

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 suggests 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.