

Agenda



Planning Committee

Date: Wednesday, 30 March 2022

Time: 10.00 a.m.

Format: Hybrid Meeting

Contact: Gabriella Gonda, Committee Officer
Email: Gabriella.Gonda@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Planning Committee** as detailed above.

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members will have the option to attend the meeting remotely or in person at the Civic Space, Church Street, Dumbarton.

The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Councillor Jim Finn (Chair)
Councillor Gail Casey
Councillor Karen Conaghan
Councillor Ian Dickson
Councillor Diane Docherty (Vice Chair)
Councillor Daniel Lennie
Councillor Douglas McAllister
Councillor Jonathan McColl
Councillor Lawrence O'Neill
Vacancy

All other Councillors for information

Date of Issue: 17 March 2022

PLANNING COMMITTEE
WEDNESDAY, 30 MARCH 2022

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 RECORDING OF VOTES

The Committee is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

4 MINUTES OF PREVIOUS MEETINGS

5 - 18

Submit for approval as correct records, the following Minutes of Meetings of the Planning Committee:-

- (a) 16 February 2022; and
- (b) 2 March 2022

5 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

6 PLANNING APPLICATION

19 - 39

Submit report by the Chief Officer – Regulatory and Regeneration in respect of the following planning application:-

- (a) **DC21/211/FUL** - Residential development compromising of 81 dwellings with associated access, parking, landscaping, open space and drainage at Site on Land Surrounding Craigend House, Cardross Road, Dumbarton.

7 STREET NAMES FOR A HOUSING DEVELOPMENT AT GARSHAKE ROAD (FORMER COUNCIL OFFICES) DUMBARTON 41- 43

Submit report by the Chief Officer – Regulatory and Regeneration allocating two new street names within the new housing development at Garshake Road, Dumbarton.

8 SCOTTISH GOVERNMENT CONSULTATIONS 45 - 84

Submit report by the Chief Officer – Regulatory and Regeneration seeking the agreement of the Committee to submit responses to various Scottish Government consultations on draft planning documents.

PLANNING COMMITTEE

At a Hybrid Meeting of the Planning Committee held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 16 February 2022 at 10.00 a.m.

Present: Councillors Gail Casey, Karen Conaghan, Ian Dickson, Jim Finn, Daniel Lennie, Jonathan McColl and Lawrence O'Neill.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Alan Williamson, Team Leader – Planning; John Walker, Assistant Engineering Officer, Roads and Transportation; Nigel Ettles, Section Head – Litigation (Legal Officer); Christine McCaffary, Senior Democratic Services Officer and Ashley MacIntyre, Committee Officer.

Apologies: An apology for absence was intimated on behalf of Councillor Diane Docherty.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

RECORDING OF VOTES

The Committee agreed that all votes taken during the meeting would be done by roll call vote to ensure an accurate record.

NOTE OF VISITATIONS

A Note of Visitations carried out on 8 November 2021 and 6 December 2021 November 2021, a copy of which form Appendix 1 and Appendix 2 hereto, were submitted and noted.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

VARIATION IN ORDER OF BUSINESS

Having heard the Chair, the Committee agreed to vary the order of business as hereinafter minuted.

CLYDEBANK TOWN CENTRE DEVELOPMENT FRAMEWORK

A report was submitted by the Chief Officer – Regulatory and Regeneration.

After discussion and having heard the Team Leader – Planning in further explanation and in answer to Members' questions, the Committee agreed to adopt the Clydebank Town Centre Development Framework as non-statutory Planning Guidance.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 8 December 2021 were submitted and approved as a correct record. In response to Members' questions, the Planning, Building Standards and Environmental Health Manager provided an update in relation to planning application DC21/268/FUL.

PLANNING APPLICATION

A report was submitted by the Chief Officer – Regulatory and Regeneration in respect of the following planning application:-

- (a) DC21/244/FUL - Proposed residential redevelopment comprising of 140 dwellings at sites at Bardwood Road, Aitkenbar Road, Howatshaws Road, Stoneyflatt Road and Braeside Drive, Dumbarton by Caledonia Housing Association**

The Chair invited Mr David Leaf, on behalf of the applicant, to address the Committee. Mr Leaf and Ms Dilveer Kaur Hoonjan were heard in respect of the application.

After discussion and having heard the Planning, Building Standards and Environment Health Manager in further explanation, and in answer to Members' questions, the Committee agreed to grant planning permission subject to the conditions set out in Section 9 of the report, as detailed within Appendix 3 hereto.

DEVELOPMENT PLAN UPDATE AND DRAFT SUPPLEMENTARY GUIDANCE ON GREEN NETWORKS AND CREATING PLACES

A report was submitted by the Chief Officer – Regulatory and Regeneration updating Members on the development plan position in West Dunbartonshire and seeking approval of the Development Plan Scheme and Participation Statement, the change in status of various West Dunbartonshire planning policy documents, and Draft Supplementary Guidance documents on the Green Network and Creating Places.

After discussion and having heard the Team Leader – Planning in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) to approve the changes to the status of planning policy documents as set out in this report;
- (2) to approve the Draft Supplementary Guidance on Green Networks and Green Infrastructure for consultation;
- (3) to approve the Draft Supplementary Guidance on Creating Places for consultation; and
- (4) to approve the Development Plan Scheme and Participation Statement.

PLANNING PERFORMANCE FRAMEWORK 2020-21

A report was submitted by the Chief Officer – Regulatory and Regeneration informing Members of comments received from the Scottish Government regarding the Planning Performance Framework submitted by West Dunbartonshire Council for 2020-21.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation and in answer to Members' questions, the Committee agreed to note the content of this report and the comments received from the Scottish Government.

APPEAL NOTICE OF INTENTION – DC02/447: EXTENSION TO QUARRY, SHEEPHILL QUARRY, MILTON, DUMBARTON

A report was submitted by the Chief Officer – Regulatory and Regeneration providing an update on the appeal decision for the above application, further information relevant to the Review of Minerals Permission application (ROMP) and the Scheduled Monuments Permission.

After discussion and having heard the Planning, Building Standards and Environment Health Manager in further explanation and in answer to Members' questions, the Committee agreed to note the intended outcome of the appeal and current situation regarding the ROMP and Scheduled Monument Consent.

The meeting closed at 11.50 a.m.

PLANNING COMMITTEE

NOTE OF VISITATION – 8 NOVEMBER 2021

Present: Councillors Karen Conaghan and Lawrence O'Neill.
(The above lists Members who attended at least one site visit)

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager.

SITE VISITS

A site visit was undertaken in connection with the undernoted planning application:-

DC21/212/PPP: 8 Cochno Holdings, Cochno Road
PPiP Residential development

PLANNING COMMITTEE

NOTE OF VISITATION – 6 DECEMBER 2021

Present: Councillors Ian Dickson and Diane Docherty.
(The above lists Members who attended at least one site visit)

Attending: Barry Douglas, Development Management Team Leader, Gerry Poutney, Principal Building Standards Officer.

SITE VISITS

Site visits were undertaken in connection with the undernoted planning applications:-

DC21/205/FUL: Dumbarton Walkway, Castle Street, Dumbarton
Dunbritton Housing Association, Installation of various artworks.

DC21/176/FUL: Supermarket, 36 Glasgow Road, Dumbarton
DC21/176/FUL – Erection of coffee shop with drive-thru facility

DC21/268/FUL: Wall, 2-4 Williamson Avenue, Dumbarton
Re-instatement of partially collapsed boundary wall with gabion basket retaining wall and railings.

- (a) DC21/244/FUL - Proposed residential redevelopment comprising of 140 dwellings at sites at Bardwood Road, Aitkenbar Road, Howatshaws Road, Stoneyflatt Road and Braeside Drive, Dumbarton by Caledonia Housing Association**

GRANT planning permission subject to the following conditions:-

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used for the dwellings and associated hard landscaping, to include boundary treatments, facing stone to the retaining walls and external waste storage facilities shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved material details and palette.
2. The development hereby approved shall be constructed in accordance with the finished site levels and finished floor levels as shown on approved plans. Any alterations to these finished site and floor levels shall first be agreed in writing with the Planning Authority
3. Prior to the first occupation of the cottage flats hereby approved the cycle storage and refuse/recycling stores shall be installed and the constructed cycle stores and refuse/recycling stores shall be maintained for the lifetime of the development unless otherwise agreed by the Planning Authority.
4. Prior to works commencing on the development hereby approved a planting schedule in association with the proposed soft landscape arrangements approved under drawing 'Concept Design Option 3' shall be submitted for the written approval of the Planning Authority. The approved landscaping shall be implemented no later than the next available planting season or after occupation of the 30th property or an alternative timescale to be agreed with the Planning Authority. Any trees, shrubs or plants forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written approval to any variation. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details for the lifetime of the development unless otherwise agreed by the Planning Authority.
5. Prior to works commencing on the development hereby approved details of the proposed play equipment and art work shall be submitted for the written approval of the Planning Authority. These details shall incorporate the use of more natural play equipment. The works shall be installed in accordance with the approved scheme and in a timescale to be agreed and shall thereafter be retained for the lifetime of the development unless otherwise agreed by the Planning Authority.

6. No dwelling shall be occupied within the site until the vehicle parking spaces associated with that house unit have been constructed provided within the site. The aforementioned parking shall thereafter be retained and be capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.
7. Twelve months after the full occupation of the dwellings hereby approved a Transport Statement and survey findings shall be submitted for the approval of the Planning Authority. The required submissions shall detail the use of the approved car parking provision and if necessary shall provide details of additional spaces to include location and a timescale for their implementation. Thereafter the additional parking, if constructed, shall be retained and be capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.
8. Prior to the commencement of development with the site, details of the location and design of an electric charging points/units and associated ducting to serve the development shall be submitted to and approved in writing by the Planning Authority. The approved car charging points/units/ducting and associated infrastructure shall thereafter be installed in accordance with the approved details at a timescale agreed by the Planning Authority and maintained as such thereafter.
9. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
10. No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
11. During the period of construction, all external works including piling and ancillary operations shall be carried out between the following hours and at no other time, unless otherwise agreed in writing by the Planning Authority:
 - Mondays to Fridays : 0800 – 1800
 - Saturdays: 0800 – 1300
 - Sundays and public holidays: No Working

12. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by the Planning Authority.
13. No development shall commence on site until details for the storage and the collection of waste arising from the development and the location of grit bins shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first housing unit/property within the site and thereafter maintained for the lifetime of the development.
14. No development (other than investigative work) shall take place until such time as a comprehensive site investigation completed by a suitably qualified person has been carried out to the appropriate Phase level and submitted to and approved in writing by the Planning Authority. If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model shall be formalised and these linkages shall be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages will require to be submitted. If the risk assessment identifies any unacceptable risks, a detailed remediation strategy/plan shall be submitted to and approved in writing by the Council's Planning Authority and implemented as approved.
15. Remediation of the site shall be carried out in accordance with the approved remediation scheme prior the approved development being brought into use. Any amendments to the approved remediation scheme shall not be implemented unless otherwise approved in writing by the Planning Authority. On completion of the remediation works the developer shall submit a verification report to the Planning Authority, confirming that the works have been carried out in accordance with the approved remediation scheme and that the works have successfully reduced the risks to acceptable levels.
16. If the remediation plan requires it, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed by the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved in writing by the Planning Authority.

17. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
18. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works, the developer shall submit a validation report for the approval in writing of the Planning Authority and it shall contain details of the source of the material and associated test results to demonstrate its suitability for use. Thereafter the development shall be undertaken in accordance with the approved details.
19. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of and take into account the following:

- The impact of the piling on surrounding properties.
- Detail any procedures which are required to minimise the impact of noise and vibrations on the occupants of surrounding properties.

This statement as submitted shall be prepared by a suitably qualified person and shall take into account the guidance contained in BS6472:1984 'Evaluation of Human Response to Vibration of Buildings'. The piling works shall thereafter be carried out in accordance with the approved method statement until they are completed on site.

20. Prior to the commencement of development on site maintenance details of the Sustainable Urban Drainage System (SUDS) to be installed shall be submitted for the written approval of the Planning Authority and shall be maintained in accordance with the approved details. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created.
21. No development shall commence on site until a preliminary ecological appraisal has been submitted to and approved by the Planning Authority. Any surveys arising from the appraisal shall be implemented within a timescale agreed with the Planning Authority. Any recommended biodiversity friendly designs shall be incorporated throughout the development and shall be approved by the Planning Authority.

22. No development shall commence on site until a tree report shall be submitted to and approved by the Planning Authority. Any recommendations and actions of the tree report including replacement tree planting shall be undertaken within a timescale to be agreed by the Planning Authority.

PLANNING COMMITTEE

At a Hybrid Meeting of the Planning Committee held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 2 March 2022 at 10.00 a.m.

Present: Councillors Gail Casey, Karen Conaghan, Ian Dickson, Diane Docherty, Jim Finn, Daniel Lennie, Jonathan McColl and Lawrence O'Neill.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Alan Williamson, Team Leader, Development Planning and Place; Nigel Ettles, Section Head – Litigation (Legal Officer); and Lynn Straker and Gabriella Gonda, Committee Officers.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

RECORDING OF VOTES

The Committee agreed that all votes taken during the meeting would be done by roll call vote to ensure an accurate record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

CONFIRMATION OF BRUCEHILL CLIFFS TREE PRESERVATION ORDER (TPO WDC13 2021)

A report was submitted by the Chief Officer – Regulatory and Regeneration seeking agreement to confirm a Tree Preservation Order (TPO) at Brucehill Cliffs, Dumbarton.

Reference was made to a site visit that had been undertaken in respect of the above provisional TPO.

After discussion and having heard the Team Leader, Development Planning and Place in further explanation, and in answer to Members' questions, and having noted that the only objection had been withdrawn, the Committee agreed the confirmation of the Brucehill Cliffs Tree Preservation Order (TPO WDC13, 2021).

The meeting closed at 10:07 a.m.

WEST DUNBARTONSHIRE COUNCIL

Report by the Chief Officer – Regulatory and Regeneration

Planning Committee: 30 March 2022

DC21/211/FUL: Residential development comprising of 81 dwellings with associated access, parking, landscaping, open space and drainage on land surrounding Craigend House, Cardross Road, Dumbarton

1. REASON FOR REPORT

- 1.1 This application relates to a proposal classified as Major Development. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATIONS

- 2.1 **Grant** full planning permission subject to the conditions set out in Section 9 below.

3. DEVELOPMENT DETAILS

- 3.1 The application relates to land which was formerly occupied by St Michael's Primary School and Notre Dame Convent, situated to the south of Cardross Road, Dumbarton. After many years of disuse the site has become derelict and overgrown, and all buildings have been demolished, including the former Notre Dame Convent chapel, which was delisted in October 2016. The former convent and part of the school were also listed buildings but had to be demolished because of damage arising from a series of malicious fires. The main vehicular access to the development site is from Havoc Road with the existing access at Cardross Road being used only as an emergency access, where pedestrians and cyclists will be able to access the development from Cardross Road along the existing tree lined avenue.
- 3.2 To the north and east of the site are the rear of residential properties whilst to the west is Havoc Road at a lower level. To the south, Brucehill Inland Cliff Local Nature Conservation Site and Havoc Meadows Local Nature Conservation Site and the Craigend House convent, which will be accessed from Havoc Road now. The site is separated from the Havoc playing fields by a cliff edge which ensures that the new development will be situated at a significantly higher level than the adjoining land to the south. Beyond the playing fields to the south is the River Clyde which is designated as a Ramsar, Inner Clyde Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA). The Helensburgh to Glasgow railway line passes under

the site in two tunnels from which it emerges into a cutting that separates the site from the Westfield cul-de-sac to the north- west. A structure containing air shafts for the tunnels is located in the north-eastern corner of the site. In total, the site extends to 4.9 hectares, with levels rising and falling gently across the site.

