

# **WEST DUNBARTONSHIRE COUNCIL**

## **Report by the Planning, Building Standards and Environmental Health Manager**

**Planning Committee: 20<sup>th</sup> September 2023**

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**Subject: Development Plan Update**

### **1. Purpose**

- 1.1** The purpose of this report is to seek approval of a consultation draft Development Plan Scheme and Participation Statement in relation to a new Local Development Plan (LDP3).

### **2. Recommendation**

- 2.1** It is recommended that the Committee agrees the publication of the consultation draft Development Plan Scheme and Participation Statement set out in Appendix 1.

### **3. Background**

- 3.1** The development planning system in Scotland has changed with the introduction of the development planning provisions of the Planning (Scotland) Act 2019. The Fourth National Planning Framework (NPF4) has been adopted by the Scottish Government and now forms part of the development plan for all planning authorities in Scotland. New style local development plans are to be prepared, which are to be place-based, people-centred and delivery focused. They are to be visual plans with the inclusion of a clear spatial strategy, and a collection of maps, development briefs and masterplans, instead of lengthy written text and policy. Plans are to be prepared collaboratively with communities and other stakeholders, with people with protected characteristics given particular support to engage in the plan preparation process. The Development Plan Scheme and Participation Statement is to set out the timeline for preparing new local development plans and how participation in the preparation of plans will be encouraged.

- 3.2** The West Dunbartonshire planning authority area excludes that part of West Dunbartonshire within the Loch Lomond and the Trossachs National Park. The National Park Authority has responsibility for preparing the Local Development Plan for that area.

### **4. Main Issues**

#### Current development plan and planning guidance

- 4.1** The fourth National Planning Framework (NPF4) was adopted by the Scottish Government on 13 February 2023 and now forms part of the development

plan for West Dunbartonshire (and all other planning authorities in Scotland including National Park Authorities). As planning applications are to be determined in accordance with the development plan, unless material considerations indicate otherwise, NPF4 has an enhanced status in the determination of planning applications and is the most up to date part of West Dunbartonshire's development plan.

- 4.2** The current adopted local development plan for the West Dunbartonshire Council planning authority area is the West Dunbartonshire Local Plan 2010. Although dated, it remains part of the statutory development plan for the West Dunbartonshire planning authority area, and is still relevant for decision-making purposes.
- 4.3** At its meeting of 15<sup>th</sup> March 2023, the Planning Committee agreed not to adopt the Proposed West Dunbartonshire Local Development Plan (2020, as modified). This decision was taken with reference to legal advice received that there were grounds to legally challenge the adoption of the plan. The Proposed Local Development Plan incorporating the recommended modifications of the examination report, as agreed at the 19 August 2020 Planning Committee, remains a material consideration in the determination of planning applications.
- 4.4** The Council has a number of planning guidance documents relating to specific topics or places. These do not form part of the development plan but do form part of the decision-making process for planning application when relevant. The planning guidance currently in effect in the West Dunbartonshire planning authority area is:
- Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (2022)\*
  - Clydebank Business Park (2023 draft)\*
  - Clydebank Town Centre Development Framework (2021)
  - Commuted payments for Parking (2015)
  - Creating Places (2022)\*
  - Dumbarton Waterfront Path (2017)
  - Green Network and Green Infrastructure (2022)\*
  - Pay Day lending and Betting Shops (2016)
  - Queens Quay Design Codes (2020)
- \* these planning guidance documents are associated with Proposed West Dunbartonshire Local Development Plan (2020, as modified)

#### New Local Development Plan

- 4.5** The Scottish Government published Local Development Planning Guidance in May 2023. This sets out guidance on the new development planning system introduced by the Planning (Scotland) Act 2019 and the publication of the guidance allows the Council to begin the process of preparing a new local development plan (LDP3). The Scottish Government expects every planning authority in Scotland to have a new style local development plan in place by May 2028, with an expected plan preparation time of 3-4 years. The main stages in the preparation of the new Local Development Plan are:

