

## ITEM 7 - Appendix 4

### Creating Places – comments received on draft version and Council’s proposed response

Respondent	Comment	WDC response
The Coal Authority	It is noted....that this current consultation relates to a draft SPG on Creating Places and I can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.	It is noted that the Coal Authority has no specific comments on this document.
	It may however be worth noting that if SUDS are proposed as part of developments green infrastructure consideration will need to be given by the developer to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.	This comment was received in relation to the Green Infrastructure and Green Network Supplementary Guidance, it is considered more relevant for inclusion within the Creating Places Supplementary Guidance. Changes have been made in this regard (page 20).
Historic Environment Scotland	It is considered the drafts for our historic environment interests have no comments on their content.	It is noted that Historic Environment Scotland has no specific comments on this document.
Homes for Scotland	<p>Introduction</p> <p>Homes for Scotland (HFS) welcomes the opportunity to comment on West Dunbartonshire’s Draft Supplementary Guidance (SG) in relation to Creating Places.</p>	Noted

<p>It is stated within this Guidance that it is intended that “this guidance will be adopted as statutory supplementary guidance, forming part of Local Development Plan 2”. Given Local Development Plan 2 (LDP2) has not yet been adopted, and therefore its final form is not currently known, it is problematic to be publishing SG to support this. It is not even known whether LDP2 will in fact ever be adopted.</p> <p>LDP2 does not currently form part of the Development Plan, as it remains unadopted. Therefore, the lower tier of the Development Plan in West Dunbartonshire is the West Dunbartonshire Local Plan (WDLP), adopted in March 2010. The status of this Plan has been significantly eroded, as it is now over 7 years out of date.</p> <p>This draft SG refers to National Planning Framework 4 (NPF4), the final version of which is due to be published in autumn 2022. The draft SG has also been released just ahead of the anticipated new Development Management Regulations. For all of these reasons it could be argued that the revision and delivery of new SG is premature.</p> <p>As noted above, it is stated that the Council intends to adopt the proposed new SG as part of the statutory Development Plan. However, this statutory status might only last for a limited period as all such guidance will at some point have to be non-statutory under the soon to be published new Regulations and NPF4. While it is acknowledged that Scottish</p>	<p>The status of the Supplementary Guidance has been clarified within the document. The guidance is intended to be adopted as supplementary guidance to the Local Development Plan (LDP2) and provides further detailed guidance on the content thereof, it is therefore not premature in relation to the emerging National Planning Framework or Development Planning Regulations, as the LDP has been prepared and will be adopted based on the current Scottish Planning Policy, and the current Development Planning Regulations and in line with transitional arrangements. It is agreed that the content of the emerging National Planning Framework 4 cannot be assumed, and the references to this have been amended. (Page 5)</p> <p>The guidance on transitional arrangements indicates that Planning Authorities will require to decide if the content of Supplementary Guidance should move to planning guidance or be included within local development plan itself. However the guidance also indicates that new supplementary guidance can be prepared and adopted until section 22 of the 1997 Act is repealed and for a further 24 month period thereafter.</p>
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	<p>Ministers have made provision for a 24 month 'transitional period' following publication of the new Regulations, the draft new SG could end up being part of the adopted development plan for a limited period after which the council will require to undertake a further revision to reflect the non-statutory status thereafter.</p> <p>As we don't yet know what the new Regulations will look like and how the transitional period will be implemented, HFS is of the view that the Council should consider moving straight to publication of non-statutory SGs as other Local Authorities, including South Lanarkshire Council, have done.</p>	
	<p>Regardless, the draft Guidance, in places, appears to go beyond merely supplementing policies within the LDP but rather looks to introduce new and more onerous requirements for developments to meet. This is not an appropriate use of SG as the principles of policy have not been properly scrutinised or tested as part of the LDP examination.</p> <p>Planning Circular 6/2013 (Development Planning) notes that Regulation 27 (2) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 requires SG to be limited to the provision of further information or detail in respect of policies or proposals set out in the SDP or LDP. There must be a sufficient "hook" in the SDP or LDP policies or proposals to hang the SG on, to give it statutory weight.</p>	<p>The Council considers that LDP2 provides sufficient 'hooks' for the Creating Places Supplementary Guidance. The Supplementary Guidance is referenced 5 times in LDP2 in both policies and explanatory text. The Supplementary Guidance serves the purpose of providing further information or detail in respect of policies set out in LDP2.</p>