3.3 Full planning permission is sought for 81 residential units for sale comprising a mix of semi-detached and detached houses. The development comprises of a range of dwelling sizes as detailed below

- 14 – 3 bed semi-detached houses
- 56 – 4 bed detached house
- 11 – 5 bed detached houses

3.4 The proposed development will provide 11 different house types which reference different house types and features found in the surrounding area with all houses being 2 storey in height. The site has been split into 3 character zones which will reflect the variety of typologies, streets and spaces surrounding the site. Materials being proposed including facing brick, hardieplank, render and dark grey flat and red pan roof tiles.

3.5 The developable area of the site is driven initially by the topography and landscape features of the site. A significant area of open space, located primarily at the north end of the site on either side of the access road, which will be available for use by residents. In addition, there will be a landscaped square in the centre of the site in order to create a focal point within the development. The avenue from Cardross Road leading into the site is lined by trees which are protected by a Tree Preservation Order. Recently the Council confirmed a Tree Preservation Order (TPO WDC13,2021) which applies to an area of woodland located on the southern edge of the site and covering the cliff edge and cliff top area of Brucehill Cliffs between Havoc Road and Craigend House. This preserved area will provide high quality recreational and amenity area for future residents and the wider general public.

3.6 The site has been subject to a number of planning applications over the years. Outline planning permission for residential development on the southern part of the site was granted on appeal in 1994 (ref. DB1974) and was renewed in 1997 (WP97/169). Outline planning permission for residential development on the balance of the site (excluding the southeast area) was sought in 2002 and granted in 2006 (DC01/448). DC09/212 for the erection of 86 dwellinghouses and conversion of chapel into 4 flats was granted consent in January 2010, however was never implemented.

- 3.7 Supporting technical information includes a Design and Access Statement, Planning Statement, Pre application Consultation Report, Transport Assessment Report, Ecology Report, Tree Survey, Tree Constraints Plans, Arboricultural Impact Assessment and Tree Protection Report.

4. CONSULTATIONS

- 4.1 Scottish Water and Transport Scotland has no objection to the proposed development.
- 4.2 Network Rail have no objection to the proposal subject to suitable conditions regarding fencing around the perimeter of the tunnel air shafts and a construction method statement.
- 4.3 West Dunbartonshire Council Environmental Health Service has no objection subject to conditions relating to hours of working, dust, railway noise, vibration and contaminated land.
- 4.4 West Dunbartonshire Council Biodiversity Officer has no objection to the proposal subject to an engineers report confirming no detriment to the integrity of the Brucehill Inland Cliff, a Biodiversity Action Plan being drawn up and implemented, any tree loss being kept to the minimum and to suitable landscaping and replanting being undertaken to provide biodiversity enhancements on site.
- 4.5 West Dunbartonshire Council Roads Service has no objection to the proposals on road safety or flooding grounds.

5. REPRESENTATIONS

- 5.1 A total of 231 letters of representation have been received including 209 objecting to the development including Silverton and Overtoun Community Council, Dumbarton West Community Action Group, Lennox Heritage Society and a Ward elected member. A number of contributors have submitted a second representation following re-neighbour notification and being advised of amended plans and the figure reflects this. Where a contributor has made more than one representation, these still only count as one representation. The full versions of each representation are available on the electronic planning file for the application and available for public viewing but for the purposes of this report, they have been summarised below:

:

Environment

- The proposed development will destroy the trees which provide habitat for wildlife;
- The development will lead to erosion of the cliff;

- There will be a loss of wildlife;
- Potential impact on air quality/ increased pollution;
- The site is already prone to flooding;
- The proposed development should be accompanied by an EIA;
- Development should take place on brownfield land ahead of greenfield land;
- The latest plans are lacking in sufficient detail as there is no structural engineers report confirming that the cliffs will not be damaged by the installation of the SUDS facility;
- A significant Scots Pine tree will be removed. There is only one of two on the site and it contributes greatly to the treeline along the south side of the site. Its loss cannot be accepted;
- Tree number 418 is not identified in the correct location and its removal is unacceptable. Tree 206, a mature sycamore with a life expectancy of over 40 years is scheduled to be removed with no explanation;
- The planting outlined in the submission includes Sea Buckthorn and it is not native to Scotland and is considered an invasive species. The landscaping must be sympathetic to the local area and the proposed Local Nature Reserve to the south.

Residential Amenity

- It will lead to an increase in noise and disruption from construction noise;
- Increased dust and dirt caused by construction;
- The proposed development will have an impact on privacy of neighbouring houses;
- The development will result in the loss of an area of green space used by local residents;
- It will have an impact on the health and wellbeing of the community;
- Loss of views to the Clyde.

Design and Layout

- Overdevelopment of the site and the houses too close together;
- There are no flats on the site which was part of the original plans for the site and the design is not in keeping with the surrounding area;
- Concern over the location of the SUDS pond;
- Concern over the lack of open space;
- A private playground will be constructed only for access by the children of new residents;
- A wall is being built separating the residents of Brucehill from the new development;
- The number of houses should be reduced to c.80 with more green space retained.

Traffic and Transport

- Increased traffic congestion on Cardross Road;

- Impact of traffic at the entrance of Brucehill and Havoc Road and local footpath networks;
- Incorporate a road connecting up with Brucehill and onto Cardross Road;
- Concern there is only one road into and out of the development;
- Hazardous parking will have a negative impact on local emergency services;
- The removal of the footpath leaving no accessible entrance to Clydeshire from Firthview Terrace, Brucehill;
- There should be a road via Brucehill through the new build into Cardross Road.

Infrastructure

- Concern over stretched health care services and education services

Heritage

- The removal of the iconic chapel statues with no mention of these statues being gifted to the local community;
- The demolition of the listed Notre Dame Convent Chapel/ the Chapel should be renovated;
- Implications of the development on Havoc Hole (Wallace's Cave).

Housing Need

- There is no affordable housing as part of the proposed development;
- There is no requirement for further houses in Dumbarton;
- The development discriminates against social housing residents and those with disabilities who wish to purchase a private house.

5.2

There are also 22 representations in support of the proposed development and their comments are summarised below:

- The area needs regeneration and has been subject to anti-social behaviour and flytipping over the years;
- The site is an eyesore and a new development will be beneficial to the Sisters and the wider community;
- It will bring new people into the area and improve the local economy;
- The present occupants of Craigend House – Carmelite community have been highly impacted by anti-social behaviour;
- There will be compensational tree planting and a local access from Brucehill to Havoc;
- The historic Havoc cave is not affected by the proposals;
- The play area will be open to the public.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Adopted Local Plan 2010

- 6.1** The site is identified as a housing site under Policy H1 and a Listed Building opportunity but as explained earlier the building is no longer listed. A large area of open space to the south of the site is identified as Local Nature Conservation Site. Policy UR1 encourages the redevelopment and re-use of underused, vacant and/or derelict land and buildings for appropriate uses such as housing. Policy H4 sets out standards expected of residential development, requiring high quality design in the range of house types and sizes and in terms of form, layout and materials. Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area.
- 6.2** Policy R2 specifies the open space provision required for all developments. Assessment of open space requirements has been undertaken against the more updated “Our Green Network” Planning Guidance (2015) in Section 7 below.
- 6.3** Policy T1 and T4 requires sites to integrated with sustainable travel. Policy E4 requires to protect trees covered by Tree Preservation Orders and Policy E5 relates to trees and requires new development proposals to consider impacts on trees and incorporate suitable tree planting. Policy E3A requires development proposals should not have an adverse effect on the integrity or character of a local nature conservation site. Policies F1 and F2 aims to ensure that new development is not at risk from, and does not increase the risk of flooding, and has suitable SUDS drainage infrastructure. The proposal complies with the policies of the adopted local plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Plan (LDP2) Proposed Plan

- 7.1** The modified LDP2 was approved by the Council in August 2020 and the Council then advised the Scottish Ministers of its intention to adopt the Plan. The Scottish Government issued a direction to the Council on 18th December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by the Direction. LDP2 is therefore the Council's most up to date policy position and has significant weight in the assessment and determination of planning applications at this time.
- 7.2** Policy H2 identifies this site for housing. Policy CP1 seeks to ensure that housing is of a high quality, adaptable and is designed to be suitable for a mix of occupants. It indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive,

adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming).

- 7.3** Policy GI 2, GI 4, ENV1, ENV4, ENV5 and ENV6 are similar to the green network, built heritage, tree, water environment and flooding policies of the Adopted Local Plan albeit that Policy GI 2 sets a higher open space standard to that of the adopted Local Plan. Policies CP2 requires the integration and consideration of green infrastructure from the outset of the design process through to its maintenance and stewardship of the resource.
- 7.4** Policy CON1 requires that significant travel generating uses are designed to encourage sustainable transport and Policy CON4 sets out a need for all developments to install sufficient broadband provisions. Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process, whilst policy ENV9 requires all potentially contaminated sites to be remediated where necessary to ensure that the site is suitable for the intended use. It is considered that the proposals comply with the above policies as discussed below.

Principle of Development

- 7.5** The proposed development is appropriate within the surrounding context of residential development given it is bounded to the north west and north and east by residential development. The site lies within the urban area of Dumbarton and it is identified as a housing site within both the adopted local plan and LDP 2 Proposed Plan, and has a long history of previous residential permissions on the site. The proposal will involve the redevelopment of a brownfield site and it represents a long-standing part of the Council's established housing land supply. Overall the principle of residential development is acceptable.

Layout and Design

- 7.6** The proposed development will provide a series of house types which reference materials, detailing and features found in the local vernacular and surrounding housing. The site has been split into 3 character zones designed to reflect the variety of house typologies, streets and spaces surrounding the site:
- The River Edge – incorporates properties facing south and west overlooking the River Clyde. These properties will be seen on approach to the site and from the public open space spaces to the south of the site. Principle materials will reference a “Scottish Coastal Aesthetic” using off-white render and red pantile concrete tiles. These properties relate to the materiality of those on Firth View Terrace.
 - The Residential Area – comprises a mixed material palette of off-white render mixed with mid grey and red flat profiles concrete roof tiles reflective of the residential developments which bound the site.

- The Avenue - relates to the existing buildings on Cardross and Havoc Road reflecting a formal character, with the principle palette comprising buff coloured brick, with dark grey flat profile roof tiles

The proposed new homes will also feature a range of energy saving and low and zero carbon generating technologies including the use of photovoltaic panels on all dwellings in compliance with LDP policies SUS1 and DC7. The proposed density and layout of the development is considered to be acceptable. The overall form of development has largely been dictated by the shape and topography of the site, the position of its access, and by the railway tunnels which cannot be built over as well as the woodland TPO. The land above the railway tunnels will be retained as open space, which will provide an attractive area of landscaping at the entrance to the site and will contain a play area of natural play equipment.

- 7.7** The layout would ensure that there were no unacceptable overlooking or privacy issues for the proposed or existing homes, whilst creating an open and attractive residential environment. The density of the development is in keeping with the surrounding development form and achieves open space and amenity requirements and meets the principles and requirements of the Council's Residential Development Design Guidance. Overall, it is considered that the layout, density and design of development are appropriate for this site.

Trees, Landscaping and Open Space

- 7.8** The Brucehill Cliffs Tree Preservation Order (TPO WDC13, 2021) applies to an area of woodland located on the southern edge of the site, and covering the cliff edge and cliff top area of Brucehill Cliffs, between Havoc Road and Craigend House. The Tree Preservation Order includes a mixture of predominantly broadleaved trees, with a significant number of mature and large specimens present. The trees form a high quality area of woodland that is prominent in local and wider views, from Havoc Road to the West, Havoc Fields to the South and from within the former convent site. Due to their close relationship with the clifftop environment, the trees make a very significant contribution to the visual amenity and landscape character of the area. The cliff, trees, plus 'Wallace's Cave/Havoc Hole' set within the cliff, together form a significant local landmark and popular cultural and recreational feature within Dumbarton. They also have a biodiversity value as an area of mature woodland that forms an integral part of the clifftop habitat at Brucehill, which itself is designated a Local Nature Conservation Site for both its ecological and geological importance. Although it is not recorded as such, a number of species present are indicators of ancient woodland. It is also considered that the trees are an important feature that contribute to the character and biodiversity of the adjacent proposed Local Nature Reserve at Havoc Fields, and that the loss of trees could impact on the setting of the Reserve. The Tree

Preservation Order means that the preservation of trees is a material consideration in the assessment of the application.

7.9 During the consideration of the application there have been extensive discussions regarding the proposed development and its relationship with the adjacent trees and woodland protected by the above TPO. The presence of the TPO does not mean that no trees will be lost through the development but that the significant trees are preserved and the character of the woodland maintained. As a result the housing layout has been amended whereby the curvation of the main access road and housing plots have been shifted away from the TPO and towards the north. This has resulted in the TPO areas to the south east and south west largely remaining intact and the preservation of all Category A and B trees. These changes have resulted in the loss of 4 houses and the number of houses has been reduced to 81 units from the previous 85 units.

The trees which currently form the avenue from Cardross Road are located on either side of the existing access road into the site and are protected by a Tree Preservation Order (TPO) due to the contribution that they make to the character of the surrounding area. As this is only to be used as an emergency access the majority of the trees along the access will be unaffected.

7.10 In order to minimise the impact of the proposed tree loss, a condition would be attached to the planning consent requiring that the trees identified for removal are marked on site and the proposed buildings and road pegged out with the aim of retaining identified trees for retention and to minimise tree loss. The works will be also overseen and supervised by Arboricultural Clerk of Works. It is also necessary to ensure that suitable replanting is undertaken that will not only enhance the development but also maintain the future amenity of the surrounding area.

7.11 The amount of open space and landscaping of the site is generous and promotes a green infrastructure approach as advocated by Policy CP2 and G12 of LDP2. A total of 17, 886sqm public open and amenity space is being provided, which exceeds the policy requirement. The landscape strategy has been designed to maximise green infrastructure through the retention of existing landscape features including trees and hedgerows complimented by new planting. A landscape character zone strategy has been established with five zones identified. Zone 1 being the Avenue, Zone 2: the River Edge, Zone 3: The Gateway, Zone 4: Informal Open and Zone 5: Residential Area. The areas of open space over the railway tunnel adjacent to Cardross Road will provides an attractive, green space with informal planting, incidental play and meadow planting to promote biodiversity and amenity value. This area will include an accessible, fun and engaging natural play space which would be in keeping with the

character of the area and available to not only residents but the wider area. The landscape framework will provide an attractive and diverse setting for a high quality residential development and promotes biodiversity and the principles of “Our Green Network” guidance.

Ecology

- 7.12** A preliminary ecological assessment (PEA) has been undertaken at the design stage to inform the proposed development and assess any potential impact on protected species. Following this, a number of detailed ecological studies have been undertaken this included additional surveys for bats and breeding birds. The PEA noted that pipistrelle bats use the site for foraging and commuting but no evidence of bat roosts were found in trees during or following the chapel being demolished. There was no evidence of badger, otter, water vole or habitat for breeding amphibians recorded. The PEA makes a range of recommendations to mitigate against any potential impacts of the proposed development and enhance the ecological value of the site and this will be addressed by condition. The proposed development will not have any adverse impacts on ecology and is compliant with Policy E3A of LDP2.

