EAST AYRSHIRE COUNCIL

CABINET 13 DECEMBER 2017

EAST AYRSHIRE LOCAL DEVELOPMENT PLAN

SUPPLEMENTARY GUIDANCE

Report by the Depute Chief Executive and Chief Financial Officer

Economy and Skills

PURPOSE

1. To request that Cabinet approve the proposed statutory supplementary guidance for the East Ayrshire Local Development Plan 2017 (EALDP) on Design Guidance for Masterplanning, and to seek authorisation from Cabinet to proceed with arrangements to adopt the guidance.

BACKGROUND

2. The EALDP focuses on a vision, spatial strategy and key policies, while more detailed matters are contained in supplementary guidance. Supplementary guidance (SG) and non-statutory planning guidance can be prepared alongside a Local Development Plan or can be prepared and published subsequently. The Plan as approved indicates that the Council proposes to publish supplementary guidance (SG) and non-statutory guidance within the lifetime of the EALDP. An extract containing the list of Supplementary Guidance and non-supplementary guidance which accompanies the Plan is reproduced for information in Annex 1.

SUPPLEMENTARY GUIDANCE & NON-STATUTORY PLANNING GUIDANCE

- 3. Statutory supplementary guidance on Affordable Housing, Financial Guarantees, Dark Sky Park Lighting, Design Guidance and Developer Contributions were adopted earlier in 2017. Other statutory supplementary guidance on Heat Generation, Public and Private Green Infrastructure/Open Space Standards and non-statutory supplementary guidance on Community Benefits for Wind have also been adopted.
- 4. At this stage the proposed statutory supplementary guidance coming forward for approval and adoption relates to:
 - Design Guidance for Masterplanning
- 5. Following approval of the draft supplementary guidance by Cabinet on 23rd August 2017, the supplementary guidance was published for a six week consultation period commencing 1st September 2017 and ending on 13th October 2017. Comments received are summarised in the paragraphs below.

Design Guidance for Masterplanning

- 6. This guidance supports EALDP Overarching Policy (OP) 1 (particularly but not exclusively parts (i), (iii), (v), (vi) and (xii)), RES 1: New Housing Developments and INF 4: Green Infrastructure and provides further detail to support its implementation.
- 7. Policy OP1 seeks to ensure that the size, scale, layout and design of new development is enhanced and that proper consideration is given to the character and amenity of the area to create a clear sense of place. It also requires that masterplan statements in line with Planning Advice Note 83 are prepared where requested by the Council or where it is set out as a requirement for certain allocated sites in Volume 2 of the EALDP. Policy RES1 requires that all new residential developments must contribute positively to the principles of good placemaking. Policy INF4 requires development to take a design led approach to green infrastructure so that it becomes an integral part of the design of developments and should therefore be a key component of any Master Plan.
- 8. The guidance sets out the policy context for masterplanning, when a master plan is required, what format it should take, how it should be evaluated, what community engagement should be undertaken and from where further information can be sought.

Consultation- Design Guidance for Masterplanning

- 9. Seven responses were received from Homes for Scotland, Historic Environment Scotland, Persimmon Homes, RSPB, Scottish Government, Scottish Water and Scottish Natural Heritage. Comments included suggested modifications and further explanation of the masterplan maps, that consideration should be given to biodiversity issues during the masterplanning stage, that strategic solutions to any water and/or drainage issues should also be given attention, that references to the historic environment be included were relevant and that further information should be provided on the potential role of key agencies in the masterplanning process.
- 10. Officials representing the Scottish Government suggested that the supplementary guidance should take a more holistic and proactive approach. They were of the view that the guidance should not be restricted to residential land use and that the Council should have the ability to guide and shape the masterplanning process. In addition, they suggested that the guidance should include less written material and more illustrations to provide clearer and more succinct advice to developers.
- 11. These comments have resulted in some alterations to the Supplementary Guidance (SG) as noted in Annex II.

