

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 - Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning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

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Appendix: Appendix 1: Response to Draft Fourth National Planning Framework
Appendix 2: Response to Proposals for Development Planning Regulations and Draft Guidance on Local Development Planning
Appendix 3: Response to Consultation on Open Space Strategies and Play Sufficiency Regulations

Background Papers: 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

Wards Affected: All

