

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 24 September 2014

Subject: Renfrewshire Local Development Plan

1. Purpose

- 1.1** To advise the Committee of the adoption of the Renfrewshire Local Development Plan including Braehead as a town centre.

2. Recommendations

- 2.1** It is recommended that the Committee note the report and agree that officers seek a meeting with the Chief Planner on this matter.

3. Background

- 3.1** The proposed Renfrewshire Local Development Plan was published in January 2013. It included Braehead shopping centre and adjoining leisure facility (formerly known as Xscape, now Soar) as a town centre. Following consideration by the Planning Committee, the Council submitted an objection to the inclusion of Braehead as a town centre as part of its representation on the Renfrewshire Local Development Plan. Glasgow and Inverclyde Councils also objected on this matter, as did a number of commercial organisations. As part of the Examination of objections to the Renfrewshire Local Development Plan, the Council, along with the aforementioned parties, participated in a Hearing into the Braehead issue.

4. Main Issues

- 4.1** The Examination report was issued by the Scottish Government Directorate for Planning and Environmental Appeals in June 2014, recommending that Braehead should not be identified as a town centre in the Renfrewshire Local Development Plan. In reaching this recommendation, the Reporter concluded that Braehead:
- does not have a diverse mix of uses and attributes.
 - predominant uses are retail and commercial leisure.
 - is not integrated with residential areas and it does not have a high quality of environment.
 - does not have good accessibility to the surrounding areas by foot or by bicycle
 - is a commercial centre of the mixed retail and leisure development type
- 4.2** In a report to Renfrewshire Council's Planning and Property Board of 24 June 2014 considering the Examination report, the Director of Development and Housing Services stated:

'With regard to Braehead's Town Centre status, it is considered that the Reporter has clearly erred and could not have reasonably reached the conclusions and recommendations made based on the evidence considered throughout the nine month long Examination. As such, Members are asked to decline the Reporters recommendations on the grounds that they are unacceptable and unreasonable'.

4.3 The Board agreed to accept the recommendations of the Examination Report with the exception of the Braehead recommendation and to proceed to adoption on this basis. Renfrewshire Council subsequently submitted its justification for not accepting the Braehead recommendation to the Scottish Ministers, which is permitted under the relevant Act and Regulations. Renfrewshire Council's grounds for not accepting the Reporter's recommendations on Braehead were as follows:

- The Reporter has misinterpreted and/or failed unreasonably to give any weight to certain relevant evidence, and did not seek clarification on determining issues through the examination process.
- The Reporter relied upon (i) a perceived lack of analysis of retail capacity and (ii) a lack of evidence on demand context. However, these issues were not raised by the Reporter as matters that were considered significant and on which further input from the parties was required.
- The recommendation by the Reporter is contrary to the intention set out in the Glasgow and the Clyde Valley Strategic Development Plan, in that the Reporter's approach denies the LDP the opportunity to take forward the delivery of a Network of Strategic Centres.
- The Reporter has applied the wrong test to determine Braehead's status, by using a test, which would apply in the event of a retail application for an "out of centre" location, rather than an appropriate test for designating a new town centre.
- The Reporter erred in concluding that town centre status for Braehead would not facilitate other development in the wider Renfrew North area.

4.4 On 21 August, Renfrewshire Council was advised by letter that the Scottish Ministers would not be intervening in Renfrewshire Council's intention to adopt its Local Development Plan including Braehead as a town centre. No justification or explanation for this position was included in the letter, and none has subsequently been issued by the Scottish Government, although it is understood that a commercial organisation has requested relevant information under Freedom of Information. Renfrewshire Council subsequently adopted its Local Development Plan on 28 August 2014.

4.5 This decision is disappointing in a number of ways. It makes the significant expansion of Braehead shopping centre - for which there is an extant application - much more likely to happen. There is already significant leakage of trade from West Dunbartonshire to Braehead and this is likely to increase, meaning that new investment in our own town centres is less attractive.

- 4.6** There are also implications for the wider planning system. Braehead is clearly dominated by retail and commercial leisure and has no residential population and little if any civic uses. It is difficult to understand how it corresponds with the characteristics of a town centre as set out in Scottish Planning Policy.
- 4.7** Further, it throws into doubt the purpose and validity of the Local Development Plan Examination process. Examination report recommendations are supposed to be binding on local authorities unless inconsistent with the National Planning Framework or Strategic Development Plan, or based on conclusions that the Reporter could not reasonably have reached based on the evidence considered in the course of the Examination. It is considered that the Scottish Ministers decision on the Braehead case may significantly weaken the binding nature of Reporter's recommendations, thus weakening the overall Examination process.
- 4.8** It is understood that some of the commercial objectors to the Renfrewshire Local Development Plan on the Braehead issue are considering a legal challenge to the adoption of the Plan. This has to be lodged within 6 weeks of the adoption of the Plan i.e. before 9 October 2014.

5. People Implications

- 5.1** None.

6. Financial Implications

- 6.1** None.

7. Risk Analysis

- 7.1** None.

8. Equalities Impact Assessment (EIA)

- 8.1** It is not considered that the report or recommendations raise any equalities issues.

9. Consultation

- 9.1** Not applicable.

10. Strategic Assessment

- 10.1** It is considered that the designation of Braehead as a town centre could have implications for the Council's strategic priority of economic growth and employability as it is likely that expenditure and possibly investment will be lost to Renfrewshire.

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Date: 8 September 2014

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Appendices: None

Background Papers: **Renfrewshire Local Development Plan and
Examination report**

Wards Affected: All