

Ayrshire Joint Structure Plan Committee

Development Application & Local Plan Protocol

Purpose of Report

- 1 To agree a working arrangement between the three Ayrshire Councils and the Ayrshire Joint Structure Plan Committee to ensure that Structure Plan issues are given due consideration in the processing of planning applications and consultation on local plans.

Background

- 2 The reorganisation of Local Government has fundamentally changed the way in which strategic significance is handled for both development applications and local plans. Before 1 April 1996 the strategic dimension was handled largely by Strathclyde Regional Council who were consulted as necessary and took appropriate action up to the option of "call-in" powers, where the determination became the responsibility of SRC itself. On the reorganisation of Local Government this process ceased, with each Council now being a strategic authority in its own right.
- 3 This change was recognised by the restructuring proposals made to the planning departments of the three Ayrshire Councils. In addition, in order to facilitate structure plan preparation and the strategic dimension of the development application and local plan process, a Joint Structure Plan Committee has been established. In both the remit for the Committee and the job description for the post of Manager specific regard is given to ensuring there should be effective interaction between Councils and the Structure Plan Committee. This effective interaction is vitally important as the Structure Plan Committee has an advisory role only given that each Council in its own right is a strategic authority in terms of structure plan procedures.
- 4 It is important to emphasise, however, this fundamental change to Local Government does not mean a diminution in importance of the structure plan or the strategic planning process, merely that it should now have the ability to be tied more effectively to the local planning process and be concerned more directly with genuinely strategic issues. This is recognised by Central Government who have chosen to protect the structure plan process throughout local government reorganisation and, importantly still continue to recognise the structure plan and the local plan together making up the statutory development plan for an area. Thus in National Planning Policy Guidelines (NPPGs) and Planning Advice Notes (PANs) and in planning application regulations there is a continuing requirement for Local authorities to seek to ensure consistency with current structure plan policy when dealing with planning applications and the local plan process.
- 5 This note on a protocol for development applications and local plans sets out a framework of working arrangements between Councils, Ayrshire Joint Structure Plan Committee and the Ayrshire Joint Structure Plan Team.

Development Applications and the Structure Plan Process

- 6 In setting up the procedures for the interaction between the three Councils and the Joint Structure Plan Committee - to be known as the Development Application and Local Plan Protocol - it is important to ensure that consultation only takes place when necessary. Whilst this could be regarded as self-evident, the interactive process does have a capacity for potentially high levels of both member and officer time unless effectively handled. In order to ensure this does not happen a series of working arrangements have been derived that allow for structure plan advice to be available at an appropriate time and in an appropriate form, and also that consultation between Councils and the Structure Plan Committee is limited to the genuinely strategic. The consultation process for development applications can therefore be divided into a number of stages.
- 7 The stages will each require to have an agreed working methodology, though clearly over time the process will evolve. In line with the spirit of reorganisation, however, much will ultimately depend on the development of a close working relationship between Councils and the Committee at both member and officer level as it is impossible to set up an agreement such as this to cover all eventualities. The primary responsibility for ensuring that effective consultation occurs must rest with the Council to which the application is submitted.

Pre-Application Stage

- 8 It is of importance that the Joint Structure Plan Manager is aware of potential "problem" applications at the earliest opportunity so that any action required can be taken to expedite a response without incurring delay to the formal process once an application has been submitted. This can be most effectively be achieved by a meeting on a regular basis at a senior level. Most applicants for major applications seek pre-submission discussions and any potential issues are best dealt with at this stage. The initial dialogue should therefore be established by frequent meetings between the Managers of Dev. Promotion/Control in the three Councils and the Joint Structure Plan Manager to discuss developing issues at a pre-application stage. It will be for each Council to decide on any confidentiality issue raised by this process, and for the relevant officers to decide on the frequency of consultation.