	<p>This matter was reinforced by a letter sent to All Heads of Planning on 15 January 2015 by The Chief Planner, which states:</p> <p>“For supplementary guidance to be issued in connection with a local development plan, this means that the guidance may only deal with the provision of further information or detail in respect of policies or proposals set out in the local development plan and then only provided those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance.”</p> <p>Specific sections of the draft SG breach these requirements, as detailed below.</p> <p>Any mechanism which may seek to restrict the deliverability of new homes to meet the housing crisis which prevails in Scotland must be resisted. As we move towards the new system under NPF4, the threshold for what constitutes a “deliverable” site is greater than previously existed, and it is against this backdrop that all policies/strategies must now sit. Affecting the deliverability of sites through the introduction and requirement of a range of additional asks must be seriously considered.</p>	<p>The Scottish Government have indicated in the draft NPF4 that the Climate and Nature Crises should be given the highest priority when considering planning issues. While it is acknowledged that the final NPF has yet to be published, the Planning Authority recognises that the Climate Crisis, Nature Crisis and Housing Crisis are all part of the range of issues which are considered when preparing policy and guidance and it sits with the Planning Authority to afford appropriate weight to these and all other relevant considerations.</p>
	<p>The Provision of Land or Buildings for Neighbourhood Services</p>	<p>The Local Development Plan sets out the aspiration for the creation of walkable places and gives support for ancillary and compatible land uses within communities under Policy SC5 Ancillary Retail Uses.</p>

	<p>Page 25 of the draft SG refers to the provision of land or buildings for neighbourhood services where they are not within a 10-minute walk. This is extremely vague and open to interpretation. Further clarification is required here with regards to the definition of “neighbourhood services”. Furthermore, the scale of land/buildings that may be required to be set aside needs to be made clear. It is also vital that viability factors are considered when assessing whether these land/buildings are required, and any wording associated with this policy requires to be suitably flexible.</p> <p>In terms of neighbourhood facilities, this should not fall solely on the home building sector to deliver these.</p>	<p>The Supplementary Guidance indicates a mechanism how this can be achieved within housing developments rather than introducing a new policy requirement. A change has been made to provide some flexibility, by indicating that this should be considered, rather than “expected”. Further clarification of 10 minute walking distance as 800m has been provided and that this relates to the small ancillary and compatible uses such as shops, nurseries or leisure facilities as indicated in the preceding paragraph (page 28).</p>
	<p>Sustainable Construction</p> <p>This section states:</p> <p>“The design of the building should aim to enhance energy efficiency through solar orientation; passive heating, cooling and ventilation; as well as, choice of materials and other such strategies to improve energy efficiency.”</p> <p>As a sector, home building is very well placed to respond to and address the climate challenge. Building regulations ensure that new homes are extremely efficient with the incorporation of</p>	<p>The guidance provides a supportive framework for developer who wish to go beyond the minimum required by Building Standards. It therefore encourages development which achieves Silver or Gold aspect of the building standards, as well as a fabric first approach which reduces the need for energy generation before seeking to offset the energy requirements with renewable technology.</p>

	<p>improvements to the building fabric and low carbon technologies including PV panels and heat pumps.</p> <p>HFS supports the strategy of heat networks and there will be occasions when viability and timing could allow for their integration within new housing developments. However, it needs to be part of a flexible approach with an understanding of commercial, practical and viable constraints with regards to connection to heat networks. In addition, it is essential that this policy is entirely aligned with Building Standards Regulations. This policy needs to be clearer on what is intended to be achieved by its inclusion in a planning document when heat is already governed by Building Regulations.</p> <p>Heat networks can only be connected to where they already exist, or can only be created for larger developments, where scale and viability allows.</p> <p>The design code should not be prescriptive and the Council should not dictate housing mix at the expense of viability. If large, flagship brownfield sites are to come forward (which underpin the Council’s land supply) then the Council should be flexible with regards to mix and design codes.</p>	<p>The guidance only requires connection to a heat network where one exists; clarification is provided that development should be made heat network ready where a network is planned for that area (page 33).</p> <p>The guidance does not dictate housing mix, but does indicate that typology can have an impact on energy efficiency, giving support for more sustainable forms.</p> <p>The Queens Quay Design Codes have been previously consulted on and adopted. The preparation of form-based guidance such as design codes, which may include denser development or information on building heights, is supported by Scottish Planning Policy point 57, Tools for Making Better Places, as a way to deliver the six qualities of successful places. No change is required.</p>
NatureScot	NatureScotnote that ‘this guide seeks to ensure that new development recognises and responds to West Dunbartonshire’s unique location, making the most of the waterfront and connecting into the outstanding green network opportunities provided by its setting’.	The comments and notes of support from NatureScot are welcomed.

