

# WEST DUNBARTONSHIRE COUNCIL

## Report by Chief Officer - Regulatory & Regeneration

Planning Committee: 16 February 2022

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**Subject: Development Plan Update and Draft Supplementary Guidance on Green Networks and Creating Places**

### **1 Purpose**

**1.1** The purpose of this report is to update Members on the development plan position in West Dunbartonshire and seek 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.

### **2. Recommendations**

**2.1** Committee approve:

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

### **3. Background**

**3.1** The land use planning policy framework for West Dunbartonshire consists of the National Planning Framework and Scottish Planning Policy at the national level, the Clydeplan Strategic Development Plan which covers the Glasgow city-region area, and the Local Development Plan and planning guidance covering the West Dunbartonshire planning authority area.

**3.2** The development planning system in Scotland is changing with the expected introduction in 2022 of the development planning provisions of the Planning (Scotland) 2019 Act. The next National Planning Framework (NPF4) will become part of the development plan for all Planning Authorities with Local Development Plans for each Planning Authority still being prepared. Strategic Development Plans will no longer be prepared. They will be replaced, to a certain extent, by Regional Spatial Strategies, but these will not form part of the development plan.

## **4. Main Issues**

### National Planning Framework and Scottish Planning Policy

- 4.1** The current National Planning Framework (NPF3) and Scottish Planning Policy document were published in June 2014. The Draft Fourth National Planning Framework (NPF4) was laid before the Scottish Parliament and published for public consultation on 10 November 2021. Under the Planning (Scotland) Act 2019, NPF4, once approved, will become part of the development plan for all planning authorities in Scotland. It will also incorporate Scottish Planning Policy within it. Officers are preparing a response to the Draft NPF4 and this will be brought to the March Planning Committee for consideration.

### Clydeplan and Regional Spatial Strategies

- 4.2** The Clydeplan was approved in July 2017 and forms part of the development plan for the West Dunbartonshire Council planning authority area (i.e. excluding that part covered by the National Park Authority). Under the Planning (Scotland) Act 2019, once NPF4 is approved, the Clydeplan Strategic Development Plan will be superseded, and the requirement to prepare Strategic Development Plans is repealed. In place of Strategic Development Plans, planning authorities are to prepare Regional Spatial Strategies. These will not form part of the development plan, but planning authorities are to have regard to Regional Spatial Strategies when preparing Local Development Plans. The current intention is for the Glasgow City Region authorities to collectively prepare a Regional Spatial Strategy. Scottish Government guidance in relation to Regional Spatial Strategies is awaited. An Indicative Regional Spatial Strategy was prepared and submitted to the Scottish Government to help inform the NPF4 preparation process.

### Local Development Plan

- 4.3** The current adopted Local Development Plan for the West Dunbartonshire Council planning authority area is the West Dunbartonshire Local Plan 2010. Although dated, it remains part of the statutory development plan for the West Dunbartonshire planning authority area, and is still relevant for decision-making purposes.
- 4.4** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan (LDP1) Examination Report recommended modification in respect of including the Duntiglenan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, that Local Development Plan has remained unadopted. To date, LDP1 has been considered as a material consideration in the determination of planning applications, albeit with less weight given to it as the second Local Development Plan (LDP2) was progressed through the preparation stages. As LDP2 has reached a similar stage in the preparation process i.e. the Examination Report recommended modifications have been

received and a Direction in relation to these has been received from the Scottish Ministers, it is now considered appropriate that reference to LDP1 is no longer required in the Development Management decision-making process.

- 4.5** On 19 August 2020, following receipt of the Examination Report, the Committee agreed to adopt the second West Dunbartonshire Local Development Plan (LDP2), incorporating all of the recommended modifications set out in the Examination Report. Following submission of notice of the Council's intention to adopt the Plan to the Scottish Ministers, a Direction was received requiring changes be made to the Plan's 'Delivering Homes' chapter prior to it being adopted. The Council has received legal advice that making these changes could make the adoption of LDP2 subject to legal challenge. Officers are continuing to consider this matter. In the meantime, the Proposed Local Development Plan incorporating the recommended modifications of the Examination Report, as agreed at the 19 August 2020 Planning Committee is a material consideration in the determination of planning applications. The Scottish Ministers Direction is also a material consideration in the determination of relevant planning applications.
- 4.6** The Scottish Government has recently published draft Regulations and Guidance relating to the preparation of new style Local Development Plans under the Planning (Scotland) Act 2019. The Council's next Local Development Plan (LDP3) will be prepared in accordance with these, with the timetable for this related to the final decision on how to progress LDP2, the approval of NPF4, the preparation of the Regional Spatial Strategy, and the publication of the finalised aforementioned Regulations and Guidance.