Next Steps

- 12. Subject to Council approval, the supplementary guidance will be submitted to Scottish Ministers. Scottish Ministers will consider the supplementary guidance and representations received. After 28 days have elapsed, the Council may adopt the supplementary guidance unless Ministers direct otherwise. If a Direction is so received Cabinet will be formally informed.
- 13. It should be noted that the content of the aforementioned supplementary guidance does not need to be scrutinised through Examination given that the principle of the policy or proposal has been examined and subsequently included in the East Ayrshire Local Development Plan. The supplementary guidance is limited to providing further detail based on the parameters set out in the LDP.
- 14. On adoption, the aforementioned supplementary guidance will have the same weight as the Local Development Plan as it forms part of the plan.

FINANCIAL IMPLICATIONS

15. There are no financial implications directly arising from this report that cannot be met by existing budgets.

LEGAL/POLICY IMPLICATIONS

16. There are no direct policy implications arising from this report. However, once adopted, the supplementary guidance will formally be part of the Plan and be used to support the content of the Local Development Plan. Legal agreements under the Town and Country Planning (Scotland) Act 1997 as amended should reflect, where relevant, the contents of Supplementary Guidance.

COMMUNITY PLAN IMPLICATIONS

17. The Council is committed to rolling out a programme to work with all communities within East Ayrshire to develop Community Led Action Plans. Community Led Action Plans are seen as a successful, robust and inclusive approach to give communities greater say in their communities' future. The spatial elements of Community Led Action Plans are represented within Placemaking maps.

As such, applicants should be cognisant of any relevant projects identified in placemaking maps and where relevant and practicable, projects should be incorporated into the masterplanning process.

RISK MANAGEMENT IMPLICATIONS

18. There are no risk management implications directly arising from this report.

PERSONNEL IMPLICATIONS

19. There are no personnel implications directly arising from this report.

EQUALITIES IMPLICATIONS

20. There are no equalities implications directly arising from this report.

RECOMMENDATIONS

- 21. It is recommended that Cabinet agrees:
 - (i) The contents of the statutory supplementary guidance on Masterplanning and that it be submitted to Scottish Ministers for approval;
 - (ii) To adopt the submitted supplementary guidance unless Scottish Ministers direct otherwise; and
 - (iii) To otherwise note the contents of this report.

Alex McPhee Depute Chief Executive and Chief Financial Officer

Economy and Skills

13 November 2017 (KP/KD)

Senior officers wishing further information should contact Karl Doroszenko, Development Planning and Regeneration Manager, on 01563 576751.

Implementation Officer: Michael Keane Head of Planning and Economic Development (01563) 576767.

Supplementary Guidance documents are available on the Member's portal.

LIST OF APPENDICES

Annex 1 – LDP Extract – Supplementary and Non-Statutory Guidance

Annex 2 – Design Guidance for Masterplanning- Consultation Responses

LIST OF BACKGROUND PAPERS

Report to Council of the 19th February 2015 entitled 'Proposed plan, draft action programme, environmental report, draft supplementary guidance and summary responses to the main issues report'

Report to Cabinet of the 23rd March 2016 entitled 'supplementary guidance'

Report to Cabinet of 25th January 2017 entitled 'supplementary guidance'

Report to Cabinet of 19th April 2017 entitled 'supplementary guidance'

Report to Cabinet of 23rd August 2017 entitled 'supplementary guidance & non statutory planning guidance'

Annex 1: LDP Supplementary and Non-Statutory Guidance

Title	Statutory / non- statutory	Timescale for Production
Affordable Housing	Statutory	Complete
Community Benefits from Wind Energy Development	Non-Statutory	Complete
Developer Contributions	Statutory	Complete
Display of Advertisements Design Guidance	Statutory	Complete
Design Guidance for Shopfronts	Statutory	Complete
Design Guidance (remainder)	Statutory	Design Guidance for Masterplanning is ready for adoption subject to Cabinet approval.
		Householder design guidance is ready for public consultation
		Housing in the Countryside design guidance is ready for public consultation Listed Buildings and Conservation Areas design guidance is ready for public consultation
The Dark Sky Park Lighting	Statutory	Complete
Financial Guarantees	Statutory	Complete
Placemaking Maps for all remaining settlements	Statutory	2016-2020
Heat Generation	Statutory	Approved at previous Cabinet and sent to Scottish Ministers for adoption.