Submitted Planning Applications

- 9 Many applications will not be subject to pre-application discussion. In this case it will be the responsibility of individual officers of each Council to ensure that applications with a strategic dimension are raised timeously. This process will be controlled by staff having a list of "consultation triggers"; i.e. development most likely to raise an issue of strategic concern (see Appendix). The list of possible consultation triggers is to be taken as indicative only, and will modify over time as policies develop. As a final control each Council should send to the Joint Structure Plan Manager a copy of the weekly list of submitted planning applications to ensure nothing has been overlooked. It will be expected that Councils will consult the Joint Structure Plan Manager within 7 days of an application appearing in the weekly list. The Joint Structure Plan Manager will also seek consultation from Councils on any application considered relevant within a period of 7 days from receipt of weekly list.

- 10 The primary responsibility of Joint Structure Plan Manager will be to ensure that a response on whether an application raises an issue of strategic concern is given to the consulting Council timeously, usually within the 14 day deadline if no further clarification is required. It is expected that the vast majority of applications can be treated in this way.
- 11 When the Joint Structure Plan Manager identifies an application of strategic concern that raises important issues for either the existing or developing Structure Plan this should be raised immediately with the other officers of the Ayrshire Joint Structure Plan: Technical Management Team. The Technical Management Team shall determine at this stage whether or not the application raises an issue of such significance that it should be placed before the Ayrshire Joint Structure Plan Committee at the first opportunity, or shall authorise the Joint Structure Plan Manager to make a technical response. It is at this point that the decision is taken whether or not to call an Ayrshire Joint Structure Plan Committee/Sub-Committee. In the event of a division within the Technical Management Team the application should be referred to the Joint Structure Plan Committee. The Technical Management Team will be provided with an update of all applications commented on as part of the regular meeting cycle, and a regular update of determinations.
- 12 All of this process is primarily designed to keep consultation to a minimum, to ensure that the appropriate staff are aware of the potential issues, to ensure a minimum of referrals to the Committee and, generally, to encourage "ownership" of the Structure Plan by all staff. It is also not expected that all eventualities can, or should, be covered by this protocol. Over time it is expected that the consultation process will be kept under review. In addition, the Joint Structure Plan Manager together with the constituent Councils will develop a development application monitoring system to identify longer-term trends and any emerging new strategic issues.

Appeals

- 13 An undertaking to assist the constituent councils of the Ayrshire Joint Structure Plan Committee in the preparation of evidence for planning appeals and local plan enquiries that involve strategic issues has been approved as part of the Committee's remit. This also includes the ability to provide specialist witnesses as appropriate. An important part of the Joint Structure Plan Manager's workload at times, therefore, will be to work with Councils in the development of evidence at appeal.
- 14 It is clear, however, that in order both to comply with the spirit of local government reorganisation and to seek clarity in the presentation of a case at Inquiry, each Council should be the primary advocate in all matters, including the strategic planning case. In this way Council staff can be supported at appeals either by supplementary strategic evidence, or by witnesses, as necessary.

Local Plans and the Structure Plan Process

- 15 There is a requirement under the Planning Acts that a local plan should conform to the structure plan, and that together they form a development plan for an area. All local plans should have therefore, an effective strategic overview built into their consideration. The Ayrshire Councils have local plans in varying degrees of currency and all Authorities have used local government reorganisation to reassess priority. Given the likely total number of local plans in Ayrshire and their speed of preparation it is not anticipated that consultation will place an onerous workload on the Joint Structure Plan Committee. As it is vital that

local plans are prepared with the benefit of advice built into them from the earliest stage, it is proposed that interaction between Councils, the Joint Committee and the Structure Plan Manager should be formalised at several distinct stages.

- (i) General informal discussion of aims, objectives and issues of any local plan, including any local (subject) plan, at the earliest stage possible in its preparation. This will be a technical response from the Joint Structure Plan Manager and be passed to the Technical Management Team for information only.
- (ii) The submission of a formal statement by the Joint Structure Plan Manager, within 2 months of the notice of commencement of a local plan setting out the current structure plan policies affecting the area and any potential implications of new policy directions likely to arise from the structure plan in preparation. This statement will be considered by the Technical Management Team and referred to the Joint Structure Plan Committee if necessary.
- (iii) A formal consultation at the Consultative Draft Local Plan stage within the normal deadline set by the consultation process.
- (iv) The confirmation of conformity of the Finalised Local Plan with the Structure Plan.