They broadly support and welcome the content of this Guidance and in particular, the emphasis given to a design led and green infrastructure first approach to placemaking. Also, and as part of that design led approach, the value attributed to the need for a thorough appraisal of development sites and analysis of their context to be undertaken as prerequisite to delivery of high quality development.

It is acknowledged the focus given to the role of collaboration in ensuring that proposals contribute to the creation of successful and sustainable places, the encouragement given to developers to engage with the community and with the Council's Pre-Application Service to help inform development proposals, including for example, the need for specific studies or requirements and the role of the Place and Design Panel, in ensuring that new development contributes to outstanding places and design in West Dunbartonshire.

Green Infrastructure (pages 19 -24)

Support the value given to the green network in placemaking and the expectation that new development will contribute positively to this through the 'green infrastructure first approach'. Also, for green infrastructure solutions for the delivery of on-site water management; biodiversity; access networks and open space, with the layering of these functions contributing to a multifunctional green network, with

	<p>multiple benefits for health, well-being, wildlife as well as climate change mitigation and adaptation.</p> <p>Habitat Enhancement (page 21)</p> <p>They welcome the measures to address habitat enhancement and that: 'Existing habitats should be retained and enhanced by providing links to wider greenspaces or riparian corridors to address habitat fragmentation'. Similarly, welcome the utilisation of naturalised SUDS, designed to create opportunities to enhance and expand wetland habitats and create other habitats for biodiversity.</p> <p>Overall, they consider the document to be clearly presented providing useful, detailed information and clarity to assist those involved in the design and placemaking process.</p>	
RSPB Scotland	<p>1. Recommend that reference be made to the upcoming NatureScot guidance 'Developing With Nature.'</p> <p>Page 21 Habitat Enhancement</p>	<p>1. A reference to this emerging guidance has been included. (page 21)</p>
	<p>2. The Guidance should mention opportunities to incorporate biodiversity features within the buildings themselves. These could include:</p> <ul style="list-style-type: none"> <li>- Nesting and Roosting boxes for building reliant birds (e.g. swift, swallow and house martin) and bats and birds associated with urban areas (e.g. house sparrow and starling);</li> </ul>	<p>2. Reference to biodiversity features within buildings has been included (page 23).</p>



	- Green roofs	
	3. The Guidance should recommend the use of wildlife-friendly lighting.	3. Reference to wildlife-friendly lighting has been included (page 23).
	<p>4. Whilst specimen trees are important, it is more important for wildlife to have a varied structure of vegetation. It is recommended that the following wording be incorporated:</p> <p>Replace:</p> <p><i>“Planting should mostly be appropriate native species with any non-native species selected to provide food and shelter for wildlife.”</i></p> <p>With</p> <p><i>‘Planting should mostly be appropriate native species and seek to create a varied structure of wildlife friendly trees, shrubs and flower rich meadows providing food, shelter and breeding places for wildlife.’</i></p>	4. This change has been made (page 23).
Scottish Government	At page 21 – Habitat Enhancement: Second paragraph, delete “The site” at start of sentence.	This change has been made (page 23).
Scottish Environmental Protection Agency (SEPA)	Support the commitment to a green infrastructure first approach to development. Also welcome the measures therein to safeguard, enhance and expand existing networks and the connections between them and support multi-functionality (e.g. by integrating water management measures such as SuDS).	It is noted that Scottish Environmental Protection Agency has not specific comments on this document and the support for the green infrastructure first approach as well as the measures to safeguard, enhance and expand existing networks are welcomed.

Strathclyde partnership for Transport	No comments	Noted
Local resident	<p><u>Benefits of green networks and green infrastructure</u></p> <p>The following are listed as a benefit:</p> <ul style="list-style-type: none"> <li>• Off road active travel and recreation routes</li> <li>• Locations for sport and recreation</li> </ul> <p>It goes on to say they are made more valuable when they are multi functional and connected providing off road routes</p> <p>This should be expanded to include reference to horse related activities and access – not all sport and recreation is football, walking or cycling.</p> <p>Horse riding is much more inclusive than many sports as men and women compete on equal terms and together, age and ability is no barrier either. Horses can allow freedom of movement to those who cannot have this on their own and horse riding makes places more accessible than with wheelchairs.</p>	<p>This comment was received in relation to the Green Infrastructure and Green Network Supplementary Guidance, it is considered more relevant for inclusion within the Creating Places Supplementary Guidance.</p> <p>A reference to horseriding has been added to the Access Networks section of the guidance (page 24), however it is considered unreasonable to have a general requirement for housing development to deliver bridleways.</p>
	<p>When paths are for multi users thought should be given to all potential users and suitable surfaces installed, designated bridleways could be installed - these could be side by side with a “horse lane” or suitable parking provided for horseboxes. Less use of steps to allow better access for horses</p>	<p>This comment was received in relation to the Green Infrastructure and Green Network Supplementary Guidance, it is considered more relevant for inclusion within the Creating Places Supplementary Guidance.</p> <p>A reference to ensuring multi-use paths are suitable for all users is added to the Access Networks section of the guidance (page 24).</p>