Drainage

- 7.13** The drainage has been modelled in detail for the entire development which has resulted in a defined volume for two cellular storage tanks. The two attenuation tanks will be designed by engineers to manage the surface water requirements for the site catchment and the combined storage volumes which has been calculated to allow the necessary attenuation prior to the surface water falling from the development area. The construction methodology for the two tanks has been considered, relative to the road layout which has resulted in the current optimised solution which will avoid the TPO areas and the cliff. Total storage volume is now 1670cu.m compared with the previous estimate of 1150cu.m. One of the attenuation tanks is to be located at the entrance from Havoc Road. The second underground attenuation storage tank is to be located on to the southern boundary formed within an area of rock and therefore will have no impact or requirement to excavate and affect the Scots pine tree. The location of the tank has been selected to avoid the TPO areas and other significant trees on the cliff edge including a notable Scots Pine and will provide a 4metre clearance to the cliff edge. Excavation for the cellular storage tank will involve the removal of 1.85 m of virgin ground comprising topsoil, sand and gravel and then removal of 3.5 m depth of sandstone. The rock will be cut vertically to create a void in which to house the cellular storage tanks and will be contained within 2m of the cellular storage footprint. This will provide a 2m exclusion to the top of the existing cliff profile. The vegetation within this zone and on the existing cliff face will be unaffected by these works. A physical barrier such as close boarded fence should be placed 1m back from the cliff edge to protect

operatives and to prevent access to the site. The excavation will be carried out from the northern side of the proposed tank location thereby there is no impact on the existing cliff face. Additional planting of spiny mix - hawthorn and blackthorn will be proposed along the cliff edge to ensure the ecology of the cliff face is maintained and to prevent access. A further structural engineering survey of the cliff face will be addressed by condition to ensure that the cliff face is not damaged or disturbed due to excavation works. Regarding the long term stability of the underground storage tanks, the excavation will be fully backfilled to existing ground level and the underground storage tanks will be supported on all sides by rock, overlain by well compacted material selected from the site arising's. The ground will be finished in a layer of topsoil and suitably planted.

Built Heritage

7.14 The Chapel was been delisted by Historic Environment Scotland and has now been demolished. The statute of St Joseph from the exterior of the Chapel has been salvaged which lay above the western gable of the Chapel. This feature is now in its final resting place with the Carmelite Sisters. Discussions were held with the Council and the Carmelite Sisters over preserving a frieze from the Chapel and the Cross however the Sisters expressed that they did not wish to preserve this feature.

7.15 The stone wall and characteristic arch along the avenue from Cardross Road may date from early/mid-19th century and although not listed it is worthy of retention and was probably part of the former Clerkhill House estate that previously existed on the site. A condition has been attached to ensure that it is retained and incorporated within the development and that a dilapidation survey is carried out to check the structural integrity and to substantiate its retention. Salvaged stone features from the demolished Notre Dame convent and chapel buildings which are on site will also be used within the future development.

Roads, Access, Parking and Permeability

7.16 One vehicular access will be provided from Havoc Road to the site serving the 81 units. The vehicular access enters the site just to the south of the bridge over the railway line curving down to the south before running approximately parallel to the south of the site, working with the topography of the site and seeking to create clear development platforms that allow outward looking frontages. Emergency access is proposed from Cardross Road via an upgraded 3.7 m shared surface pedestrian /cycle route with dropped bollards to regulate access. No changes are proposed to the existing junction onto Cardross Road from Havoc Road as the number of proposed houses can be accommodated within the existing junction capacity.

7.17 A Transport Assessment has been submitted in support of the proposal and concludes that there are no capacity problems on the surrounding road network. The site is well served by public transport with bus routes and Dalreoch Railway Station in close proximity and the site is well connected for sustainable travel options. The level of car parking to be provided is considered to be acceptable by the Council's Roads Service with 2 parking spaces provided for 3 bedroom and 3 spaces for 4 or more bedroom houses. The layout has been designed to maximise site permeability and provides good pedestrian links within the site and beyond. The pedestrian access from Havoc Road provides connections down towards the River Clyde including the large area of open space and Core Path 17. It ensures that a, 'safe, comfortable and attractive...' environment for all will be created and reflects one of the key principles of LDP2 Policy CP1 –Creating Places.

7.18 An additional footpath is to be provided to the north east of the site, where a historic informal path linking the boundary of the site to Brucehill Road. The path is presently overgrown and not evident to pedestrians on Brucehill Road. This footpath will connect up to the general location of the existing overgrown path which continues up Brucehill Road.

7.19 Technical Matters

The Council's Environmental Health Service have requested a site investigation report including remediation and mitigation measures. These matters alongside other matters regarding dust mitigation and construction activity and noise from the railway line can be addressed as planning conditions. Surface water will be discharged in to the two SUDS tanks. A full SUDS scheme is to be secured as a condition.

7.20 The SEPA flood maps do not indicate that the site is at risk of river or coastal flooding with only a very small area to the north of the site at medium to high risk of surface water flooding.

Other Matters raised by Representations

7.21 The proposed development did not require a full Environmental Impact Assessment and that was confirmed by the Council in March 2021 following the submission of a Screening opinion. A few residents have indicated that the development would have a negative impact on the health and wellbeing of the local community. The development will involve the redevelopment of a vacant brownfield site to provide new housing and highly accessible open space and woodland with new footpath links for cycling and recreation. It will involve well designed streets promoting active travel with a range of house types and enhancing natural surveillance on the site which will make local residents feel safer and discourage crime and vandalism. Over the years, there have been site issues with fly-tipping, anti- social behaviour and vandalism and the residents of Craigend House have experienced this in particular. The new development will reduce the risk

of anti-social behavior whilst providing quality housing and high quality open space and amenity facilities for existing and new residents.

7.22 Some representations raised the issue of air quality but there are no declared Air Quality Management Areas in the Council area with the development encouraging active modes of travel and within close proximity to Core Paths and the local footpath network as well as being in close proximity to bus stops and Dalreoch Train Station. Residents will be provided with a Travel Plan to encourage the utilization of active travel methods.

7.23 Issues have been raised regarding education capacity and health care facilities. There are no issues with education capacity as a number of schools are within a short distance of the site together with healthcare facilities. There is no requirement to provide affordable housing as per the policies of the LDP. Tree numbers 418 and 206 are to be retained within the site and will not be felled and the tree plan has been amended to include them.

7.24 Pre-application Consultation and Elected Member Briefing
As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to the submission of the application. The applicant has submitted a Public Consultation Report and the Pre Application Consultation website was viewed by local residents and the public 247 times and feedback forms were provided on the website to record comments. Eight feedback forms were received as well as 7 questions. The local Community Councils, MSPs and MPs and Councillors were contacted about the proposal. A statutory notice was published in the local press advertising the public event and submission of the Proposal of Application Notice and additional consultation was undertaken by the applicant. Feedback comments related to the road layout and the need for a secondary access point, the need for open space and trees should be retained and the need for affordable housing.

7.25 The application was also presented to a pre application virtual Elected Member Briefing on 15 June 2021. Specific comments were made regarding house types and footpath connections and these have been addressed within the development.

8. CONCLUSION

8.1 The proposed development of the site for residential purposes is in compliance with both the adopted and proposed local development plans and will result in the redevelopment of vacant brown field site.

The design, density and layout of the development are appropriate and would not have a detrimental impact on the amenity of any adjacent residential properties or the area. The development has been subject to extensive discussions to ensure that the integrity and character of the TPO, the cliff face and the Local Nature Conservation Sites are not detrimentally affected. The proposal will result in a high quality residential development which maximises its coastal and woodland location and which has a very strong biodiversity focus.

9. CONDITIONS

- 1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used for the dwellings and associated hard landscaping, to include boundary treatments, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be completed in accordance with the approved material details and palette.**
- 2. The development hereby approved shall be constructed in accordance with the finished site levels and finished floor levels as shown on approved plans. Any alterations to these finished site and floor levels shall first be agreed in writing with the Planning Authority.**
- 3. Prior to works commencing on the development hereby approved a planting schedule in association with the proposed soft landscape arrangements approved under drawing 'Landscape Strategy Plan'(LN-LP-01a) shall be submitted for the written approval of the Planning Authority. The approved landscaping shall be implemented within timescale to be agreed with the Planning Authority. Any trees, shrubs or plants forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written approval to any variation. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details for the lifetime of the development unless otherwise agreed by the Planning Authority.**
- 4. Further to condition 3 above and notwithstanding the submitted plans the grass area identified as "informal open space" as part of the Landscape Strategy Plan is not hereby approved. Details of an alternative treatment of this area shall**

be submitted and approved by the Planning Authority and it shall be compatible with the woodland TPO area and implemented as approved.

5. Prior to works commencing on the development hereby approved details of the proposed play equipment and maintenance arrangements shall be submitted for the written approval of the Planning Authority. These details shall incorporate the use of natural play equipment. The works shall be installed in accordance with the approved scheme and in a timescale to be agreed and shall thereafter be retained for the lifetime of the development unless otherwise agreed by the Planning Authority.
6. No dwelling shall be occupied within the site until the vehicle parking spaces associated with that house unit have been constructed provided within the site. The aforementioned parking shall thereafter be retained and be capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.
7. Prior to the commencement of development, full details of the foul and surface water drainage system including the 2 surface water attenuation tanks shall be submitted to and approved by the Planning Authority. This shall include a full structural engineering survey and drawings of how the attenuation tanks are to be installed and the impact on the stability of the adjoining cliff and trees. The approved details shall be implemented as approved.
8. Prior to the commencement of development on site, a Site Biodiversity Action Plan shall be submitted to and approved by the Planning Authority. It shall include landscape and habitat design and management, species protection plans and monitoring protocols and shall be implemented within a timescale agreed with the Planning Authority.
9. Notwithstanding the submitted details the trees identified for removal shall be marked on site and the proposed buildings and road pegged out with the aim of retaining identified trees for retention and to minimise tree loss. The works shall be supervised and overseen by Arboricultural Clerk of Works during prestart and during construction works.
10. Notwithstanding the submitted plans and entrance features adjacent to both Cardross Road and Havoc Road shall be provided. Details of the features shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be

implemented within a timescale agreed with the Planning Authority.

- 11. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**
- 12. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall be submitted for the further written approval of the Planning Authority and shall be implemented as approved.**
- 13. The stone wall and arch along the avenue from Cardross Road shall remain intact, unless otherwise agreed with the Planning Authority.**
- 14. Land art stones from the former Notre Dame convent and chapel shall be used throughout the development reflecting the unique history of the site and details shall be submitted to and approved by the Planning Authority before development commences on site and implemented in a timescale agreed by the Planning Authority.**
- 15. The footpath link from the Northeast area to the Brucehill estate shall be reinstated. The location and design of the footpath shall be submitted to and approved by the Planning Authority and shall be provided to the boundary of the application site.**
- 16. Notwithstanding the submitted plans and prior to the commencement of development on site, a 1.8 metre high trespass fence with a maintenance access gate around the perimeter of the tunnel air shafts shall be submitted to the Planning Authority for the further written approval and the development shall be carried out in accordance with the approved details within a timescale agreed with the Planning Authority.**
- 17. No development shall commence on site until a construction method statement which includes plant details, locations and lifting plans within the vicinity of Network Rail infrastructure shall be submitted to the Planning Authority for approval in conjunction with Network Rail and shall be implemented as approved.**
- 18. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation**

which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeological Service.

19. No development shall commence on site until details for the storage and the collection of waste arising from the development including the location of bin stores and grit bins shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first house within the site and thereafter maintained for the lifetime of the development.
20. No development (other than investigative work) shall take place until such time as a comprehensive site investigation completed by a suitably qualified person has been carried out to the appropriate Phase level and submitted to and approved in writing by the Planning Authority. If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model shall be formalised and these linkages shall be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages will require to be submitted. If the risk assessment identifies any unacceptable risks, a detailed remediation strategy/plan shall be submitted to and approved in writing by the Planning Authority and implemented as approved.
21. Remediation of the site shall be carried out in accordance with the approved remediation scheme prior the approved development being brought into use. Any amendments to the approved remediation scheme shall not be implemented unless otherwise approved in writing by the Planning Authority. On completion of the remediation works the developer shall submit a verification report to the Planning Authority, confirming that the works have been carried out in accordance with the approved remediation scheme and that the works have successfully reduced the risks to acceptable levels.
22. If the remediation plan requires it, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years determined by the scheme shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed by the Planning

Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved in writing by the Planning Authority.

- 23. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.**
- 24. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works, the developer shall submit a validation report for the approval in writing of the Planning Authority and it shall contain details of the source of the material and associated test results to demonstrate its suitability for use. Thereafter the development shall be undertaken in accordance with the approved details.**
- 25. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of and take into account the following:**
- The impact of the piling on surrounding properties.**
 - Detail any procedures which are required to minimise the impact of noise and vibrations on the occupants of surrounding properties.**

This statement as submitted shall be prepared by a suitably qualified person and shall take into account the guidance contained in BS6472:1984 'Evaluation of Human Response to Vibration of Buildings'. The piling works shall thereafter be carried out in accordance with the approved method statement until they are completed on site.

26. A noise assessment to determine the impact of rail traffic noise on the proposed development using the principles set out in "Calculation of Railway Noise" (DoT/Welsh Office, HMSO, 1995) or by a method to be agreed by the Planning Authority shall be submitted to and approved by the Planning Authority. The survey shall take cognisance of the Scottish Government Document: "*Technical Advice Note Assessment of Noise*" and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from rail noise. The scheme shall ensure that the internal levels with windows closed do not exceed 40 dB daytime and 30 dB night-time and the external levels do not exceed 55 dB daytime in any rear garden areas, when measured as $L_{Aeq,T}$. The approved scheme for the mitigation of noise shall be implemented prior to the houses being occupied and where appropriate, shall be retained in accordance with the approved scheme.
27. A vibration survey which determines the vibration dose value for properties within 30 metres of the railway track shall be submitted to and approved by the Planning Authority. No dwelling shall be constructed where the applicant cannot demonstrate that there is a low probability of adverse comment from the vibration as prescribed in British Standard BS 6472:1992 – Guide to evaluation of human exposure to vibration in buildings (1-80 Hz). Any recommendations in respect of mitigation measures shall be prepared by a suitably qualified person and implemented as approved.
28. Prior to the commencement of development with the site, details of the location and design of an electric charging points/units and associated ducting to serve the development shall be submitted to and approved in writing by the Planning Authority. The approved car charging points/units/ducting and associated infrastructure shall thereafter be installed in accordance with the approved details at a timescale agreed by the Planning Authority and maintained as such thereafter.
29. Prior to the occupation of the first house within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
30. Notwithstanding the submitted plans, the number of visitor car parking spaces and their location is not hereby approved. The number of visitor car parking spaces shall be reviewed and reduced in number to provide a more amenity streetscape which

shall be approved by the Planning Authority and implemented as approved.

