

DEVELOPMENT AND ENVIRONMENT STANDING SCRUTINY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 2nd November 2010 at 10.00 a.m.

Present: Councillors John McDowall (Chair), Stan Fisher, Ann Galbraith, John Hampton, Mary Kilpatrick, Mairi Low and Mike Peddie.

Apology: Councillor Eddie Bulik.

Also Present: Councillors Philip Saxton, Helen Moonie, Peter Convery, Portfolio-holder and Margaret Toner.

Attending: L. Bloomer, Executive Director – Development and Environment; J. McQuillan, Head of Property and Neighbourhood Services; C. Cox, Planning Manager; and D. Knight, Committee Services Officer.

1. Variation in order of business.

In terms of Council Standing Order No. 10, the Panel agreed to vary the order of business as hereinafter minuted.

2. Minutes of previous meeting.

The Minutes of the previous meeting of 21st September 2010 (issued) were submitted and noted.

3. Item for Call-in – Supplementary Planning Guidance: Open Space and Designing New Residential Developments.

Reference was made to the Minutes of the Leadership Panel of 26th October 2010 (Page xx, paragraph 7) when that Panel, having considered a report of 11th October 2010 by the Executive Director – Development and Environment, had decided

- (1) to approve the “Open Space and Designing New Residential Developments”, attached as Appendix A of the report, as a final document for publication, subject to satisfactory conclusion of the Strategic Environmental Assessment (SEA) Gateway consultation period, in accordance with the Council’s approved Protocol for Public Consultation on Supplementary Guidance and as a material consideration in the assessment of planning applications; and
- (2) to agree that once concluded, any minor alterations suggested by the SEA Gateway consultation process be incorporated into the Open Space and Designing New Residential Developments Supplementary Planning Guidance (SPG) as outlined in Section 4.2 of the report.

The Panel was advised that the report had been the subject of a call-in for the following reasons:-

- (a) given that there is an admission within the SPG that historical documents are out of date, what timescales are envisaged for audit purposes on completion (Page 4 of the SPG)?
- (b) what powers of enforcement remain with the Council following the legal agreement between the developer and house purchaser? and
- (c) for further information/explanation relating to implementation of the Policy?

The Chair invited Councillor Saxton to explain his reasons for the call-in and, thereafter, the Panel heard Councillor Saxton ask

Question 1 what consultation has been undertaken with the public?

Answer 1 the Planning Manager advised

- that Consultation had been undertaken in accordance with the Council's protocol for consultation and that all key agencies such as Community Councils, civic amenity groups, Housing Organisations, and Registered Social Landlords and that four responses had been received during the consultation period from Homes for Scotland, Sport Scotland and the Council's Building Standards and Housing Directorates as summarised in Appendix B of the report; and
- that adverts had been placed in local newspapers and on the Council's website inviting comments to the draft Supplementary Policy.

Question 2 when had the policy on Open Space: Planning Policy No. 4 (PP No. 4): "The Provision of Private and Public Open Space and Play Areas within New Residential Areas" first been adopted and subsequently amended and updated to address the various issues that had arisen?

Answer 2 the Planning Manager advised that the Policy had been adopted in July 1976 and revised in December 1994 and July 1995 by the former Kyle and Carrick District Council and had been amended by South Ayrshire Council in October 1997.

Question 3 what are the differences between the Supplementary Planning Policy and the original Policy?

Answer 3 the Planning Manager advised that the existing PP No. 4 dealt with the quality standards to be provided for open spaces within a development and that the new Supplementary Planning Guidance now included three different types of open space, which might be required within new residential developments: amenity open space, formal play areas and residential greens and designing streets.

Councillor Moonie similarly expressed her concerns and her support for the Call-in.

Following a full discussion various questions and comments were raised by Councillor Saxton and Members of the Panel in relation to the adoption and amendments to the various Policy documents, the provision of a landscape bond, the long term maintenance and management of open spaces, the adoption of open spaces, legal agreements with house purchasers / owners, factoring arrangements, whether the Council had any powers of enforcement to compel owners to carry out maintenance, Section 50 agreements under the Town and Country Planning (Scotland) Act, when would a review of open spaces be undertaken by the Council, and the procedures for dealing with planning applications and the relevant Officers responded accordingly to the various issues and advised, in particular, that the Council had no powers to enforce owners to carry out maintenance to open spaces and could only deal with environmental issues and the development of a wider green spaces strategy (part of the grounds maintenance review earlier this year) was due for completion within the 2010/11 financial year.

Decided:

- (i) following review, that the decision of the Leadership Panel in respect of this matter be confirmed and implemented; and
- (ii) that the Executive Director – Development and Environment be requested to submit a report to the next meeting of this Panel on 30th November 2010 regarding implementation of Planning Policy No. 4: The Provision of Private and Public Open Space and Play Areas within New Residential Areas as it related to the maintenance of open space land.

The meeting ended at 10.55 a.m.