#### Planning Guidance

- 4.7** Under the Planning (Scotland) Act 2006, guidance referred to in the Local Development Plan could be prepared as statutory Supplementary Guidance, and if so, would form part of the Development Plan once adopted. This will no longer be the case under the Planning (Scotland) Act 2019 i.e. guidance can still be prepared but will not form part of the statutory development plan. Transitional arrangements allow for guidance associated with Local Development Plans prepared under the 2006 Act (e.g. LDP2) to continue to form part of the development plan. Going forward, and until the preparation of LDP3, the Council may have a mix of Supplementary Guidance that will form part of the Development Plan and Planning Guidance which won't. The weight to be given to non-statutory Planning Guidance will be determined by the decision maker (i.e. the Planning Authority, or in the case of appeals or call-ins, the Directorate for Planning and Environmental Appeals or the Scottish Ministers).
- 4.8** The Council has a number of existing planning guidance documents. Some of these are associated with LDP1, and with that document ceasing to be a material consideration, it is considered appropriate to clarify the status of these and other planning guidance documents, some of which are dated

and/or have been superseded.

**4.9** Planning Guidance associated with LDP1 – there are three documents with this status. The following changes to their status is proposed through this report:

- Our Green Network (2015) – this becomes Planning Guidance and will be superseded by the Green Network and Green Infrastructure Supplementary Guidance referred to in paragraph 4.14, once that guidance is approved.
- Renewable Energy (2016) – this becomes Planning Guidance. Updated guidance, associated with LDP2, is to be prepared.
- Residential Development: Principles for Good Design (2014) – this becomes Planning Guidance and will be superseded by the Creating Places Supplementary Guidance referred to in paragraph 4.13, once that guidance is approved.

**4.10** Planning Guidance – the following documents currently have the status of Planning Guidance and are not associated with any specific Local Development Plan. Some are considered to no longer be relevant and should cease to be considered Planning Guidance as set out below:

- Alexandria Town Centre Masterplan (2008) – this has been superseded by the 2021 Alexandria Masterplan and should no longer be considered as Planning Guidance in decision-making, but remains a useful reference document.
- Clydebank Business Park Planning Guidance – still relevant
- Clydebank Design Guidelines (Page and Park) (2003) – this document is now approaching 20 years old and has been superseded in parts e.g. by the Queen’s Quay Design Codes. It should no longer be considered Planning Guidance in decision-making, but remains a useful reference document.
- Commuted Payments for Parking (2015) – still relevant
- Dumbarton Waterfront Path Planning Guidance (2017) – an updated version of this Guidance will be brought to the Committee at a later date, with the 2017 version remaining in use until then.
- Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (2011) – still relevant
- Pay Day Lending & Betting Shops (2016) – still relevant
- Queens Quay Design Codes (2020) - still relevant

**4.11** The Clydebank Town Centre Development Framework is proposed as Planning Guidance through a separate report to this Committee.

Draft Green Network and Green Infrastructure Supplementary Guidance  
Draft Creating Places Supplementary Guidance

**4.12** Draft Supplementary Guidance on the Green Network and Green Infrastructure and on Creating Places are attached for approval at Appendix 1

& 2 respectively. This is Supplementary Guidance associated with LDP2, and on adoption will become part of the Local Development Plan.