Planning for Wind Energy	Statutory	Ready for adoption subject to Cabinet approval.
Public and private green infrastructure / open space standards	Statutory	Approved at previous Cabinet and sent to Scottish Ministers for adoption.
Housing Market Areas	Statutory	Ready for public consultation
Ayrshire and Arran Forestry and Woodland Strategy	Non Statutory	Complete
Knockroon Design Code	Non Statutory	Complete
The Sensitive Landscape Area	Non Statutory	Complete
Green Infrastructure Strategy	Non Statutory	Complete
Ayrshire Landscape Wind Capacity Study	Non Statutory	Complete
Conservation Area Appraisals (Catrine, Galston, Cumnock)	Non Statutory	Complete
Conservation Area Appraisals (Dalmellington, Waterside DV)	Non Statutory	Dalmellington complete Waterside DV 2017/2018



Statement to Scottish Ministers on publicity measures for Supplementary Guidance

Masterplanning

Annex 2

East Ayrshire Council

November 2017

1. Introduction

This statement has been prepared to meet with the requirements of Part 2, Section 22 of the Planning etc. (Scotland) Act 2006 (as amended), that is, to demonstrate that East Ayrshire Council as Planning Authority consulted upon Supplementary Guidance in respect of Masterplanning and involved the public in the way stated within the most recently published Participation Statement.

2. Publicity Measures for the Production of Residential Masterplans Supplementary Guidance.

Publicity Activity	Who or What with?	When?	Outcome
Notice in Press	A notice appeared in the Kilmarnock Standard and Cumnock Chronicle stating that the draft Supplementary Guidance had been published and where copies could be found.	September 2017	This alerted the general public to publication of the draft Supplementary Guidance.
Publication on the Council's website	The draft Supplementary Guidance was published on the Council's website on the day that the consultation started.	September 2017	As well as appearing on the website's main planning pages, an alert and link to the SG were posted on the homepage meaning that the documents could be directly accessed after only one click.
Deposit of documents at Council buildings and in libraries	The draft Supplementary Guidance was accessible in all	September 2017	The Supplementary Guidance was accessible in hard format.

This table below sets out the consultation undertaken for the above Supplementary Guidance.

	local libraries and 3 Council offices.		
Dissemination of email to LDP mailing list	People who have asked to be notified about policy at East Ayrshire Council	September 2017	Stakeholders with a particular interest notified directly.

RESPONSES RECEIVED IN RESPONSE TO CONSULTATION ON PREPARING MASTERPLANS STANDARDS DRAFT SUPPLEMENTARY GUIDANCE

Name and Address of Respondent	Representation Reference	Summary of Representation/Changes sought	Response/ Amendments made
Mr Neil Martin, Homes for Scotland, 5 New Mart Place, Edinburgh, EH14 1RW.	SG/all	This document pulls together recent guidance and advice. We do however note that the pre-application masterplan sought has some overlap with the display boards used at pre-application consultation (PAC) events as well as Design and Access Statements submitted in support of major applications. It may therefore be possible to incorporate some of the consultation into the PAC event through sharing more detailed site analysis rather than initially meeting with Community Councils, where these are established. Display boards could incorporate possible zoning and density plans, along with assessments against the Place Standard Tool. Whilst the requirement to engage with the community councils is not prescriptive there is a risk that these bodies do not have the expertise or resources to accommodate pre-application meetings and this stifles development particularly in areas where there is pressure for development, such as Kilmarnock.	Comments noted. The use the Place Standard Tool is an expression of the Scottish Government's wish to see greater certainty around quality of place and is intended to support the private and public sectors and communities. EAC would encourage applicants to use the tool as part of their engagement and planning process. The location of the place standard sampling points can be facilitated by developers particularly where concerns arise regarding public and community bodies capabilities in facilitating place standard discussion groups. It is

