now E14)		Add at end of policy: “Any proposals will be considered against the criteria in Policy E13.”	To clarify link between policies
16b	Page 28 Policy E14 (now E15)		Add at end of policy: “Any proposals will be considered against the criteria in Policy E13.”	
17	Page 29 1 <sup>st</sup> para		Add at end of paragraph: “Alterations to structure plan policy will be considered in the light of the National Waste Strategy.”	To ensure that the plan continues to reflect the objectives of the National Waste Strategy published in December 1999.

Mod.	Reference	Deletion	Addition / Replacement	Reason
18	Page 29 Policy E18E (now E19E)		Add: “and built” after ‘natural’	To recognise possible impacts on the built environment
19	Page 36		Add following text immediately after Policy T9: “As part of the Strategic Roads Review, the Scottish Executive announced in November 1999 that the following road improvement schemes in Ayrshire would proceed to construction over the next 3 years: M77 Fenwick – Malletsheugh; and A78 Ardrossan – Saltcoats Bypass.  The remaining schemes listed in Policy T9 are not included within the Scottish Executive road improvement programme.”	To reflect the Ministerial announcement on 4 November 1999
20	Page 38 Policy G2	Delete: “and” at end of G2D	Add: “; and” at end of G2E and “F unacceptable damage to existing species and habitats”	To take account of possible effects on species and habitats
21	Page 40 Policy G8		Add: “C maximise the use of existing service infrastructure where sustainable forms of development can be achieved”  and renumber subsequent clauses	To emphasise support for sustainable forms of development
22	Page 41		Add at end of Implementation section: “The Ayrshire Joint Structure Plan Committee, when preparing the first alteration to the Structure Plan, will consider whether the following topics raise issues of strategic significance for inclusion in the plan: a. infrastructure (including telecommunications) b. service areas for motorways and trunk roads c. sport and recreation d. flooding.”	To address the potential absence of appropriate strategic policies

#### Technical/minor modifications

a	Page 25 Policy E8	Delete: “effect” in 1 <sup>st</sup> line  “affects” in line 9	Replace with: “affect”  “effects”	To correct errors
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b	Page 27 Policy E12A (now E13A)	Delete “E13 and E14”	Replace with “E14 and E15”.	To reflect renumbered policies
c	Page 29 Policy E17, last line (now E18)	Delete “E18”	Replace with “E19”.	
d	Page 32 Network Diagram		Add Kilmarnock-Troon link Some stations misnamed or mislocated	To correct errors
e	Page 35 Policy T8	Delete: “(T)” after A79		The A79 is not a trunk road
f	Page 36 Policy T9A	Delete: “Scottish Office”	Replace with: “Scottish Executive”	To reflect recent changes
g	Page 36 Policy T9B	Delete: “to” after “Funding shall’		To correct error
h	Page 36 Policy T9C	Delete: “Scottish Office”	Replace with: “Scottish Executive”	To reflect recent changes
i	Page 41 6 <sup>th</sup> para	Delete: “The Secretary of State also requires”	Replace with: “Scottish Ministers also require”	
j	Page 41 Last para	Delete: “Scottish Office”	Replace with: “Scottish Executive”	
k	Glossary Household Projections	Delete: “The Scottish Office”	Replace with: “The Scottish Executive”	