Peter Hessett
Chief Officer - Regulatory and Regeneration
Date: 30 March 2022

Person to Contact: Pamela Clifford,
Planning, Building Standards and Environmental
Health Manager
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: Appendix 1: Location Plan

Background Papers:

1. Application forms, plans and documents;
2. Consultation responses;
3. Representations;
4. West Dunbartonshire Local Plan 2010;
5. West Dunbartonshire Local Development Plan 2 Proposed Plan.
6. 'Our Green Network' Guidance
7. Residential Development Design Guidance

Wards affected: Ward 3 (Dumbarton)

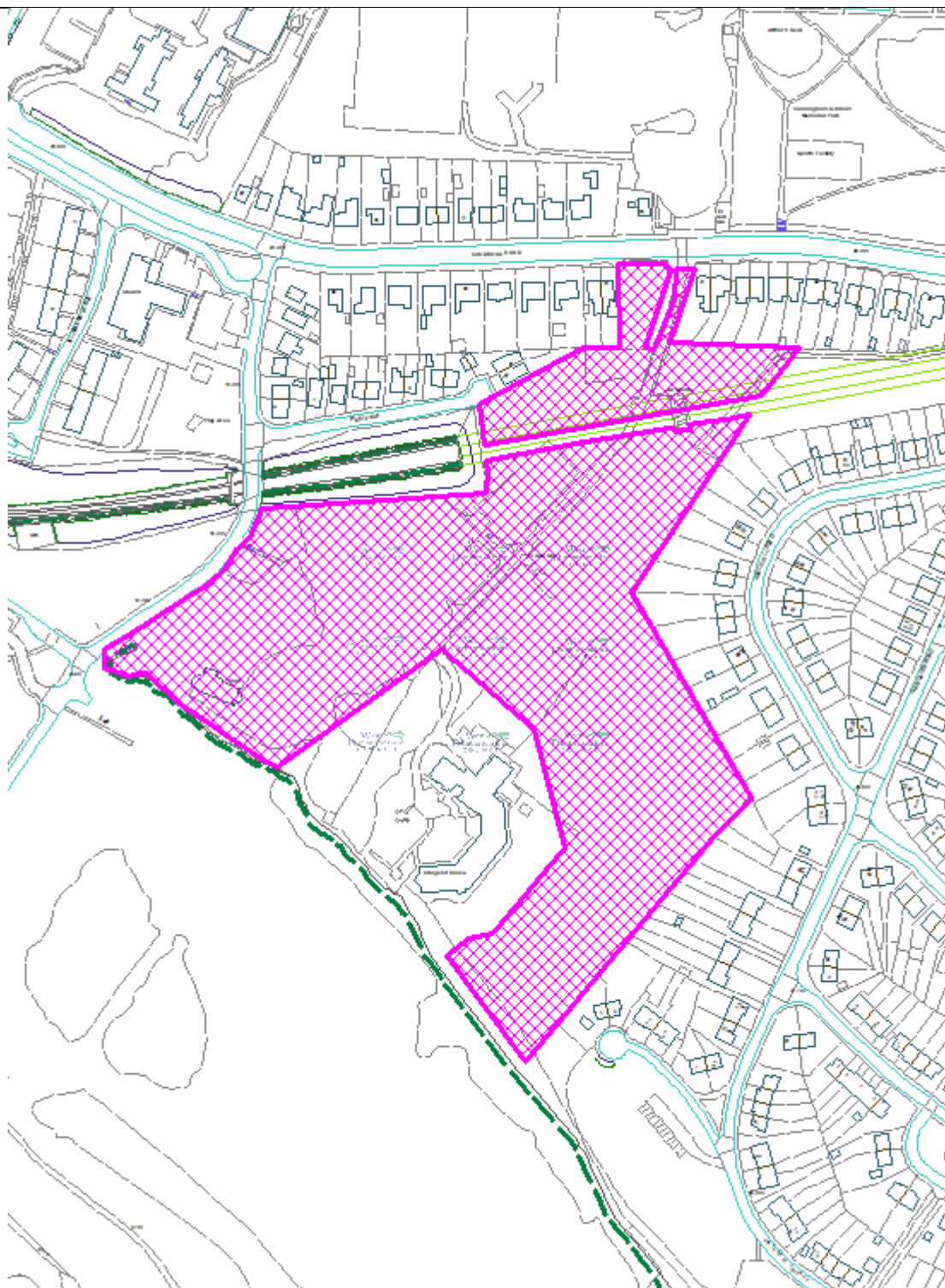
Map Register No: HQ666

Date: 17 March 2022

DC21/211/FUL

**Residential development
comprising of 81 dwellings
with associated access,
parking , landscaping,
open space and drainage**

**Residential Development Site On Land
Surrounding Craigend House
Cardross Road
Dumbarton**



WEST DUNBARTONSHIRE COUNCIL

Report by the Chief Officer - Regulatory and Regeneration

Planning Committee: 30 March 2022

Subject: Street names for a housing development at Garshake Road (Former Council Offices) Dumbarton

1. PURPOSE

- 1.1** To allocate two new street names within the new housing development at Garshake Road Dumbarton.

2. RECOMMENDATIONS

- 2.1** It is recommended that Garshake Wynd and Garshake Row are approved as the street names.

3. BACKGROUND

- 3.1** Planning permission has been granted for 76 dwellings on the site of the former Council offices Garshake Road Dumbarton. Two new roads are proposed within the development with one point of access/egress on Garshake Road. The larger of the two roads forms a loop around the development with a smaller road running through the middle.

4. MAIN ISSUES

- 4.1** The street names for consideration are Garshake Wynd and Garshake Row as the new streets take access directly off of Garshake Road.
- 4.2** The two street names are derived from the existing Garshake Road and the name of the former Council Offices. This is in keeping with the existing street names in the area and meets the requirement of the Council's Street Naming Policy.

In line with the street naming policy the ward members for Ward 3 and Silverton and Overtoun Community Council have been consulted on the above street names and have no objections.

5. PEOPLE IMPLICATIONS

5.1 There are no people implications.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7. RISK ANALYSIS

7.1 There are no known risks to the Council.

8. EQUALITIES IMPACT ASSESSMENT (EIA)

8.1 None.

9. CONSULTATION

9.1 As part of the Council's Street Naming Policy ward members for Ward 3, Silverton and Overtoun Community Council have been consulted.

10. STRATEGIC ASSESSMENT

10.1 It does not impact on any of the Council's strategic priorities.

Peter Hessett
Chief Officer - Regulatory and Regeneration
Date: 30 March 2022

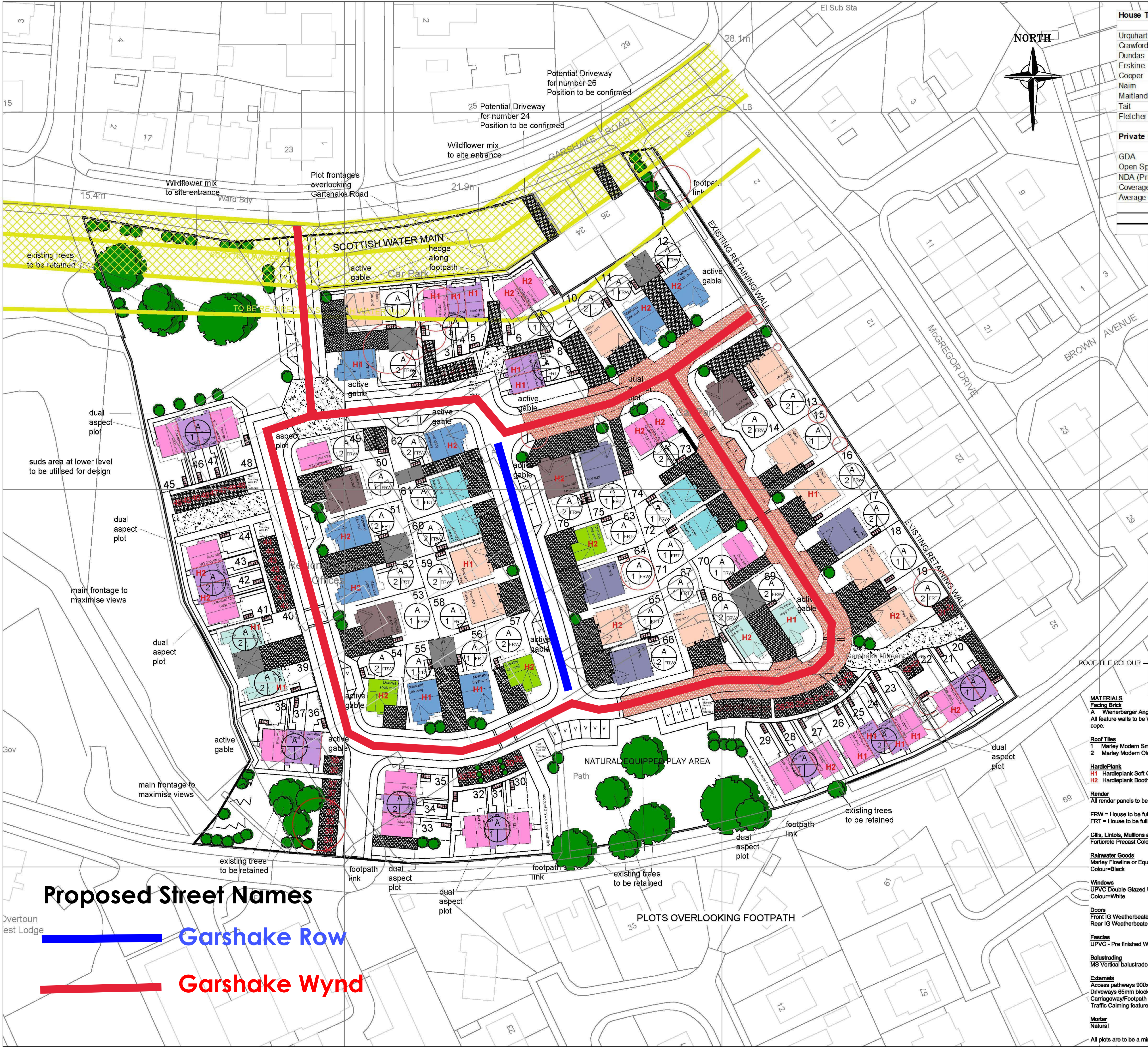
Person to Contact: Pamela Clifford, Planning & Building Standards Manager,

Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendices: Appendix 1 - Site plan

Background Papers: Street Naming and Numbering policy

Wards Affected: Ward 3 Dumbarton



House Type		Area (ft²)	No	Total Area (ft²)
Urquhart	3 bedroom -Parking Space	750	17	12750
Crawford	3 bedroom -Parking Space	900	21	18900
Dundas	4 bedroom -Single Integral Garage	900	3	2700
Erskine	4 bedroom -Single Detached Garage	1036	4	4144
Cooper	4 bedroom -Single Detached Garage	1088	4	4352
Naim	4 bedroom -Single Integral Garage	1297	11	14267
Maitland	4 bedroom -Single Integral Garage	1388	8	11104
Tait	4 bedroom -Single Integral Garage	1424	4	5696
Fletcher	4 bedroom -Single Integral Garage	1446	4	5784
Private units total			76	79697
GDA		7.430 Acres		
Open Space		1.837 Acres		
NDA (Private - excluding POS)		5.593 Acres		
Coverage		14248.58 ft² per Acre		
Average unit size		1048.64 ft²		

AMENDED

- R. HARDIEPLANK ADDED TO SOME CRAWFORD DA PLOTS AS PER PLANNERS REQUEST. JAN 21 BM
- Q. PARKING ALLOCATION UPDATED AS PER PLANNERS COMMENTS AND PLOTS MOVED ACCORDINGLY.. JAN 21 BM
- P. LAYOUT UPDATED AS PER PLANNERS COMMENTS. JAN 21 BM
- O. BRICK COLOUR FOR WALL COPE ADDED AND PATH AT PLOT 22 ALTERED. DEC 20 BM
- N. BRICK COLOUR AND SECTION LINES ADDED. DEC 20 BM
- M. ATTENUATION AREA UPDATED TO SUIT LATEST DRAINAGE LAYOUT. NOV 20 BM
- L. DRIVEWAY SHOWN FOR EXISTING HOUSE (NO 26). BIN STORE POSITIONS SHOWN FOR ALL PLOTS. MATERIALS ADDED. NOV 20 BM
- K. DRIVEWAY SHOWN FOR EXISTING HOUSE. SEPT 20 BM
- J. PLOTS 1-9 MOVED TO ACCOMMODATE NEW WATER MAIN POSITION AND ROAD ADJUSTED. PARKING ALTERED AT PLOTS 34-38. SEPT 20 BM
- I. GENERAL PLANNING UPDATES AND PLOT 8 CHANGED FROM A CRAWFORD TO 2no URQUHARTS. SEPT 20 BM
- H. BIN STORES REMOVED AND LAYOUT UPDATED AS PER PLANNING COMMENTS. AUG 20 BM
- G. LAYOUT UPDATED AS PER LAND MEETING. JULY 20 BM
- F. TERRACED PLOTS REMOVED AS PER COMMERCIALS REQUEST AND REPLACED WITH DETACHED. JUNE 20 BM
- E. LAYOUT UPDATED TO TAKE INTO ACCOUNT THE WATER MAIN AT THE SITE ENTRANCE. JUNE 20 BM
- D. LAYOUT UPDATED AS PER PLANNING COMMENTS APR 20 BM
- C. LAYOUT UPDATED AS PER PLANNING COMMENTS FEB 20 BM
- B. LAYOUT UPDATED AS PER PLANNING COMMENTS AND CONSTRAINTS SHOWN. JAN 20 BM

MATERIALS
Facing Brick
A - Wienerberger Anglesey Weathered Buff Facing Brick
All feature walls to be Wienerberger Anglesey Weathered Buff Facing Brick with an engineering brick cope.

Roof Tiles
1 - Marley Modern Smooth Grey mock Bond
2 - Marley Modern Old English Dark Red

HardiePlank
H1 - Hardieplank Soft Green
H2 - Hardieplank Boothbay Blue

Render
All render panels to be drydash render 2no coats. Colours as stated below
FRW = House to be full render Essno White Chip on W100 backing coat. Bay Window to be brick.
FRT = House to be full render Tuscan on Magnolia backing coat. Bay Window to be brick.

Clis, Linols, Mullions and Stringers
Forticrete Precast Colour Buff or Equal

Rainwater Goods
Marley Flowline or Equal
Colour=Black

Windows
UPVC Double Glazed Units
Colour=White

Doors
Front IG Weatherbeater front with glazed panels
Rear IG Weatherbeater IGD28

Fascias
UPVC - Pre finished White

Balustrading
IMS Vertical balustrade - Primed and painted black gloss

Externals
Access pathways 900x800mm pc slabs
Driveways 60mm black pebbles charcoal in colour
Carriageway/Footpath - Tarmac Finish
Traffic Calming feature/Adopted Areas - Refer to Roads Construction Consent

Mortar
Natural

All plots are to be a minimum of 1m away from the boundary.

Rev	Description	Drawn	Date

miller homes

Miller Homes Ltd
Clydesdale House
300 Springhill Parkway
Baillieston, Glasgow, G69 6GA

Telephone 0870 336 4000
Fax 0870 336 4001
www.millerhomes.co.uk

Project Title

GARSHAKE

Drawing Title

Site Layout

Scale	Drawn By	Checked By	Authorised By
1:500	IC		
	Date SEP 19	Date	Date
Job No.	Drawing No.	Revision	
	GAR/SK-01		R

Original Sheet Size A1

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Planning Committee: 30 March 2022

Subject: Scottish Government Consultations

1. Purpose

- 1.1** To seek the agreement of the Committee to submit responses to various Scottish Government consultations on draft planning documents.

2. Recommendations

- 2.1** It is recommended that the Committee agree the proposed Council responses set out in Appendix 1 (draft Fourth National Planning Framework), Appendix 2 (Local Development Planning Regulations and Guidance) and Appendix 3 (Open Space Strategies and Play Sufficiency Assessments Regulations).

3. Background

- 3.1** The Planning (Scotland) Act 2019 has introduced changes to the planning policy framework and development planning system in Scotland. The next National Planning Framework (NPF4) will incorporate Scottish Planning Policy and become part of the development plan for all Scottish planning authorities. A new system for preparing local development plans is being introduced, and duties have been placed on planning authorities to prepare and publish an open space strategy, and to assess the sufficiency of play opportunities in their area for children.
- 3.2** Ahead of the implementation of the development planning provisions of the Planning (Scotland) Act 2019, the Scottish Government published the following consultation documents:
- Draft Fourth National Planning Framework
 - Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning
 - Consultation on Open Space Strategies and Play Sufficiency Regulations

Responses on all documents are to be submitted by 31 March 2022.