	<p>On a wider note developers need to stop cutting down the mature trees on site and replacing them with tiny saplings, this doesn't help with climate change in any way and happens all the time. In one example a block of flats opposite me over 300 trees were cut down and they have been replaced with small shrubs about 10 of them. These trees were all mature with many in excess of 50 yrs old. This must be stopped, developers can keep existing trees around boundaries which makes the whole site nicer for residents and better for wildlife but time and time again everything is cleared and a blank site is the starting point. The keeping of mature trees must be enforced even the ones which seemingly are not in best of health, even an unhealthy tree can live for hundreds of yrs. There are 2 ancient willows on my rented field and both grow almost horizontally, they are still alive, no danger of falling over and are a beautiful feature.</p> <p>Existing trees onsite must be kept and developers must adhere to this. Climate change is important so take actions to prevent it worsening.</p>	<p>This comment was received in relation to the Green Infrastructure and Green Network Supplementary Guidance, it is considered more relevant to the Creating Places Supplementary Guidance.</p> <p>Policy ENV4 Forestry, Trees and Woodland gives significant protection to "long established woodland; woodlands of high conservation value (including categories 1b, 2b and 3 on SNH Ancient Woodlands Inventory and woodlands identified in Forestry Commission Native Woodland Survey of Scotland); and those area covered by a provisional or confirmed tree preservation order." The Supplementary Guidance cannot extend this protection to individual trees, however it does seek to encourage preservation of trees where they contribute positively to the character of an area (page 14). No change required.</p>
	<p>Balconies are not an acceptable outdoor space, gardens should be compulsory on all developments even if it means less buildings on site (no bad thing). Who uses their balconies, I mean the ones on the main road in clydebank face on to a busy road, who is going to sit out there with all the fumes from the road. Gardens are a must not unusable balconies. Do remember that this council has covered in most of these balconies in recent years for safety reasons so</p>	<p>In some locations, for example town centres, higher density proposals are supported and a more flexible approach to open space may be necessary. A balcony can provide an outdoor sitting space, a private space for drying or growing plants in addition to any shared, communal or public spaces associated with a development. Clarification about these uses, is provided within the guidance (Page 27).</p>

	don't start putting them in again instead of actual gardens.	
WDC Roads	This document echoes much of what already exists in the National Roads Development Guide (NRDG) and Designing Streets. Clarification is required around parking provision though. On P17, it is stated that parking would be outwith the front garden. Roads Services' preferred default is for parking to be located within the curtilage of any residential plot (at the side would possibly satisfy both concerns?).	The guidance encourages a variety of different parking arrangements in line with National Policy, Designing Streets, while expressing a preference for parking between gables when on-plot parking is required rather than using front gardens. The guidance covers a range of different housing types, including flats and houses; so flexibility is given to allow parking arrangements to be designed in a way that is most suitable for the type of housing and character of the street to be formed. No change is required.
	Another concern is the level of parking provision: The document states that developers should be encouraged to reduce parking provision. Parking provision should be appropriate to the size, type and location of each development. Flexibility is already afforded by way of step-down for social and affordable housing, justification of reduction through Transportation Assessments and future allocation / developer contributions, where parking is initially provided at a lower rate than as per WDC Parking Standards. This topic is even more relevant, given the feedback and instructions from the Planning Committee following a submission with inadequate parking provision at Mill Road, Clydebank in 2021.	The guidance indicates that "a reduction of the Council's parking standard will be encouraged for sites which are in accessible or town centre locations and close to public transport hubs." It is agreed that parking provision should be appropriate to the size type and location of the development, but the guidance seeks to be specific about the types of location for which a reduction will be supported. It is acknowledged that this should be evidenced within a Transport Assessment and the guidance has been amended to indicate this (page 18).