Notification of the PAC event could therefore include an offer to meet community councils separately within a set timescale following the PAC event. This would ensure that community councils have a chance to provide specific feedback following the PAC event. The outcome of engagement would be summarised in the PAC Report.	important to capture a cross section of community views. Sampling points should be used at both the baseline stage and the masterplan stage as a key measure of to what extent the views of communities have been listened to and imbedded in developing concept plans.
	Emphasis is placed on the robustness of the engagement process outcomes rather than a particular process. In this respect, the Place Standard Tool should be viewed as an example of best practice.
A further concern of HfS relates to how the Ayrshire Roads Alliance consider development layouts at the Roads Construction Consent (RCC) stage. One of our members has the experience of securing planning permission based on Designing Streets principles only for the Alliance to seek a standard road layout at the RCC stage (the latter prevailed). It is therefore somewhat disingenuous to spend time and resources on a design process only for it to be unpicked. This runs a significant risk of undermining the trust of the public / community council who have willingly engaged in the planning process only to see a different outcome on the ground.	In all potential planning applications of any reasonable size where roads infrastructure will be required, the Ayrshire Roads Alliance, (ARA) are involved at the very start of the planning process including pre application meetings along with colleagues from Planning Policy and Planning Development Management, to agree a suitable scope and way forward with the applicant.
9	The case referred to had complexities not discussed here, however, it underlines the importance of pre application discussions being held and sought at appropriate points in the design process which the Council will endeavour to

			facilitate in a joined up manner. This is a task which is highlighted in the Council's Planning Performance Framework submission from this year.
Ms Susanne Stevenson, Scottish Water, The Bridge Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow.	SG/all	Scottish Water supports the use of a Masterplan to provide a clear and consistent framework for development and considers early engagement key to understanding what is required to deliver the necessary water and drainage infrastructure. A developer can submit a Pre Development Enquiry (PDE) Form to Scottish Water even before land has been purchased and at no cost. It will allow any potential obstacles to be identified early on and prevent surprises later, which are often more difficult to address the further the site has progressed.	Noted with thanks. Reference to be included in amended SG.
Mr Kevin Murphy, Persimmon, 180 Findochty Street, Garthamlock, Glasgow.	Persimmon/1	Layout designs which take cognisance of adjoining land are an important consideration in preparing proposals for new sites. Proposed masterplans must highlight matters which should be given consideration in preparing proposals for development. There is however a degree of overlap between the analysis and reporting sought and what is currently contained within both Design & Access Statements and Pre-Application Consultation reports. It is therefore suggested that unless the characteristics of the proposal merit a separate masterplan that any additional analysis is incorporated into these documents and information displayed at public consultation events.	A key role in producing a Masterplan and accompanying documents is to demonstrate the process by which the eventual concept is arrived at, what issues have been examined through-out the process and, crucially, why key design decisions have been made. Whilst the duplication of information is to be avoided, the information provided by PAC, or Design & Access Statements is not required at the application for planning permission in principle stage (PPP) for Local sites i.e. (a) the development comprises less than 50 units or (b) the area of the site is less than 2 hectares. Despite this, development of up to 50 dwellings can benefit from a Masterplanning process.

	1
	Furthermore, a Masterplan goes beyond the remit of a Design & Access Statements in looking at a broader and deeper range of issues.
	As Masterplanning is an early stage activity in the process of change, the benefits of 'getting it right' in terms of impact and cost are greatest as part of the PPP stage.
In our view it is important to ensure submissions are both clear and concise. Producing a further document which duplicates existing submissions would add to the information to be considered by community groups who are often volunteering their free time to review and comment on planning submissions. Steps to enhance engagement with them should not therefore be too onerous for these groups.	Noted and agreed in relation to comments being clear and concise. See above comments however in respect of the value of masterplans.
Further engagement with Community Councils is welcomed in principle, however it is suggested that they are invited to public consultation events (as is generally the practice at present) before being offered a follow-up meeting within one month from the date of the event, unless otherwise agreed. This ensures that they have considered the same information as the general public and have had a chance to garner wider views. It also allows the developer to summarise feedback received ahead of meeting the Community Council and consider how they can respond. The meeting with the Community Council should take place shortly after the consultation event to prevent the pre-application stage being drawn out.	Noted, the Council have no control over the timetabling of Community Council meetings and has no objection to this proposal.