4. Main Issues

Draft Fourth National Planning Framework (NPF4)

- 4.1** NPF4 is split into five main parts. Part 1 sets out a National Spatial Strategy for Scotland to 2045. The strategy seeks for each part of Scotland to be planned to create: sustainable places; liveable places; productive places; and distinctive places, based on six overarching principles of: compact growth; local living; balanced development; conserving and recycling assets; urban and rural synergy; and a just transition. The Strategy splits Scotland into five broad areas, with West Dunbartonshire located within the Central Urban Transformation area, where a new era of low carbon urban living is to be planned for.
- 4.2** Part 2 identifies National Developments, some of which are national in coverage and some are location specific. The National Developments specific to West Dunbartonshire include the Central Scotland Green Network, a mass/rapid transit network for the Glasgow city-region (Glasgow Metro) and Clyde Mission. Scotland wide National Developments include a national walking, cycling and wheeling network, and a digital fibre network.
- 4.3** Part 3 is the National Planning Policy Handbook. This section incorporates the role of the current Scottish Planning Policy into NPF4 and will replace the need for as many policies to be set out in local development plans, enabling them to have less general content and a more local focus.
- 4.4** Part 4 sets out the means by which the National Spatial Strategy will be delivered including the alignment of resources, an infrastructure first approach, the delivery of National Developments, and local development plans and regional spatial strategies.
- 4.5** Part 5 includes a number of annexes. Annex A sets out how NPF4 will contribute to the outcomes identified in the Town and Country Planning (Scotland) Act 1997. Annex B sets out the Minimum All Tenure Housing Land Requirement for each planning authority in Scotland. For West Dunbartonshire, this figure is 2,100 over 10 years i.e. the next Local Development Plan for West Dunbartonshire would need to identify land for a minimum of 2,100 houses to be developed over its 10-year lifespan. Annex C is a glossary of definitions of terms used in the document.
- 4.6** The Council's response to the draft Fourth National Planning Framework is set out in Appendix 1. Key points from the Council response include:
- Agreement that addressing climate change and nature recovery should be the primary guiding principles for all plans and planning decisions, but request clarity on how these should be balanced with necessary and sustainable development.

- The description of the Glasgow City Region in the document should be more balanced to reflect the opportunities and not just the challenges facing the area.
- NPF4 should recognise the significant opportunities and potential that exists within the West Dunbartonshire area.
- NPF4 could give greater direction to Regional Spatial Strategies.
- NPF4 contains no policy context for airports.
- Support for the 20-minute neighbourhood and infrastructure first concepts. However more clarity is required on how the 20-minute neighbourhood concept is to be applied.
- Clarity on whether NPF4 places a 25% affordable housing requirement on all housing sites.
- Concern that NPF4 is not strong enough in ensuring good quality homes and residential amenity will be achieved in town centres.
- Concern that the additional requirements being placed on planning authorities by NPF4 will be difficult to achieve with current staff resources and knowledge levels.
- That the Minimum All Tenure Housing Land Requirement for West Dunbartonshire be set at 1,750 units for a 10 year period, rather than 2,100 as originally suggested by the Council and set out in the draft NPF4. On reflection, the figure of 1,750 is considered to be better aligned with achievable delivery and is based on average completions over the past 5 years. It is still considered ambitious and is in excess of the figure originally suggested by the Scottish Government of 450, which was not considered to reflect the ambitions of the Council for affordable and private housing development. The figure in NPF4 is a minimum and a higher requirement could be set by the local development plan and local housing strategy if evidence suggests that is appropriate at the time of preparation.
- That loose and imprecise policy wording must be replaced by more robust policy wording to enable decisions to be taken with confidence and to avoid legal challenge of planning policy documents and development management decisions.

Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning

- 4.7** The Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning is split into four parts. Part A is an introduction. Part B sets out the proposals for Development Planning Regulations, including a set of Draft Regulations. The Regulations are statutory and provide additional detail to the requirements set out in primary planning legislation. The Scottish Government has sought to keep Regulations to the necessary minimum, with much of the detail about the new development planning system to be set out in guidance.

- 4.8** Part C is the Draft Guidance on Local Development Planning. This is split into three sections. Section 1 sets out the overall aims and expectations for new style local development plans. Section 2 sets out the process of how to achieve a new style plan. Section 3 sets out detailed thematic guidance on how new style plans are to implement the NPF4 policies for the development and use of land, and is therefore closely linked to the consultation on that document.
- 4.9** Part D sets out the Interim Impact Assessments associated with the proposed Regulations and draft Guidance.
- 4.10** The Council's response to the proposals for Development Planning Regulations and draft Guidance on Local Development Planning is set out in Appendix 2. Key points from the Council's response include:
- Concern expressed around how meaningful engagement can be undertaken for the new evidence report stage of the local development plan process. The evidence report stage is about gathering and publishing the data and information needed to inform the preparation of the local development plan. It is explicitly stated that it is not to consider site-specific matters. It is the Council's view that trying to meaningfully engage the prescribed groups on what will be predominantly a data gathering exercise will be difficult with the majority of communities unable to effectively engage at this stage, which could lead to issues later in the local development plan process. It is considered that with regard to meaningful early engagement, the evidence report will not be as effective as the main issues report was.
 - Concern is expressed that an evidence report may be deemed as being insufficient on the subjective assessment of a Reporter, resulting in it being returned to a planning authority and extra resources being required to revise it. This is particularly the case at the start of the new system, when neither planning authorities or Reporters will have experience of what constitutes sufficient information.
 - It is considered that the provision of the suggested infrastructure information for all sites allocated in a local development plan would be a significant task for local development planning teams.
 - Concern is expressed regarding the requirement to identify additional housing land if already identified land is being developed ahead of schedule. The requirement for housing land in a local development plan period will have been examined at the Gatecheck stage, and the development of land meeting that requirement at a faster rate than expected should not necessarily require the identification of additional housing land.

- Consultation on Open Space Strategies and Play Sufficiency Regulations
- 4.11** Amendments to the planning system through the Planning (Scotland) Act 2019 place a statutory duty on Councils to prepare an Open Space Strategy and undertake a Play Sufficiency Assessment. The Scottish Government is preparing Regulations in respect of these two requirements.
- 4.12** An Open Space Strategy is to set out a strategic framework of the planning authority's policies and proposals as to the development, maintenance and use of green infrastructure in their district, including open spaces and green networks. Open Space Strategies are to contain (1) an audit of existing open space provision; (2) an assessment of current and future requirements; and (3) any other matter the planning authority considers appropriate. The proposed Regulations set out that an outcomes-based approach should be taken to the preparation of Open Space Strategies and identifies these outcomes. It provides a scope and definitions for the type of open spaces the strategy should cover, how open spaces should be assessed, and at what geographies. It also sets out the process for consulting and publishing the strategy.
- 4.13** Regarding Play Sufficiency Assessments, the Planning (Scotland) Act 2019 requires planning authorities to assess the sufficiency of play opportunities for children in their area in preparing the evidence report for a local development plan. Regulations are to be prepared regarding the form and content of the assessment and to inform procedural matters regarding consultation and publication. Regarding form and content, the draft Regulations set out requirements with regard to mapping play opportunities and categorising these with regard to age group suitability, and assessment with regard to quality, quantity and accessibility. Consultation is required in the preparation of an assessment, including with children and parents/carers.
- 4.14** The Council's response to the Consultation on Open Space Strategies and Play Sufficiency Regulations is set out in Appendix 3. Key points from the Council's response include:
- There is a lack of clarity with regard to how the preparation of open space strategies relate to the local development plan process, and it is highlighted that these processes could fall out of synch.
 - Concern is expressed around the requirement for planning authorities to highlight opportunities for play in open spaces that do not have that primary function. There are two aspects to this. By not identifying spaces that do not have a primary play function, the Council may stand accused of suggesting these spaces are not suitable for play. However, through identifying such spaces as suitable for play, the Council may be liable if there is subsequently an accident or safety/welfare issue at such a location.

- Support for the inclusion of a tool that helps to categorise play spaces for different age groups.
- The assessment of play areas should include 'inclusivity' as a separate assessment factor, rather than grouped within the 'accessibility' assessment.

5. People Implications

- 5.1** There are no direct personnel issues associated with this report. However, the new development planning system will place extra demands on planning authorities, both in terms of a more resource-intensive process and the knowledge and skills required to implement it. This may result in requiring more staff resources or external support/knowledge to deliver the development plan process.

6. Financial and Procurement Implications

- 6.1** There are no financial or procurement implications associated with this report.

7. Risk Analysis

- 7.1** There are no risks associated with this report

8. Equalities Impact Assessment (EIA)

- 8.1** The Scottish Government has undertaken an equalities impact assessment of the consultation documents.

9. Consultation

- 9.1** Planning officers have discussed the content of the consultation documents with internal colleagues and attended workshops with colleagues from other Scottish planning authorities, and Heads of Planning Scotland events to discuss the consultation documents. The Scottish Government has ran its own consultation events.

10. Strategic Assessment

- 10.1** The finalised versions of the documents will be of relevance to the following strategic priorities:
- A strong local economy and improved employment opportunities – through setting planning policy for housing and economic development within a wider framework which has addressing climate change and nature recovery as primary guiding principles.

- Meaningful community engagement with active empowered and informed citizens who feel safe and engaged – through setting guidance for when and how communities should be engaged in the development planning process.

Peter Hessett

Chief Officer – Regulatory and Regeneration

Date: 30 March 2022

Person to Contact:	<p>Pamela Clifford, Planning & Building Standards Manager Pamela.Clifford@west-dunbarton.gov.uk</p> <p>Alan Williamson, Development Planning & Place Team Leader Alan.williamson@west-dunbarton.gov.uk</p>
Appendix:	<p>Appendix 1: Response to Draft Fourth National Planning Framework</p> <p>Appendix 2: Response to Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning</p> <p>Appendix 3: Response to Consultation on Open Space Strategies and Play Sufficiency Regulations</p>
Background Papers:	<p>Draft Fourth National Planning Framework</p> <p>Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning</p> <p>Consultation on Open Space Strategies and Play Sufficiency Regulations</p>
Wards Affected:	<p>All</p>

West Dunbartonshire Council response to the draft Fourth National Planning Framework (NPF4)

Part 1 – A National Spatial Strategy for Scotland 2045

Q1: Do you agree that this approach (Sustainable Places) will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?

The Council supports Sustainable Places as part NPF4 National Spatial Strategy. The Council agrees with the draft NPF4 focus on the climate emergency and nature recovery, and the embedding of these priorities in every planning decision. Further comment is offered in the questions specific to that section of the document.

Q2: Do you agree that this approach (Liveable Places) will deliver our future places, homes and neighbourhoods which will be better, healthier and more vibrant places to live?

The Council supports Liveable Places as part of the NPF4 National Spatial Strategy. Further comment is provided in the questions specific to the Liveable Places section of the document.

Q3: Do you agree that this approach (Productive Places) will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing?

The Council supports Productive Places as part of the NPF4 National Spatial Strategy. The Council notes that the draft NPF4 pre-dates the National Strategy for Economic Transformation and trusts that there will be alignment between the finalised documents. Further comment is provided in the questions specific to the Productive Places section of the document.

Q4: Do you agree that this approach (Distinctive Places) will deliver our future places which will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient?

The Council supports Distinctive Places as part of the NPF4 National Spatial Strategy. Further comment is provided in the questions specific to the Distinctive Places section of the document.

Q5: Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive and distinctive?

Yes, however, in practice it will be the National Planning Policy Handbook and the application of this that will determine whether these elements of the National Spatial Strategy are delivered.

The Council supports the Place and Wellbeing Outcomes set out in “Integrating Land Use Planning and Public Health in Scotland” and consider that these should be integrated into NPF4.

Q6: Do you agree that these spatial principles will enable the right choices to be made about where development should be located?

The Council agrees with the spatial principles set out in NPF4. Collectively, they provide a sound basis for plan makers to make the right choices about where development should be located. However, it is not clear how these principles are to be applied when making decisions on development proposals, so it is important that they are clearly embedded in Part 3 on the NPF (the National Planning Policy Handbook).

With regard to the ‘balanced development’ spatial principle, whilst the policy framework may help for this to be achieved locally, it is not clear how it will be achieved on a regional or national basis without stronger direction on where development and growth should occur.

Q7: Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?

The Council welcomes this regional aspect of the National Planning Framework. There is a case for breaking these areas down further to reflect the indicative Regional Spatial Strategy or smaller combinations of these. The Central Urban Transformation area covers a significant area of Scotland, particularly with regard to population, challenges and opportunities. However, the Council also recognises that many of the actions identified are common for the full Central Urban Transformation area.

Questions 8-13 relate to other regions of Scotland.

Q14: Do you agree with this summary of challenges and opportunities for this action area (Central urban transformation)?

The opening paragraphs of this section which contrast the Glasgow and Edinburgh city-regions need to be revised. The challenges facing the Glasgow city-region are not denied, but the contrast between these city-regions is not as pronounced as described here, and the positive attributes of the Glasgow city-region should also be recorded in this opening section. Based on the contrast between housebuilding activity acknowledged in this section, it is clear that NPF4 has to be more pro-active in delivering the ‘balanced development’ spatial principle.

Whilst the draft NPF4 contains an action around the city centres of the Central Urban Transformation area, greater emphasis should also be given to the town centres in this area, many of which are significant economic drivers and the focus of large communities, as well as being of historic and cultural value.

It is noted that the section makes limited specific reference to the significant opportunities and potential that exist within the West Dunbartonshire area. The Council would draw attention to the following as examples of these:

- Clydebank town centre – a Town Centre Development Framework has recently (2021) been prepared and approved. The 15-year vision aims to re-establish a distinct town centre heart, including new residential development, a new transportation hub, community uses, and the redevelopment of key town centre streets.
- Dumbarton Town Centre – has been awarded £19.9m from the Levelling Up Fund. This will be used to: create a state of the art library, museum and community facility in the B-listed Glencairn House; part demolish the Artizan Centre and prepare it for redevelopment; complete the Connecting Dumbarton project to enhance active travel connections in the town centre.
- Alexandria Town Centre – a Town Centre Masterplan has recently (2021) been prepared and approved. Identifying 12 strategic projects, the masterplan will be used to guide and stimulate regeneration in the town centre over the next 15 years.
- Queens Quay, Clydebank – at 41 hectares, this is West Dunbartonshire's largest regeneration opportunity and involves the redevelopment of the former John Brown shipyard and surrounding land. Already the location of a college campus, leisure centre, office buildings, an energy centre, a care home and a health centre. Residential development has commenced and there is planning permission for up to 1,000 homes and associated green infrastructure. This is an example whereby high quality development is being used to transform the economic and social prospects of the wider area.
- Esso Bowling – this is a Glasgow City Region City Deal site, with £27.9M of funding allocated to help deliver industrial and commercial floorspace, and a relief road on a former fuel distribution terminal on the Clyde Waterfront
- Carless, Old Kilpatrick – this 17ha Clyde Waterfront site is proposed for a mix of marine-related, business and industrial and residential uses.

Q15: What are your views on these strategic actions for this action area?

Collectively, the strategic actions are relevant and comprehensive, and provide a strong framework for the Regional Spatial Strategies and Local Development Plans that will cover the area. It would be helpful to connect certain actions with the Regional Spatial Strategies that are likely to cover the area, to give direction as to where certain actions are most applicable across this large and varied action area. This could be done by adding the strategic actions to the Central Urban Transformation Area map. The version of the map in the draft NPF4 shows national developments only, and if presented at a larger scale focused on the Central Urban Transformation area, then the regional actions could also be added.

Questions 16-17 relate to other regions of Scotland.

Q18: What are your overall views on this proposed national spatial strategy?

The Council welcomes the structure of the draft NPF4. It is logical and flows well with the National Spatial Strategy to the front, followed by National Developments and then the National Planning Policy Handbook.

Part 2 – National Developments

Q19: Do you think that any of the classes of development described in the Statements of Need should be changed or additional classes added in order to deliver the national development described?

The classes of development described in the Statements of Need seem reasonable. It is noted that in some National Development areas, such as Clyde Mission, it could result in a significant number of development being classified as National Developments. For example on the Queens Quay site in Clydebank, separate applications for different phases of residential development on the 1,000 home site are likely to fall into the category of National Development. The Council questions whether this is an intended consequence?