At both stages (iii) and (iv) there should be a formal submission of the Joint Structure Plan Manager's report to the Ayrshire Joint Structure Plan Committee for approval.

- 16 In order to ensure that all processes for local and structure plan preparation are developed within a coherent Ayrshire framework, a working group of officials, to be known as the Ayrshire Development Plan Group will be established. This group will meet from time-to-time to ensure that the formal planning processes for both structure and local plans are promoted on a consistent basis throughout Ayrshire, e.g. to ensure there is no duplication on consultations; and also to provide a forum for extended technical discussion on specific issues related to the Structure Plan preparation.

Conclusion

- 17 In dealing with Development Applications and Local Plans, as with other aspects of the work, it is expected that a close working relationship will develop between officers of the Councils and the Joint Structure Plan Manager and his staff so that informal interaction can take place on a continuous basis. Nevertheless it is also important that a clear understanding is reached on the necessary formal processes of interaction for the avoidance of doubt. This document will act as the working parameters in dealing with Development Applications and Local Plans for both Councils and Ayrshire Joint Structure Plan Committee.

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 Ayrshire Structure Plan

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**AYRSHIRE JOINT STRUCTURE PLAN
DEVELOPMENT APPLICATION & LOCAL PLAN PROTOCOL
Appendix : Consultation Triggers**

1 Housing

- 1.1 Housing sites of more than 10 units outwith current agreed land supply in a "greenfield" location.

2 Industry

- 2.1 A new industrial site on land not currently zoned for industrial use.
2.2 Change of use from industrial to non-industrial use on industrially zoned land of more than 5 hectares.
2.3 Industrial development of more than 5 hectares on land outwith current marketable land supply.
2.4 Use of strategic site for other purposes, including general industry.

N.B. Strategic Sites in Ayrshire:

North Ayrshire: Hunterston
Glengarnock
Warrix
Riverside Business Park

East Ayrshire: Kilmarnock (Southcraig)

South Ayrshire: Shaw Farm

3 Retail/Commercial

- 3.1 Retail Development over 2000 sq. mtrs.
3.2 Retail Warehouse development over 2000 sq. mtrs.
3.3 Office Development above 1000 sq. mtrs. outwith defined town centres.

4 Environment

- 4.1 Tourism/Leisure development costing £1 million +.
4.2 Proposed Mineral Extraction of more than 50,000 tonnes or 2 hectares.
4.3 All Opencast Coal extraction over 10 hectares.
4.4 All applications sterilising Nationally important workable mineral deposits of bauxitic clay, limestone and sandstone.
4.5 All proposals affecting peat bogs.
4.6 All commercial renewable energy proposals.
4.7 New, and extensions to, waste disposal sites over 5 hectares, and other disposal plants.
4.8 Major development proposals in NSAs, RSAs and coasts, and Areas of Outstanding Archaeological Significance.
4.9 Development having an adverse effect on "Ramsar" sites, SACs, SPAs, NNRs, SSSIs, SWT reserves, RSPB reserves.
4.10 Development over 10 hectares on Agricultural Land (Macaulay Class 1, 2 and 3.1).
4.11 Development having an adverse impact on Scheduled Ancient Monuments and other nationally important archaeological locations, Industrial Archaeological sites defined in Strathclyde Structure Plan 1995 Sched. 19, and Cat. "A" Listed Buildings.
4.12 Development affecting "Listed" Historic Gardens and Designed Landscapes as defined by Strathclyde Structure Plan 1995 Schedules 21 and 22.

5 General

- 5.1 All Development requiring Environmental Statement/Assessment.

N.B. This list is to be taken as indicative only.