		Finally, where there is enhanced public consultation and involvement in the final design for a layout the Council must ensure that all departments support the final layout. This will ensure that when the development is consented through Planning that Road Construction Consent is likely to be granted, particularly when Designing Streets principles have been applied. Failure to deliver what was consented will result in community groups becoming disengaged with the planning process and undermine steps to enhance engagement.	This comment underlines the importance of pre application discussions being held and sought at appropriate points in the design process which the Council will endeavour to facilitate and accommodate in a joined up manner. This is a task which is highlighted in our Planning Performance Framework submission from this year.
Mr Paul Lawson, Local Government and Communities Directorate, Planning and Architecture Division, Victoria Quay, Edinburgh	SG/all	 We would suggest the following points are taken into consideration: 1. Would the initiative benefit from a more holistic approach that does not limit itself to 'residential' land use? SPP policy principle (page 12) states that "Planning should take every opportunity to create high quality places by taking a design led approach [and] this means taking a holistic approach" e.g. Such holistic consideration could either require masterplans for other major development sites and/or pursue integrated mixed use (one of the 'six qualities of successful places') wherever possible. East Ayrshire LDP 2017 notes (SPG page 6): "in order to ensure that all significant residential developments are well designed, appropriately phased, and include the adequate range of community and other facilities (underlined in this response) the Council will – at its discretion – require potential developments to submit Masterplans to the Council for consideration and approval." 	The adopted LDP states 'Master plans/ design statements will be required for those sites as indicated in Volume 2 of the LDP.' This extends to mixed use sites, education and enterprise sites, and strategic tourism and leisure sites. Due to the need for supporting services, facilities and infrastructure, development of residential masterplans routinely require the most sophisticated and thorough level of design consideration when compared with relatively less complex non-residential development typologies. Consequently it is appropriate for the SG to provide advice for non-residential applications. The SG title has been

 The SPG states (para 1.3, page 3) "The assessment of the masterplan shall consider compatibility of the development proposal with neighbouring uses and the relevant policies of the East Ayrshire LDP (2017)" - i.e. links across differing land uses. 	changed to reflect this. Basic advice regarding Heat Generation masterplanning is also provided.
 2. The initiative sets out a requirement for residential masterplans to be produced 'by others' (i.e. promoters of residential development); is there a concern that this could limit the ability to guide and shape the process; could a more proactive approach be adopted with EAC defining principles to inform site briefing: SPP para 2 (page 4) states "Planning should take a positive approach to enabling high quality development"; para 4 (page 4) states "the service should be plan-led"; para 30 (page 10) states "development plans should positively seek opportunities to meet the development needs of the plan area [and] set out spatial strategy providing confidence to stakeholders that the outcomes can be achieved"; policy principle (page 13) states that "Planning should direct the right development to the right place[requiring] spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area." 	The purpose of the SG is, in part, to set out a design framework for researching, as well as giving information on the scope, content, and presentation of information for masterplans. It is a key aim of the SG to enhance the Council's ability to guide and shape the Masterplanning process.

 3. Would the guidance benefit from being more clear and succinct (SPG para 3,2, page 7), and graphic? It is 30 pages long (51 pages if including the Place Standard information) of descriptive material from a variety of sources including: SPP, Designing Streets, Creating Places, PAN 83 – Masterplanning, PAN 67 – Housing, PAN 68 - Design and Access Statement, Place Standard, Bavarian B-Plan. Appendix A: 'A Worked Example' is text reliant and does not appear to illustrate many of the aspects that the SPG seeks to promote through illustrative representations (SPG para 3.6, pages 8 and 9): 	Noted and agreed. The guidance will be more broadly based and cover a wider range of design considerations rather than the detailed, highly focused approach first presented. It is also agreed that the SG would benefit from greater use of graphics. Noted and agreed. A Case Study example will be provided to better illustrate many of the aspects that the SPG seeks to promote through illustrative representations.
 site context and Place Standard assessments are text based. little (no?) information about how the example links with community planning aims (para 2.9, page 5 of the SPG). 	Noted. Additional diagrams added. Noted and agreed. Greater linkage in the form of a matrix to be provided.