Q20: Is the level of information in the Statements of Need enough for communities, applicants and planning authorities to clearly decide when a proposal should be handled as a national development?

Yes, for applicants and planning authorities, who are already familiar with the hierarchy of development types, but maybe not so for all communities, nor will it be clear to communities what it will mean if a development is to be handled as a National Development, and some text in the document to that effect would be helpful.

Q21: Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?

The Council welcomes the inclusion of the Clyde Mission as a National Development as its geography captures many of the key regeneration sites and areas along North Clydeside within the West Dunbartonshire area. The Council also welcomes the identification of other national and area specific National Developments that impact on the West Dunbartonshire area.

The Council notes that Strategic Airport Enhancements are no longer a National Development. However, the draft NPF4 offers no policy context for how airports are to be treated by the planning authorities they are located within or for adjoining authorities, which are impacted, both positively and negatively, by airports and aircraft.

Part 3 – National Planning Policy

The Council would make the following general points about the National Planning Policy section of the draft NPF4:

- The Council agrees with the HoPS response that there is loose and imprecise wording throughout the section, that must be tidied and tightened up before it becomes part of the development plan. Policy wording must be robust to enable decisions to be taken with confidence and to avoid legal challenge.

- The document would work better if the local development plan requirements were separated from decision-making policies. The local development planning requirements could either be grouped together in one section or precede the decision-making policy under each topic area.
- Some of the policies are too long and try to cover too much. The handbook would be improved if these were to be broken down into separate policies.
- There are several policies that indicate that a certain type of development 'should be supported' without reference to other policies of the document. This creates potential for conflict. An example would be Policy 14, in which criterion e) states that development proposals for, or including space or facilities for local community food growing should be supported. In theory, this could mean that a large scale green belt housing development, which would otherwise be contrary to the plan, should be supported if it includes space for community food growing or allotments. This is clearly not the intention, so a review of all the 'should be supported' policies is required.
- A review of all policies is required with regard to the use of 'and' and 'or' between policy requirements/criteria.
- Policies differ in style between sections, and sometimes within sections. A final review by a single author is required.

Q22: Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?

The Council welcomes this shift in approach and agrees that climate change and nature recovery are the principles which should have priority in guiding planning decisions. The Council notes that the tension of balancing these priorities with strategic land use requirements is acknowledged in the Draft Guidance on Local Development Planning, however it is suggested NPF4 could provide more clarity that giving these principles primacy is intended to minimise any potential impacts, rather than prevent necessary and sustainable development.

Policy 1: Plan-led approach to sustainable development

Q23: Do you agree with this policy approach?

The Council supports this approach however believes that many of the National Outcomes and Sustainable Development Goals are beyond the scope of development planning and it is unclear how a plan could evidence its contribution to some of these outcomes and goals. The Council would suggest that this policy, and other LDP requirements, are identified as policy principles to differentiate them from the development management policies in NPF4.

Policy 2: Climate emergency

Q24: Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?

Criteria a & b make clear the policy applies to all development, thus even minor development, such as garden rooms, extensions, hot food take-aways. It is difficult to comprehend how minor developments are to be assessed against this policy.

Much of the policy strays into areas that could be better addressed through Building Standards regulations. Introducing emission measurements to planning considerations duplicates what can be achieved through the Building Standards process, and could result in conflicting conclusions e.g. a development meeting established Building Standards regulations but not meeting a more subjective planning assessment. Planning considerations with regard to emissions should relate to the location of the development, with building design and fabric being covered by Building Standards. This is already evidenced through Planning Authorities struggling to effectively and practically implement Section 3F requirements.

Criteria c - 'significant emissions' will need to be quantified. This is a new measurement for planning to consider. This should be quantified at a national level so developers do not have to work with different standards in each planning authority area.

It is doubtful that planning authority planners have the knowledge and skill to immediately meet the assessments required through this policy on the approval of NPF4 later in 2022. Consideration should be given to developers being able to provide independent accreditation that they are meeting the requirements of the policy.

Policy 3: Nature crisis

Q25: Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?

The policy does not require local developments plans to identify and protect nature conservation sites.

OECMs (Other Effective Area-Based Conservation Measures) is an unfamiliar term and will need further explanation beyond what is in the Glossary.

Wording such as 'safeguard the services that the natural environment provides' and 'ecosystem services' suggest that the natural environment is there to serve us and should be protected for that purpose, rather than being worthy of protection for its own sake.

Criterion e – This policy suggests that a wide range of local developments should only be supported if they include measures to enhance biodiversity. Whilst householder development is excluded, it needs to be considered whether other types of local development, for example town centre change of use applications should have to include biodiversity enhancement measures e.g. what type of biodiversity enhancement measures should be sought for the change of use of a ground floor tenemental property from a Class 1 to a Class 3 use. If it is considered appropriate to apply this requirement to that type of development, then it is considered appropriate for it to apply to householder development too. It is therefore considered that this

type of enhancement is best to be promoted through guidance rather than required through policy.

Policy 4: Human rights and equality

Q26: Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality?

The Council agrees that decision makers should exercise their duties in a way which protect and fulfil human rights, eliminate discrimination and promote equality, however raises concern about how this is to be addressed as a material consideration within the planning system. The Council already undertakes equality impact assessment for planning policy documents and developments it is bringing forward, as required by its equality duty. It is not clear if this policy would require every planning decision to undertake this process, or if it requires developers and applicants to provide evidence of the same. It is noted that no guidance is provided in this regard in the Draft Guidance on Local Development Planning. It is again suggested that this should be a policy principle which is differentiated from the development management policies in NPF4.

Policy 5: Community wealth building

Q27: Do you agree that planning policy should support community wealth building, and does this policy deliver this?

The Council agrees with the principle of this policy, however further guidance is required as to how this would operate in practice both in terms of development plans part a) as well as for national and major development proposals part b). Again it is noted that no guidance is provided in this regard in the Draft Guidance on Local Development Planning and it is suggested that this should be a policy principle which is differentiated from the development management policies in NPF4.

Policy 6: Design, quality and place

Q28: Do you agree that this policy will enable the planning system to promote design, quality and place?

The policy succinctly incorporates design, quality and place into a universal policy of NPF4.

Criterion b ties planning authorities to design guidance adopted by statutory consultees. This will include design guidance that has not yet been produced and which may be produced outwith a statutory process, and therefore through a process which planning authorities may have limited input to.. Statutory consultees include community councils. Is it the intention that any design guidance prepared by a community council is included in this requirement?

Policy 7: Local living.

Q29: Do you agree that this policy sufficiently addresses the need to support local living?

The Council supports the principles of local living and 20 minute neighbourhoods as set out in the policy. However further clarity would be welcomed with regard to the types and scale of development it is applicable to.

The Policy usefully sets out the types of facilities that 20-minute neighbourhoods assessment should consider, but a clearer definition of a 20-minute neighbourhoods is essential as the concept of 20 minute neighbourhood can differ between different, organisations, locations and communities. . It is noted that there will be a significant challenge to retrofitting areas to meet 20 minute neighbourhood requirements, and that they will be more difficult to deliver in non-urban areas. Local centres are an important feature of 20-minute neighbourhoods and more may need to be identified to deliver meaningful 20-minute neighbourhoods. Does the policy require the creation of new local centres?

In section b) of the Policy, the meaning of “should be safe” is unclear in this context.

Given that, once adopted, NPF4 will become part of the development plan, it is considered that the opening sentences of this, and other policies in the NPF4 would be more useful if rephrased to “This policy supports....” rather than “Local Development Plans should support”.

It is also considered that the policy will need to be more strongly worded in places (i.e. with possible use of ‘must’, instead of ‘should’) if planning obligations are to be based upon it.

Policy 8: Infrastructure First.

Q30: Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure-first approach to planning?

The Council is broadly supportive of the policy but would note that many of the details of how to and who should provide critical infrastructure are left unclear. Overall, the policy seems to place significant onus on Planning Authorities to identify, calculate and ascribe infrastructure requirements and funding arrangements. This in itself carries significant resource and funding implications for Planning Authorities that don’t appear to have been addressed.

The use of ‘should be supported’ in Criterion c) is potentially confusing, read on its own, and could lead proposals which comply with this policy being approved, regardless of whether they comply with the rest of the development plan. The weight of this policy against, and relationship with, other policies should be clarified.

It would be valuable to reference the need for social infrastructure i.e. schools, community centres etc.

Policy 9: Quality homes.

Q31: Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?

In general, the Council welcomes the new housing policy and the introduction of the Minimum All Tenure Housing Land Requirement (MATHLR) to establish minimum housing land requirement. In common with a number of policies the Council would raise an overarching issue that each of the 'criteria'/ bullet points within the policy would merit being separate policies, given that they each relate to important but distinct matters. This may avoid confusion and referencing issues in the future.

In Criterion b) the Council would suggest that 'supply' should be used instead of 'pipeline', as it is a technical term that relates to established planning procedures and policies. It is important for robust policy and consistent practice across the country that 'short', 'medium' and 'long-term' supply is defined clearly.

Clarification is required of how the 'Statement of community benefit' in Criterion e) is to be assessed. What standards and criteria should these be measured against?

The council would again suggest that the use of the phrase 'should be supported' in relation to criterion f): "Proposals for new homes that improve affordability and choice should be supported" needs to be qualified, as it suggests that compliance with this policy could override other policy considerations and could lead to future challenges against planning decisions.

In Criterion g) while the greater support for gypsy/traveller sites is welcomed, it is unclear why homes for gypsy/traveller and travelling show people should be permitted on sites not identified for that use, when other new homes are specifically not supported on land not identified for housing.

Criterion h) appears to require all market sites to include at least 25% affordable housing. The policy provides examples of where a local authority can make exemptions, but these appear to be for limited exceptions to the requirement, not the ability for Local Development Plans to remove the requirement entirely for a Council area. The examples given for exemptions do not include evidence of a lack of need for an affordable housing contribution from market/private sites in the local authority (i.e. affordable need is already being met through Council/RSL delivery on other sites), yet this has been one of the key reasons why West Dunbartonshire has not required a contribution from market sites in recent years, along with the impact an affordable housing requirement can have on the viability of sites where the market is not as strong and where sites are complex. Further clarity on whether the 25% contribution is an absolute requirement, and justification for exceptions to this, would be welcomed.

Criterion (i), which states that new homes will not be supported on land not identified for housebuilding, will prevent windfall sites in acceptable locations. Existing uses fall out of use and housing is often an acceptable alternative. These windfall sites become the 'pipeline' of the future.

Criterion (j) Householder development – additional clarity would be welcome on whether all of the bullet point criteria are required to be met, for a proposal to be acceptable.

Policy 10: Sustainable transport.

Q32: Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

The Council broadly supports the policy but considers that the policy should reference Designing Streets.

A definition of “significant travel-generating uses” in criterion d) would be valuable to avoid inconsistency across Scotland.

In criterion (e) it is not clear what the strategic transport network is? The Council would suggest removing the word ‘strategic’ as it seems this policy should reasonably apply to all transport networks.

Criterion h), seeking to restrict development in locations that would increase reliance on the private car, is supported by the Council. However, additional clarity is suggested on whether the bullet-point criteria in h) and i) are and/or requirements.

Policy 11: heat and cooling.

Q33: Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?

The Council supports this ambitious policy; however, it is suggested that the repeated use of ‘should be supported’ within the various policy criteria is unclear and confusing. It does not provide clarity on whether developments must provide these infrastructure requirements and whether they are acceptable if they do not. In turn that may affect how enforceable they are for Planning Authorities.

Criterion (d) requiring developments to be on a heat network or have a zero emission heating system will be very challenging as the development industry will not be ready for this at time of publication.

For criterion (e) it is the Council view that requiring the co-location of a use with waste or surplus heat with uses that can use that heat, may not always be appropriate, and that each use should be considered on its own merits against a wider range of considerations.

The policy makes no reference to the Section 3F requirement of the Town and Country Planning (Scotland) Act 1997 requiring local development plans to have greenhouse gas emissions policies. It is considered that the wording of this policy should be provided at a national level, so as to avoid each planning authority being required to develop its own interpretation of it.

Policy 12: Blue and green infrastructure, play and sport.

Q34: Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?

The Council considers this to be a positive policy overall, but would note that it is a long policy – subdivision into separate policies may add clarity. Many of the criteria

leave much to interpretation and more consistent standards that can be applied nationally would be helpful.

Criteria c,d,e and f all appear less strong in resisting net loss of blue and green infrastructure than previous policies. Use of 'should not' is a weaker and less consistent wording for policy application.

The Council also notes that the policy appears weighted somewhat towards play/recreation rather than other type of greenspace.

For criterion (a) it is suggested this should be nuanced with reference to size and type of greenspace

In criterion h) the use of 'Wherever possible' is considered too weak. Incorporating green/blue infrastructure should be a key starting point for design of developments, as exemplified for example by the 'Building with Nature' standards.

In criterion k), the wording "as far as possible and as appropriate..." is considered too weak and could be strengthened in order to make the policy effective.

Policy 13: Sustainable flood risk and water management.

Q35: Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?

The Council supports this policy but would note that criteria (b), bullet point 3 is restrictive for new development in some key regeneration areas and there may be some conflict with the work of Clyde Mission to develop certain sites focused within 500 metres of the River Clyde.

Policies 14 and 15 – Health, wellbeing and safety.

Q36: Do you agree that this policy will ensure places support health, wellbeing and safety, and strengthen the resilience of communities?

While the Council supports the new policy approach on Health and Wellbeing it would note that this is a complex, cross-sectoral issue and it is clear that Planning Authorities, and planning policies, will not be able to tackle this alone. The precise role of Planning Authorities, and their resources, in this process needs further clarity as it may well require further upskilling of staff and new areas of expertise to be developed. Reference to the Place and Wellbeing Outcomes set out in "Integrating Land Use Planning and Public Health in Scotland" could be made here, as well as reference to connections to HSCP and public health professionals.

Policy 16: Land and premises for business and employment

Q37: Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to achieve a green recovery and build a wellbeing economy?

The Council supports this policy and welcomes the approach, which broadly reflects the policy approach that has been used to assess industrial and business development proposals to date.

The Council particularly welcomes the flexibility which point d) allows for addressing new uses that may emerge through the transition towards a low carbon economy. The Council also welcomes the support for mixed employment use that both points d) and f) provide. It is considered that only supporting “employment uses” under point d) is too limited in scope, as it would not allow, for example, energy or data storage facilities. The Council would welcome clarification of what is considered an “employment use”, within the NPF4 Glossary or guidance as this is not otherwise defined. The Council does not believe that point g) is necessary, as the other policies which relate to these would be used to assess any proposal.

Policy 17: Sustainable tourism

Q38: Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our net zero and nature commitments?

The Council supports this policy, but would request further guidance on how economic benefits of short-term letting are to be measured as compared with those arising from residential accommodation, as required by point e). The Council again does not believe that point g) is necessary, as the other policies which relate to these would be used to assess any proposal.

Policy 18: Culture and creativity

Q39: Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?

The Council supports this policy. It is not clear that this policy gives support to new build or the permanent use of existing buildings for creative or cultural uses. It is recognised that this is partially captured under point a) however further clarification within the NPF4 or guidance would be beneficial. It is also unclear how such proposals should be assessed, if not already identified within local development plans. The Council would welcome this policy, and guidance, directing new cultural uses to town centres. The Council in particular supports the provision of public art under point b) and would welcome further guidance on appropriate thresholds and mechanisms for securing this. The Council supports the agent of change principle and would welcome further clarification of the uses which are to be categorised as “arts venues” within NPF4 for example does the term ‘arts venues’ cover music/performance venues?

Policy 19: Green energy

Q40: Do you agree that this policy will ensure our places support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045?