- 4.6 Development Plan Scheme including Participation Statement** – this document is produced annually and acts as a communication tool for letting stakeholders know when and how they can get involved in the local development plan process keep them informed of progress. It sets out the timetable for the preparation of the local development plan and what is involved at each stage of the process. The Participation Statement part of the document sets out how stakeholders are to be involved in the preparation of the local development plan. It is to include targeted methods to reach under-represented groups, help to make public participation inclusive, ensure that wider public engagement directly feeds into the preparation of the local development plan, and promote proactive engagement at all stages of the plan's preparation. In preparing the Development Plan Scheme, a planning authority are to seek and to have regard to the views of the public as to the content of the Participation Statement. The Council's draft Development Plan Scheme including the Participation Statement is attached for approval at Appendix 1.
- 4.7 Evidence Report** – the purpose of the Evidence Report is to support the quality and effectiveness of the Local Development Plan. Its aim is to gather and use evidence to clearly inform what to plan for before the Proposed Plan looks at where development should take place. Stakeholders' views are to be sought when preparing the Evidence Report. Legislation and guidance sets out the expected content of the Evidence Report. The Evidence Report must be approved by the full Council before it is submitted to the Scottish Ministers. The Evidence Report stage is likely to be the most challenging stage of the new Local Development Plan process. It is a new requirement and whilst the Scottish Government promote a proportionate approach, the breadth and depth of evidence required by Scottish Government Guidance is substantial, as is the level of engagement required. The Guidance sets out information likely to be required, and other information planning authorities may wish to prepare or review, as part of the Evidence Report for 33 different policy areas. Examples of evidence to be submitted include: information on local sources of greenhouse gases and local opportunities for greenhouse gas sequestration; identification of nature networks; green belt review and local landscape character assessment; urban capacity study; heat network zones; and community assets and community wealth building priorities. While many evidence data sources already exist or will be prepared by others, other evidence will need to be sourced or created primarily for the local development plan process.
- 4.8 Gate Check** – the assessment of the Evidence Report, most likely by a Reporter from the Directorate and Environmental Appeals (DPEA), is known as the Gate Check. The Reporter can decide that there is sufficient information and the planning authority can move to prepare its Proposed Plan, or the Reporter may consider there is not sufficient information and provide recommendations for improving the Evidence Report. The aim of the Gate Check is to reduce the level of debate at the Examination stage of the plan preparation process and made for a better evidence-led plan. This Gate Check is a new requirement of the local development plan preparation

process and the costs of the Gate Check are to be met by the planning authority.

- 4.9 Proposed Plan** – the Proposed Plan identifies where new development should take place and where it should not and articulates the ambitions and priorities for the future development of the Plan area. The preparation of the Proposed Plan is to be informed by community engagement and a wide range of prescribed policy and strategy documents. The Scottish Government guidance sets out requirements in relation to the form and content of the Proposed Plan. The Proposed Plan must be approved by the full Council. It must then be published for consultation. Proposed Plans can be modified after consultation.
- 4.10 Delivery Programme** – the Delivery Programme sets out how an authority proposes to implement its Local Development Plan. A proposed Delivery Programme must be published with the Proposed Plan, and like the Proposed Plan it is to be approved by full Council. The Delivery Programme is to be a corporate document, which can influence the authority's financial investments, and support delivery of the Plan's policies and proposals to achieve Council priorities. It is to be reviewed and renewed at least every two years.
- 4.11 Examination** – the Examination is the opportunity for independent consideration on any issues raised during the formal consultation on the Proposed Plan that have not been resolved through modifications. The Examination will most likely be undertaken by a Reporter from the Directorate of Planning and Environmental Appeals, who will determine whether the Examination should be in public, by hearing or by written submissions. Most recent Examinations now undertaken primarily by written submission. The Examination will consider unresolved issues following consultation on the Proposed Plan and also the consultation and involvement of the public in the preparation of the Plan. Following the Examination, the Reporter will prepare a report setting out reasons for their conclusions and recommendations, including any modifications to the Plan. There are limited circumstances under which a planning authority can decline a Reporter's recommendations. These are that the recommendation would make the Plan inconsistent or incompatible with the environmental assessment, the National Planning Framework or Habitat Regulations; or that the recommended modification could not reasonably have been reached based on the evidence considered in the course of the Examination. The planning authority are to meet the costs of the Examination.
- 4.12 Adoption** – adoption is the final stage in the preparation of the Plan and occurs after the Council has received and considered the Examination report and any recommendations and modifications it proposes.

#### Local Development Plan preparation timeline

- 4.13** The proposed timeline for the preparation of a new Local development Plan for West Dunbartonshire is as follows and also set out in the draft Development Plan Scheme in Appendix 1. Legislation stipulates the time line

be set out on quarters based on a financial year running from April to March. Estimated months are included below to ease understanding of the timeline. The timeline is considered challenging but realistic and within the 3-4 year preparation timeline expected by the Scottish Government, and is similar to a number of other authorities that have already published their preparation timelines.