		 how do proposals link to wider strategic initiatives (e.g. GI, density linked to public transport). 	Noted and agreed. The revised SG provides greater linkage between baseline data and design process.
		 phasing and implementation. 	Noted and agreed. The revised SG provides more guidance on phasing and implementation.
		 how concept/s have been an illustrative representations of the finalised development (SPG para 3.4, page 7). 	Noted and agreed. The revised SG provides graphic examples of good practice conceptual plans.
		• indication of cost (SPG para 2.13, page 7).	Noted and agreed. The revised SG provides more guidance on the financial context and, in particular, housing markets, viability and enabling development as an accompanying Advice Note.
		 could the 'detailed masterplan' (illustrated in relation to item 8, page 27) more positively respond to considerations such as: front-to-front and back-to back relationships; positive street frontage; positive settlement edge; shared space/ street hierarchy; landscaping; scale, etc. 	Noted. More guidance on the role of Design Codes as part of or after masterplan approval has been provided.
Mr Toby Wilson, RSPB, South and West Scotland, 10 Park Quadrant, Glasgow	RSPB/01	We would welcome further consideration to biodiversity issues at the masterplanning stage – both in terms of identifying potential constraints, as well as opportunities for enhancement. There may be issues such as proximity to a SPA, which may require specific mitigation e.g. buffer distances from sensitive areas, which influence the masterplan layout. We therefore recommend that section 3.2 (ii) Site Context makes specific reference to consideration of key ecological constraints/ opportunities.	Noted and agreed. Reference has been included in the SG to Key ecological constraints / opportunities.

Γ		
	We note that no reference is made to sustainability or climate change issues anywhere in the guidance. It is reasonable to expect developers to consider these issues at the master planning stage as otherwise opportunities will be missed.	Noted and agreed. Reference to sustainability and climate change has been added.
	We therefore recommend that section 3.12 makes specific reference to the following masterplan considerations. i) be designed to avoid adding to the vulnerability to impacts arising from changes in the climate; ii) be designed to contribute to achieving national targets to reduce greenhouse gas emissions by: using landform, layout, building orientation, landscaping, incorporation of renewable energy etc to reduce likely energy consumption and resilience to increased temperatures;	
	iii) use the layout, density and mix of development to support identified opportunities for decentralised energy; iv) connecting to an existing decentralised energy supply system where there is capacity to supply the proposed development, or by being designed for a future connection where there are finalised proposals for such a system;	Noted and agreed. Reference to Heat Generation Masterplanning has been added with a linkage to the Heat Generation SG.
	 v) provide public or private open space as appropriate so that an accessible choice of shade and shelter opportunities for people, biodiversity, flood storage and carbon management provided by multi-functional green spaces and green infrastructure networks; vi) give priority to use of SuDS; vii) support sustainable waste management by providing space for recycling and composting; 	Noted and agreed. Reference to green infrastructure has been added with a linkage to the Green Infrastructure SG.

		viii) providing for safe and attractive walking and cycling opportunities, allocate space for cycle parking and electric car charging.	Noted and agreed. Reference to sustainability and climate change has been added.
Mr. Paul Taylor, SNH, Strathallan House, Castle Business Park, Stirling.	All/6	This guidance seeks to provide developers with more detailed advice on the factors to address when producing masterplans for residential development. It supplements policies OP1 and INF4 of the East Ayrshire LDP.	SG Open Space standards/ Green Infrastructure is the principle supplementary guidance to supplement policy INF 4.
		We support the suggested use of the 'Place Standard Tool' to assess all masterplans for residential development, both before and after drawing up a masterplan, and also welcome that the Council will be able to advise developers on the location of 'Place Standard Sampling Points' – noting that Section 2.6 emphasises that careful choice of 'place standard sampling points' should ensure that all relevant groups ("a diverse range of perspectives") are included in the process.	Noted with thanks.
		We think it is helpful to include the worked example in the guidance. However, the final map is missing a key, and in terms of the level of detail, is quite limited in ambition. We suggest the map would benefit from further annotation to demonstrate how some of the information from the site appraisal process informed the layout. For example, we assume that the location of the square of green space at the south of the proposal was located to reflect the fact that this area floods.	A Case Study example has been provided to better illustrate many of the aspects that the SG seeks to promote through illustrative representations. A key has been added to the revised example.
		At Section 3 of the guidance there could perhaps be something more about the potential for presenting the	Noted and agreed. Relevant text added.

masterplan in three dimensions to better visualise the site and its design concept. This would help reflect discussion in PAN 83 which suggests that this presentational style will also help people without design knowledge to better understand proposals.	
We note the inclusion of Section 5 on community engagement and various discussions throughout the document about expectations on developers to consult with relevant stakeholders but we wonder if it may be worth including more of an explanation about the potential role of key agencies in the process. For example SNH is likely to be consulted on proposals that require an EIA (often for sites above 2ha). In this context it would be beneficial to consult key agencies before masterplans were finalised.	Noted and agreed. Relevant text added.