The Council welcomes the ambition of this policy to provide a positive and supporting framework for delivery of renewable energy proposals, however it is considered that some clarification is required.

Points a) and b), giving support to all renewable development, should be distinguished from the development management policies as a policy principle. This would remove the possibility of them being interpreted as being contradicted by the other parts of the policy.

The Council would support the return to the spatial framework approach which has been the basis of decision making for wind farm development to date. Whilst it is agreed that National Parks and National Scenic Areas require a high degree of protection, adjacent areas are also sensitive with regard to the setting of, and views in/out of National Parks and National Scenic Areas. The Council notes that through criterion d), areas outwith National Parks and National Scenic Areas and wonders if this correlates with 'Areas identified for wind farms' as referenced in criterion g). For areas outwith National Parks and National Scenic Areas, it is considered to be beneficial for plans to provide certainty by indicating areas where there are higher potential for negative impacts or a greater requirement for mitigation. It is noted that there is no guidance in relation to the preparation of spatial frameworks, or for the identification of sites suitable for this use, however there is a reference to 'areas identified for wind farms' under part g) of the policy. It is suggested that further guidance is required in this regard.

In relation to point f) it is unclear what is considered "small scale" renewables development. It is considered that further guidance should be provided.

In relation to point h) it is unclear if this is referring to energy generation which is part of a manufacturing or industrial development, or if it is referring to energy generation as well as manufacturing or industrial developments.

It is considered that the assessment criteria in relation to solar arrays under point j), are largely covered by the assessment criteria for all renewable energy development under point k) it is suggested that moving the reference to "glint and glare" to the fifth bullet point under point k) would remove the need for this duplication.

Policy 20: Zero waste

Q41: Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy?

The Council welcomes the ambition of this policy to achieve a circular economy. The Council is of the view that Achieving Zero Waste is cross boundary in nature and NPF or guidance should acknowledge that working at a regional level, including through Regional Spatial Strategies, will be required to ensure that appropriate sites are identified.

The Council would support some clarification and simplification of points b) c) and d) which include a degree of repetition and are not clear about which points relate to development process and operational waste. It is also suggested that some points

which are proposed for only national and major developments have relevance to smaller scale development. The following formulation is proposed:

- b) In the development phase, all proposals should aim to use materials with the lowest forms of embodied emissions and take into account circular economy principles. Proposals should aim to reduce, reuse or recycle waste in line with the waste hierarchy. The use of previously used, sustainable, local, recycled and natural construction materials that also store carbon, such as timber, is encouraged. Construction and demolition methods should minimise emissions as far as possible and where appropriate, they should:
 - reuse existing buildings and infrastructure;
 - minimise demolition and salvage materials for reuse;
 - use design and construction measures to minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - support maintenance, longevity, adaptability and flexibility;
- c) In the development phase, development proposals within the categories of national and major developments should:
 - identify how much waste the proposal is expected to generate and how and where the waste will be managed in accordance with the waste hierarchy, including demonstrating the management of as much waste as possible on site;
 - set out how performance will be monitored and reported.
- d) Development proposals that are likely to generate waste when operational, including residential, commercial and industrial properties, should include provision to maximise waste reduction and waste separation at source, and minimise the cross-contamination of materials, through:
 - appropriate segregation and storage of waste;
 - appropriate convenient access for the collection of waste; and
 - appropriate recycling and localised waste management facilities.

In relation to point e) the Council would support inclusion of a reference to impacts arising from transport of material to the site.

In relation to point f) the Council would support clarification that LDPs may wish to identify which business and industrial areas are suitable for a waste use and which are not. A number of industrial areas in West Dunbartonshire are specialised for particular industries and we would not be supportive of a waste use in these.

In relation to proposals for new or extended landfill development, point g), it is suggested that additional criteria based policy is required to assist with assessment of proposals. The criteria under point e) could be applied if the principle is established by the existing point g) criteria.

The Council supports the final point in relation to limiting the operation of existing waste facilities, and would support a strengthening of this policy to include criteria for assessment of proposals, such as requiring evidence that overall capacity is not lost

or is replaced elsewhere. It is noted that this is suggested by the Draft Local Development Planning Guidance, however the NPF should include clarification of this so that the two documents are in agreement. It is suggested that this point should have an identifier j).

Policy 21: Aquaculture

Q42: Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?

The Council welcomes the intention of this policy, however has no experience or insights to offer in relation to this type of development.

Policy 22: Minerals

Q43: Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?

The Council supports this policy and welcomes the approach which broadly reflects the policy approach which has been used to assess minerals development proposals to date.

Policy 23: Digital infrastructure

Q44: Do you agree that this policy ensures all of our places will be digitally connected?

The Council supports this policy and agrees it provides a positive framework for ensuring our places will be digitally connected. The Council would however suggest that criteria under d) should include a point which supports safeguarding of development sites for other uses.

Policies 24 to 27 – Distinctive places.

Q45: Do you agree that these policies will ensure Scotland's places will support low carbon urban living?

Overall the Council welcomes these policies but would note that each policy addresses a complex and rapidly evolving set of issues around the changing role of Town Centres and retail.

Policy 25 a) is welcomed as a strong and clear policy that supports town centres first. Clarification of 'significant footfall' would be useful, as would, in the second bullet point, whether Plans will need to define which areas constitute 'edge of centre', and if they need to specifically support, or preclude, development in these locations. It may also be useful to define what considerations should be applied to different scale(s) of development, and/or what scale is acceptable in different locations.

In the third bullet point it is considered that 'out-of-centre' should be used rather than 'out of town', in order to more clearly define a hierarchy of preferable locations.

In Policy 25 b) the Council suggests it may not be appropriate to group 'retail' and 'click and collect locker pick up points' together as similar or comparable uses. They have different characteristics and functions and are not interchangeable as uses within a town centre, as the policy seems to suggest.

Policy 26 a) appears to apply to non-retail uses and the Council suggests that for clarity this should be made explicit in both the title of the policy and its opening sentence. It is also suggested that a definition of 'significant footfall' is provided for this context, or clarity that it is for the judgement of planning authorities.

The Council welcomes Policy 26c) considering local centres to support 20 minute neighbourhoods

For Policy 27 the Council is supportive of greater residential development in town centres, however the type, location and proportion of residential units in relation to retail use needs to be carefully considered and balanced to ensure vibrant and viable centres.

Policy 27 a) The policy could benefit from a clearer understanding of what type of proportion of land supply in town centres is seen as suitable.

For Policy 27c) it is suggested that a requirement to consider both the residential amenity and loss of potential office space in upper floors should be added.

In 27e) it is suggested that entertainment venues are also included in the list of uses to consider future residential amenity, where the issue may not be drinking, but noise.

The Council notes there is no mention of seeking to create high quality design, greenspace/public realm, or amenity for new developments etc. Some concern that the policy may set a low bar for expectations for town centre living and residential proposals.

Policy 28: Historic assets and places

Q46: Do you agree that this policy will protect and enhance our historic environment, and support the re-use of redundant or neglected historic buildings?

While the Council supports the policy, it is suggested that for clarity and ease of applying the policy, each part of it should form a separate policy.

For criterion a) it is considered that NPF4 should identify international and national designations including World Heritage Sites, while LDPs can additionally identify local and regional designations. This would provide these sites the prominence, recognition and protection that their designation deserves.

Criterion b) whilst useful, would be more appropriate within accompanying guidance or as a sub-section of criteria c)-e).

In criterion c) it is suggested there needs to be a 'listed' inserted before the second reference to 'building'. Also, in line 7, replace "...has been adequately

demonstrated...” with “...has been demonstrated to the satisfaction of the planning authority...”, in order to strengthen the policy and provide planning authorities with the means to ensure that all steps have been taken to protect the sites.

In criterion d), in line 3 replace “should only” with “will”. The current wording is in a passive voice that is less appropriate and enforceable for a direct planning policy.

In criterion h) it is considered that it would be beneficial to clarify ‘exceptional circumstances’.

The repeated use throughout the policy of ‘should’, ‘reasonable’ and ‘adequate’ are considered too passive and subjective to be applied in a robust and consistent manner by planning authorities.

Policy 29: Urban edges and the green belt.

Q47: Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?

The Council supports the continued role and use of greenbelts and agrees that overall the policy will enable planning authorities to guide development effectively and limit urban expansion.

The Council would comment, however, that the 29a) could include reference to carrying forward existing greenbelts into new Development Plans; the current wording may make this more difficult.

In criterion 29b) bullet point 1, the support for new accommodation for ‘workers’ is considered too general and permissive, and would be strengthened by the addition of criteria on whether the type of business the worker is employed in is an appropriate and viable rural business, and to distinguish between established uses a versus new use.

Also in 29 b) bullet point 10, the support for “one-for-one replacements of existing permanent houses” seems rather ‘carte blanche’ and too permissive if the Government is encouraging a net-zero approach. It is suggested that it needs to be qualified with a requirement to justify the replacement of the house, together with criteria to control the scale/size/character of proposals in order to avoid widespread replacement of smaller cottages with large houses.

29 b) bullet point 5 – “development meeting a national requirement or established need” needs to be more closely defined- especially established need.

Policy 30: Vacant and derelict land.

Q48: Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?

The Council would comment that it would be useful if there was clarification on where this policy applies –does it include greenbelt and rural areas as well as urban areas?

In Criterion b) the relationship with other principles of the NPF4 need to be clarified e.g. it appears to contradict Policy 25 regarding retail proposals on an out-of-centre brownfield site.

Criterion e) potentially contradicts Policy 29b) in terms of the replacement of existing houses.

Policy 31: Rural places.

Q49: Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

The Council supports the policy, but would suggest that to avoid policy conflicts, clarification of 'rural areas/rural places' should be made, i.e. can they include green belt sites, or countryside areas close to large urban areas?

31 c) bullet point 5 appears unduly vague in supporting potentially any development that reuses "vacant and derelict land or brownfield where a return to a natural state is not likely". Needs to be clarified in context of other policies.

Policy 32: Natural places.

Q50: Do you agree that this policy will protect and restore natural places?

In criterion 32a) the phrase "in a way which corresponds with the level of their statutory status" is not sufficiently clear in its meaning. It would also be helpful if NPF4 identified nationally and internationally valued natural assets, landscapes, species and habitats.

In 32c), d) and e) the Council considered that it is not helpful, or user friendly, to simply refer to "legislation" for assessment. It would be more useful for the Policy to include these tests or at least provide a direct link/reference to the part of the source legislation that applies.

The Council considers that in criterion g) the use of "should be supported" appears to place the emphasis in favour of development on these locally important nature sites and landscape area, and this seems misguided in light of the ongoing nature and climate crisis. It is suggested that the wording should instead make clear that development would 'only be acceptable if in compliance with policy criteria'. Reference to other principles of the NPF would be useful to determine whether proposals are acceptable. Also, a definition of "local importance" is essential to help apply the policy consistently.

Policy 33: Peat and carbon rich soils.

Q51: Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?

The Council supports the policy but would suggest that nationally/international soils should be identified in NPF4.

Policy 34 – Trees, woodland and forestry:

Q52: Do you agree that this policy will expand woodland cover and protect existing woodland?

The Council is strongly supportive of measures to protect and expand woodland cover and trees. However it is suggested that, as well as protecting ancient and native woodland, the policy should make explicit reference to protecting trees of amenity, historical, ecological, landscape and shelter value. These are often the trees that are important at a local level and within settlements.

The Council also strongly suggests that there is reference to and support for Tree Preservation Orders and trees within conservation areas. There appear to be no references at all to Tree Preservation Orders in NPF4, which is concerning as they are often the primary tool available to planning authorities to protect trees and woodland of value and amenity to local areas and are important planning mechanism for local communities.

Policy 35:

Q53: Coasts. Do you agree that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities?

It would be useful to have clarity on where this policy applies to e.g. does it apply along inland firths?

Part 4 – Delivering our Spatial Strategy

Q54: Do you agree with our proposed priorities for the delivery of the spatial strategy?

Yes, and would offer the following comments:

Aligning Resources – This section should recognise the resources challenge that the requirements of NPF4 will place on planning authorities, key agencies and the development industry with regard to specialist skills and knowledge that will be required to prepare and evaluate the range of assessments that will be required to support development proposals. Resources will need to be directed at upskilling current staff and ensuring an increased number of newly qualified planners have the knowledge and skills that will be required in the workplace.

Infrastructure First – The Infrastructure First approach is welcome in principle, but will be ineffective without funding to deliver the infrastructure required to enable development. Whilst some parts of the country face growth pressure and have land values that will result in a co-ordinated approach to delivering infrastructure between private and public sectors, in others, including West Dunbartonshire, it is the provision of upfront infrastructure and potential remediation costs that can make sites unviable for the private sector to develop. This makes an Infrastructure First approach more difficult.

Development Plan Policy and Regional Spatial Strategies – The finalised NPF4 should offer greater clarity for the role of Regional Spatial Strategies and how these

are to relate to the new development plan system. The removal of regional planning documents from the planning system and the publishing of associated regulations and guidance at a later date than the draft NPF4 and local development planning regulations and guidance create a suggestion that the role of these documents is less valued and not integral to the new planning system. The logical chronological approach of preparing national plan>regional plan>local plan may be undermined by an impression being given that regional spatial strategies are less important, meaning that planning authorities with limited resources will be less able to support that process.

Q55: Do you have any other comments on the delivery of the spatial strategy?

It is noted that Part 4 of the draft NPF4 is, at this stage, more a statement of intent on how NPF4 will be delivered rather than a draft delivery programme.

Q56: Do you agree that the development measures identified will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?

The Council has concerns that a policy-based approach has been taken to meeting some of the outcomes, e.g improving inequality and eliminating discrimination, and that this is to be applied to all planning applications as a universal policy. This approach appears to be a simple way for the Government to meet the outcome but places a significant requirement on planning authorities to make a human rights and equality assessment with regard to all planning decisions. By necessity, given knowledge and resources, any assessment made will be light touch, but will also be open to legal challenge. It is considered that respecting human rights and equality should be a plan-making principle, rather than part of the assessment of every planning application decision.

The requirement to meet Section 3F of the Town and Country Planning (Scotland) Act 1997 regarding greenhouse gas emissions is not addressed by the draft NPF4.

Q57: Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?

Having carried out further analysis through the draft Glasgow and Clyde Valley Housing Needs and Demand Assessment (HNDA3) and monitoring of housing delivery, the Council wishes to submit a revised housing land requirement estimate for the MATHLR figure from the figure of 2,100 for 10 years in the Proposed NPF4. The working draft HNDA 3 presents a maximum scenario housing need for West Dunbartonshire of 350 units in total from 2021-2040. This is similar to the figures presented in the draft NPF4. The Council considers that a revised MATHLR figure of 1,750 units for the 10 year Plan period is a more realistic minimum HLR, which takes into account the estimated housing need, but also reflects annual all-tenure housing completions over the past 5 years as a robust indicator of local demand and what the housing development industry can deliver.

West Dunbartonshire Council response to the Local Development Planning Regulations and Guidance consultation

Question 1

Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?

WDC agrees with the principle that Regulations should be kept to the minimum necessary with more detail provided in guidance. At the outset of the new development planning system it will be helpful to have guidance that can be kept under review and revised/updated as required to address issues that might arise.

Question 2

i) Do you have any views on the content of the interim assessments?
ii) Do you have or can you direct us to any information that would assist in finalising these assessments?

No

Question 3

i) Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?
ii) If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.

No

Question 4

Do you agree with the proposals for regulations relating to the form and content of LDPs?

Yes, because (i) where the Act already provides sufficient information, there is no need for the Regulations to go further and (ii) the Council agrees the existing regulations referred to are appropriate and do not need to be changed.

Question 5

Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?

Yes, the proposed changes are necessary and logical.

Question 6

Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?

It is suggested that Local Heat and Energy Efficiency Strategies, Local Flood Risk Management Strategies and Plans, and Local Outcome Improvement Plans could be added to this list.