Action	Proposed timeline
Publication of draft Development Plan Scheme/Participation Statement	Quarter 2, 2023/24 (September 2023)
Publication of finalised Development Plan Scheme and Participation Statement	Quarter 3, 2023/24 (December 2023)
Publication of Evidence Report and submission for Gatecheck	Quarter 3, 2024/25 (December 2024)
Publication of Proposed Plan and draft Delivery Programme	Quarter 4, 2025/26 (January 2026)
Submission of Proposed Plan to the Scottish Ministers for Examination	Quarter 3, 2026/27 (October 2026)
Expected adoption of Local Development Plan	Quarter 2, 2027/28 (September 2027)

#### Associated requirements and impact assessments

**4.14** The Planning (Scotland) Act 2019 and associated Regulations set out requirements for other work to be undertaken in association with the Local Development Plan process. This includes:

- Open Space Strategy – work has started on the undertaking of open space audit that will form the basis of this strategy
- Play Sufficiency Assessment
- Forestry and Woodland Strategy

**4.15** There are a number of different assessments that must be undertaken to support the preparation of the Local Development Plan. These are:

- Equalities Impact Assessment
- Public Sector Equality Duty Assessment
- Fairer Scotland Duty Assessment
- Strategic Environmental Assessment
- Habitat Regulations Appraisal

Each of these assessments will also be required for the requirements set out in paragraph 4.13. Some of these assessments are significant pieces of work in its own right. The assessments are undertaken and updated throughout the Plan preparation period as detailed above.

#### Local Place Plans

**4.16** The Planning (Scotland) Act 2019 includes provision for local communities to prepare Local Place Plans. Planning authorities are to take account of any registered Local Place Plan when preparing its Local Development Plan.

There is a separate report to the September Planning Committee setting out the proposed approach to Local Place Plans in West Dunbartonshire planning authority area.

### Participation

- 4.17** The participation of communities and other stakeholders in the Local Development Plan process is an important feature of the new planning system. Although engagement has always been part of the process and encouraged, there are now much stronger requirements set out in legislation and guidance, including engagement with specific groups such as children and young people; disabled people; and Gypsies and Travellers.
- 4.18** The Participation Statement element of the Development Plan Scheme sets out how the Council intends to encourage participation in the Local Development Plan process. A draft Development Plan Scheme is attached at Appendix 1 for approval, and will be used to seek the views of communities and other stakeholders on how they want to be involved in the Local Development Plan process.

## **5. People Implications**

- 5.1** The Planning (Scotland) Act 2019 introduces significant new requirements for planning authorities which will have an impact on the workloads, skills and training requirements of planning staff. The Development Planning and Place Team within West Dunbartonshire Council, which is responsible for the preparation of the Local Development Plan and other planning policy related work, is a small team and meeting the timescales for the preparation of the new Plan will be challenging.

## **6. Financial and Procurement Implications**

- 6.1** The costs of the Gate Check and Examination processes are to be met by the planning authority. Based on previous Examinations, it is estimated these may cost £30,000 each. A burden bid will be made for a £30,000 budget for each financial year 2024/25 and 2026/27.

## **7. Risk Analysis**

- 7.1** Not having an up-to-date local development plan may have an impact on planning decisions taken by the Council and could result in appeal decisions being upheld.
- 7.2** As there is a new Local Development Plan process there is a risk associated with the proposed timeline, particularly the Evidence Report stage and the Gate Check as these are new requirements, so there is uncertainty around how long the preparation and gathering of the necessary evidence will take, and also around the expectations of the Reporter who will be assigned to undertake the Gate Check. It would also be preferable for community-prepared Local Place Plans to be validated in time for them to be reflected in

the Proposed Plan, but as the timing of these are to be decided by communities there is no guarantee of this.

## **8. Equalities Impact Assessment (EIA)**

**8.1** The Development Plan Scheme and Participation Statement is a document that sets out how communities will be involved in the preparation of the Local Development Plan. It includes an emphasis on engaging with people with protected characteristics and groups that represent them. The document is published initially as a draft for consultation so that the views of people with protected characteristics can be sought and engagement with them can be improved. A summary of the EIA can be found below, with the full assessment in Appendix 2.

EIA 774: The council will be proactive in engaging with underrepresented groups in preparing the local development plan. This will include seeking views on the draft Participation Statement itself to better understand how to engage with these groups.

## **9. Consultation**

**9.1** The draft Development Plan Scheme will be published for consultation following approval by Planning Committee for an 8 week consultation period ending on 17 November 2023. This will allow a finalised Development Plan Scheme to be reported to the December 2023 Planning Committee and to meet the timelines of the Local Development Plan outlined above.

**9.2** The views of the following teams/services have been sought during the preparation of this report: Legal, Finance, Communities, and Performance and Strategy. The views of these and other Council services will also be sought during the consultation on the draft Development Plan Scheme and Participation Statement.

## **11. Strategic Assessment**

**11.1** The new Local Development is considered to be relevant to, and will help deliver, all of the Council's strategic priorities:

- Our Communities – Resilient and Thriving
- Our Environment – A Greener Future
- Our Economy – Strong and Flourishing
- Our Council – Inclusive and Adaptable

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**Date: 20<sup>th</sup> September 2023**

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**Appendices:** Appendix 1: Consultation Draft Development Plan Scheme and Participation Statement  
  
Appendix 2: Equalities Impact Assessment for Development Plan Scheme and Participation Statement

**Background Papers:** None

**Wards Affected:** All