- 4.13** The Green Network/Green Infrastructure Guidance sets out the policy principles and requirements for green infrastructure to be delivered within or associated with new development, and how this will link into West Dunbartonshire's green network. The guidance provides a toolkit for developers, planners and other stakeholders to ensure high quality green infrastructure and open space is designed into new developments, as part of a sustainable approach to making places. The guidance also details when and how developer contributions towards greenspace enhancements will be collected and monitored, and how these funds will be used to deliver greenspace projects.
- 4.14** The Creating Places guidance supports the Creating Places Policies of LDP2. It details the process for successful placemaking including the support that the Council will provide through its Pre-Application Service and Place & Design Panel. The guidance uses examples to highlight how a well-considered design led approach can contribute to successful and sustainable places. Using examples, many of which are from developments in West Dunbartonshire, the guidance supports innovative and creative design without being prescriptive about architectural styles and details.
- 4.15** The guidance documents will be published for a minimum 6-week consultation period, the outcome of which, and any subsequent proposed changes to the guidance, will be reported to Committee.

#### Development Plan Scheme and Participation Statement

- 4.16** The Council is required to prepare a Development Plan Scheme and Participation Statement on an annual basis. The Development Plan Scheme sets out the planning authority's programme for preparing and reviewing development plans and the Participation Statement sets out when, how and with whom consultation on preparing the local development plan will take place.
- 4.17** The Council's Development Plan Scheme and Participation Statement for 2021 is attached at Appendix 3 for approval. Its publication has been delayed owing to uncertainty over the development plan process, including a delay in the publication of regulations and guidance regarding the new development planning system, and staff changes. The updated status of Planning Guidance set out in this report is reflected in the document. Owing to the advanced stage of LDP2, there is limited participation still to happen, just notification to interested parties when the Plan is adopted. The Development Plan Scheme does not set out a timetable and participation approach for the next Local Development Plan (LDP3) as the final Regulations and Guidance for preparing the next Plan are awaited. A timetable for LDP3 will feature in the 2022 Development Plan Scheme and Participation Statement, which will be brought to Committee for approval later in the year.

## **5. People Implications**

**5.1** There are no people implications associated with this report.

## **6. Financial & Procurement Implications**

**6.1** The draft Green Network and Green Infrastructure Supplementary Guidance sets out the circumstances in which the Council will seek developer contributions from new developments to green network/infrastructure enhancements. An annual report will be prepared for Committee detailing contributions received and how these have been used.

## **7. Risk Analysis**

**7.1** Maintaining an up-to-date development plan and planning guidance will help the Council to achieve the right type of development in the right place.

## **8. Equalities Impact Assessment**

**8.1** Assessments have been prepared for the draft Supplementary Guidance referred to in paragraph 4.12 and are included in Appendices 1 and 2.

**8.2** The Creating Places Supplementary Guidance has a wide range of potential positive impacts both in the consultation phase, as an opportunity for community empowerment and engaging with under-represented groups, as well as in its implementation, in terms of the eventual final shape of places; no groups with the protected characteristics are disadvantaged by these impacts. No negative impacts are identified.

**8.3** The policy has a wide range of potential positive impacts both in the consultation phase as an opportunity for community empowerment and engaging with under-represented groups, and in the delivery and design of greenspaces, playparks, and green networks/infrastructure which enhance connections between places; no groups with the protected characteristics are disadvantaged by these impacts. No negative impacts are identified.

## **9. Environmental Sustainability**

**9.1** The Council's recent planning documents reflect the direction of travel towards net-zero, and provision and enhancement of the green network and biodiversity.

## **10. Consultation**

**10.1** The consultation status of the documents referred to in this report is as follows:

- The draft National Planning Framework document has been published for consultation by the Scottish Government and the Council response will be brought to March meeting of the Planning Committee.

- Clydeplan, the current Local Development Plan (LDP2) and current Planning Guidance has been through consultation processes where required.
- The two new draft Supplementary Guidance documents referred to in paragraph 4.12 will be published for a minimum 6 week consultation period.

## **11. Strategic Assessment**

**11.1** The Council's land use planning documents will support Council's strategic priorities of:

- A strong local economy and improved job opportunities.

**Chief Officer:** Peter Hessest  
**Service Area:** Regulatory & Regeneration  
**Date:** 16<sup>th</sup> February 2022

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**Appendices:** Appendix 1 – Draft Supplementary Guidance on Green Network and Green Infrastructure  
Appendix 2 - Draft Supplementary Guidance on Creating Places  
Appendix 3 – Development Plan Scheme and Participation Statement 2021

**Background Papers:** None

**Wards Affected:** All