Does the reference to the national waste management plan need updated now that no document of that name is published?

Question 7

Do you agree with the proposals for regulations relating to the Evidence Report?

Yes

Question 8

Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?

Yes. The neighbour notification process associated with publishing a proposed plan is resource-intensive, but is probably the surest way neighbours can be made aware of development proposals affecting them. However, under the current process, planning authorities were taking different approaches e.g. some were only neighbour notifying in relation to 'new' sites i.e. sites appearing in a Plan for the first time. The Regulations or Guidance should make clear if this is an appropriate approach.

Question 9

Do you agree with the proposals for regulations relating to the examination of the LDP?

Yes, the proposed changes are necessary and logical.

Question 10

Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?

No

Question 11

Do you agree with the proposals for regulations relating to Development Plan Schemes?

Yes

Question 12

Do you agree with the proposals for regulations relating to Delivery Programmes?

Yes, the proposed changes are necessary and logical.

Question 13

Do you agree with the proposals for regulations relating to the meaning of 'key agency'?

Yes, the proposed changes are necessary and logical.

Question 14

Do you agree with the proposals for regulations relating to transitional provisions?

Yes, it is important that transitional arrangements are in place to allow the adoption of Local Development Plans and Supplementary Guidance prepared under the 2006 Act.

Question 15

Do you agree with the general guidance on Local Development Plans?

Yes

Question 16

Do you agree with the guidance on Development Plan Schemes?

Depending on when the Guidance is finalised, it could be difficult for Planning Authorities to meet the requirements of the Guidance in their 2022 Development Plan Scheme e.g. publication of the Guidance in the latter half of 2022 is unlikely to leave sufficient time to meet all the suggested Guidance requirements in the 2022 DPS, especially if stakeholders are to be involved in the preparation of the DPS. The requirements of the Guidance will mean that the DPS will become a substantive piece of work in its own right, to be repeated annually, which will take resources away from plan-making. Therefore, consideration should be given to rationalising the expected content of the DPS, for example removing the requirement to set a work programme for five separate assessment documents.

Question 17

Do you agree with the guidance on the Delivery Programme?

The guidance relating to Delivery Programmes seems most relevant to planning authorities that face significant growth and require local authority support to co-ordinate and fund infrastructure to support that growth.

It would be useful to have clarity in the guidance as to whether the Delivery Plan is to assign action to each policy and proposal and development opportunity identified in a Local Development Plan.

Question 18

Do you agree with the guidance on Local Place Plans?

Yes, it is proportionate for the Local Development Planning guidance document. However, more detailed guidance will be required for communities who wish to prepare a Local Place Plan and for the planning authorities assisting that process.

Question 19

Do you agree with the guidance on the Evidence Report?

The Guidance is not clear with regard to the level of information required to be included in the Evidence Report to enable it to successfully pass the Gate Check.

There is clearly a significant amount of engagement/consultation expected around the Evidence Report stage, including with children and young people, disabled people, Gypsies and Travellers and the public at large. However, the content of what is expected to form the basis of the evidence report, particularly as there is to be no suggestion of where development is to be located i.e. no spatial element, will make engagement difficult.

The Evidence Report stage seems a poor substitute for the Main Issues Report stage which offered the opportunity for meaningful engagement at an early stage in the plan-making process.

Question 20

Do you agree with the guidance on the Gate Check?

It is a concern that the subjective judgement of different Reporters may result in Evidence Reports having to be revised and resubmitted for Gate Check, adding to the resources and time required to prepare a Plan. This is a particular concern as this is a new stage of the plan-making process in which neither planning authority or Reporter can be sure what level of information is sufficient to proceed to the Proposed Plan stage.

Question 21

Do you agree with the guidance on the Proposed Plan?

Yes. The opportunity to prepare a modified Plan to take account of representations received is welcomed.

Question 22

Do you agree with the guidance on Local Development Plan Examinations?

The restriction of an authority's response on any issue to 800 words is considered overly-restrictive and is likely to result in authorities identifying numerous single issues, when the collation into a single larger issue would be more logical. For example, an authority may collate all matters relating to housing land in a particular area/geography into one issue. The 800-word restriction would mean authorities would be more likely to submit issues on a site-by-site basis, reducing the overview that an area-based approach provides.

In Paragraph 181, it is not understood what is meant by 'When the appointment of a person to examine the plan is made, the planning authority must publish the Proposed Plan' – at the time a Reporter is appointed to examine the plan, it will already have been published.

Under paragraphs 189 and 190, it is not clear whether an authority having to prepare a new Proposed Plan is required to produce a new Evidence Report and go through the Gate Check again before doing so.

Question 23

Do you agree with the guidance on Adoption and Delivery?

Yes

Question 24

Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places?

The Council has concerns that the Evidence Report stage of the local development plan process will place significant workload burdens on small development planning teams. This could result in the local development plan process becoming ‘bogged down’ at this stage, particularly as planning authorities will not be clear on the quality and quantity of evidence to be provided, and the commentary to be provided with it.

The guidance on evidence to be provided in relation to Sustainable Places is scant, and provides no clarity to the planning authority or appointed person as to how it is to be used. For example, information on population is to be provided in relation to Design, Quality and Place, but nothing is provided on how population information will inform this topic.

Some of the information requested is not immediately available to planning authorities or is information they have no experience of gathering e.g. heat related climate risks. Local Biodiversity Action Plans (LBAPs) tend to sit with other section of the Council, whose work programme priorities may not align with those of the planning team i.e. if an LBAP is required as part of the Evidence Report, the planning team may have no control over when this will be produced.

Question 25

Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places?

The guidance on 20 minute neighbourhoods is useful but still contains significant areas of ambiguity which leaves considerable judgement and interpretation up to planning authorities, e.g. in terms of how to define 20 minute neighbourhoods, how to apply different scales in different locations, what constitutes ‘local liveability’, amenities to include and the extent to which these uses should be clustered to achieve 20 minute neighbourhoods.

The Infrastructure First guidance confirms that planning authorities will need to undertake significant, detailed and complex assessments – particularly in terms of the ‘audit of existing infrastructure’, plus planned infrastructure, which includes a wide range of issues including open space, digital communications, health and social care, transport, energy and water supplies. Most of these technical fields are outside the expertise of planners and will require extensive engagement with and timely co-operation from key agencies and other public and private organisations. This alone represents a formidable piece of work, which will be a challenge for planning authorities given existing resources.

In terms of housing related evidence for the Housing Land Requirement, the guidance is useful but doesn't clarify what sort of evidence is required from different bodies and what weight/arguments should be attached in forming a view on the final HLR.

There is no guidance on how to undertake heat mapping to align uses producing heat and uses with a heat demand.

Question 26

Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places?

Locations of employment need, local poverty, disadvantage and equality may not correlate with where businesses wish to locate. In such circumstances, the guidance is not clear what takes priority.

The Council is surprised that it is indicated that local development plans are expected to include site assessment methodology for new digital infrastructure. It is expected that this content would be in Part 3 of NPF4 rather than place-based local development plans. This suggest that local development plans are to continue their role as policy compendiums.

Question 27

Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places?

The guidance for town centre audits is very limited and vague, and is mostly based around residential needs rather than retail and other town centre uses, which remain the focus of town centres.

Question 28

Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places?

No guidance is offered in relation to the human rights and equality, and community wealth building policies. These are not themes that have traditionally been covered by local development plans so the lack of guidance on how they should be addressed is a significant omission.

Question 29

Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places?

The requirement for delivery plans to include full details of infrastructure requirements and delivery pathways, including allocation of responsibilities, costs and timescales is an onerous and complex responsibility for planning authorities that will place an additional skills and resource burden on them.

In paragraph 345 suggest using 'housing supply' rather than 'housing pipeline'. In 346, clarification would be welcomed over what 'balance' is required between short,

medium and long term sites in the 'pipeline'. Is evidence of a rolling 5 year effective supply still required to be provided?

In para 350, it is not clear how longer term sites could be 'brought forward' as alternatives to other sites that have not delivered, if these sites are also dependent on local/wider market conditions for delivery. Many long term sites are identified as such because that is a realistic view of when the market and infrastructure will be able to support and deliver them.

In para 356 it is considered that the blanket application of a 25% affordable housing policy should not be mandatory, but a matter for each Council based upon the characteristics and demographic of the area, their specific housing needs and market conditions. For instance, some areas are able to meet their affordable housing needs through specific site allocations, regeneration of existing stock and the delivery of the SHIP alone. The guidance as written only provides for site-by-site exemptions or lowering of the % contribution. This is a very inflexible approach that could lead to unintended consequences for some areas, and may make some sites unviable or less attractive to developers in areas with weaker market conditions.

Question 30

Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places?

At paragraph 413, the guidance seems to state that it is only some areas within National Parks and National Scenic Areas that wind farms will not be supported. However, the draft NPF4 indicates that wind farms will not be supported in National Parks and National Scenic Areas at all. This needs to be clarified. It is noted that the category 'Areas of Significant Protection' as set out in NPF3 is to be removed, meaning designations such as World Heritage Sites, Natura 2000 and Ramsar sites, and SSSIs are now viewed as potentially suitable for wind energy. The Council wonders if this is an intentional change?

The guidance should make clear that not all employment, industry and storage and distribution sites are suitable for all types of waste management infrastructure, for example urban business parks may not be suitable for scrap metal recycling.

Question 31

Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places?

The guidance is generally helpful although still somewhat unclear on how to adapt town centres to changing needs and market conditions. The guidance does not clarify what sort of proportion of the housing land requirement should be provided in city and town centres.

Question 32

Do you agree with the proposed thematic guidance on the Delivery Programme?

The provision of the infrastructure information set out in paragraph 470 for each allocated site in a Local Development Plan would be a significant task for typically small development planning teams. Even in a small authority such as West Dunbartonshire, there are upwards of 80 allocated sites that this information would be required for. That would be an enormous task. If the requirement only relates to extraneous infrastructure requirements, this must be made clear.

The guidance includes a suggestion that additional allocations of housing land should be made if housing land is developed ahead of assumed programming (paragraph 475). This is not considered appropriate. NPF4 will have set a minimum all tenure housing land requirement, and a planning authority's meeting of this will have been tested at the gate check and examination stages. This will have set the housing land requirement for the timeframe of the Plan. The development of housing land ahead of assumed programming should not always necessitate additional housing land to be identified.

West Dunbartonshire Council response to Scottish Government consultation on open space strategies and play sufficiency assessment regulations.

Consultation Question 1

a) Do you agree with the idea of promoting an outcomes-based approach through the OSS Regulations? b) Do you agree with the suggested outcomes?

West Dunbartonshire Council agree with an outcomes-based approach to preparing Open Space Strategies and agree with the themes of the suggested outcomes.

Consultation Question 2

Do you agree with the proposed definition of a) 'open space' b) 'green space' c) 'green infrastructure' d) 'green networks' e) 'ecosystem services'?

The provision of definitions is welcome. It is considered that esplanades could be a useful addition to the types of use listed under the 'open space' definition.

The meaning of 'ecosystem services' is not clear. To help, examples should be given of the 'benefits people obtain from ecosystems'.

Consultation Question 3

Do you agree with proposed thresholds for open space audits in Draft Regulation 4(2)?

West Dunbartonshire Council agree that a threshold for sites being included in open spaces strategies should be set, and that it should be set at 0.2 hectares or greater, with flexibility given to authorities to include smaller sites if appropriate.

Consultation Question 4

a) Do you agree with suggested information to include about each open space (location, size and type)?

Yes.

b) Do you agree with Regulation 4(5) on the other information planning authorities may include in the audit?

Yes.

Consultation Question 5

a) Do you agree with suggested approach to require locality level place based information?

Yes.

b) Do you agree with the three high level aspects that should be covered in these statements: 'accessibility', 'quantity' and 'quality'?

Yes.

Consultation Question 6

Do you agree with the list of consultees for the open space audit?

Yes. Engagement in the Open Space Strategy process will be a new requirement for the Green Action Trust and many of the Key Agencies. It is important these organisations are resourced to provide this engagement.

Consultation Question 7

Do you agree with the Assessment of Current and Future Requirements should a) have regard to how open spaces and green networks in their area are contributing to the outcomes ? b) be informed by engagement with the groups set out?

Yes.

Consultation Question 8

Do you agree Open Space Strategies should a) include a statement setting out how they contribute to the outcomes? b) identify strategic green networks? c) identify how green networks may be enhanced?

Yes.

Consultation Question 9

Do you agree with the proposed consultation requirements on draft Open Space Strategies?

The requirement to publicise the Open Space Strategy for two successive weeks in local press is excessive. If a press notice is required, then placing it for one week would be sufficient.

It is not clear from this consultation document how the Open Space Strategies are to relate to the local development plan process. Are they expected to be completed in advance of the local development plan process, so that they can inform the plan? Or are they to run concurrently?

Consultation Question 10

Do you agree with the proposed publication requirements for the OSS?

Yes.

Consultation Question 11

Do you agree the Regulations should set a 10 year minimum review period for updating open space audits and strategies?

Yes. This would tie-in with the 10-year local development plan timeframe. However, if a local development plan is prepared within a shorter timeframe, and an open space strategy is not, the preparation of the documents could fall out of synch. As

per point above, clarity is therefore required on whether the local development plan and open space strategy processes are integral to each other.

Consultation Question 12

Do you agree with the proposed definitions? “children” “localities” “open space” “play opportunities”

Yes.

Consultation Question 13

Do you agree planning authorities should map the locations of the two categories of play spaces, and how they are described in Draft Regulations 3(2)(a) and (b)?

Almost all open spaces, and certainly those over 0.2ha, offer some opportunity for play, even if that is not the primary function of the space. By not identifying a space as a play opportunity, a planning authority may be accused of suggesting a space is not suitable for play. There is also a potential liability issue for a planning authority if it indicates through its play sufficiency assessment that an open space is suitable for play, and subsequently there are accidents or other safety/welfare issues involving children in that space.

Consultation Question 14

Do you agree with the proposed requirement to assess play opportunities in respect of their suitability by age groups?

Yes, and whilst offering no comment on the details on the indicative tool, it is agreed that such a tool would be helpful.

Consultation Question 15

a) Do you agree to the proposed three aspects of assessment - 'accessibility', 'quantity' and 'quality'?

and b) to provide them in written statements in respect of the totality of the local authority area and at each locality level?

Yes. However, it may be appropriate to include 'Inclusivity' as a separate part of the assessment rather than have it enveloped with 'accessibility'. This is likely to make assessment of that aspect of play facilities more thorough.

Consultation Question 16

a) Do you agree with the requirement to consult as part of the process of carrying out the play sufficiency assessment?

Yes.

b) Do you agree with the proposed list of consultees on play sufficiency assessment?

Yes, however whilst including 'parents and carers' within the list seems logical, strictly speaking it will also place on the planning authority a requirement to prove that adults they have consulted with are parents/carers. Consideration should therefore be given to removing the 'parents and carers' requirement, on the assumption that this group will be reached through 'the public' grouping.

Consultation Question 17

Do you agree with the publication requirement for play sufficiency assessments?

Yes.

Consultation Question 18

Do you have or can you direct us to any additional information that would assist in finalising these assessments (BRIA, EQIA, CRWIA, ICIA)?

No

Consultation Question 19

Please give us your views on the content of these assessments and how they have informed the draft provisions, or if you think changes are needed to the Regulations to further respond to the issues.

No comment.

Consultation Question 20

Do you agree with the Fairer Scotland Duty screening and our conclusion that full assessment is not required?

No comment.

Consultation Question 21

Do you agree with the Strategic Environmental Assessment pre-screenings, that the Open Space Strategies and Play Sufficiency Assessments Regulations are exempt from the Environmental Assessment (Scotland) Act 2005, as the environmental effects are likely to be minimal?

No comment.