

WEST DUNBARTONSHIRE COUNCIL**Report by the Planning, Building Standards and Environmental Health
Manager****Planning Committee: 14 December 2022**

Subject: Development Plan Update**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 2022 Development Plan Scheme and Participation Statement.

2. Recommendation

- 2.1** It is recommended that the Committee approve the Development Plan Scheme and Participation Statement contained in Appendix 1.

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 West Dunbartonshire Local Plan for the West Dunbartonshire planning authority area (i.e. excluding that part covered by the National Park Authority). The West Dunbartonshire Local Development Plan: Proposed Plan (2018) is a material consideration in decision-making, as is planning guidance covering the West Dunbartonshire planning authority area.
- 3.2** The development planning system in Scotland is changing with the expected introduction in 2023 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 (e.g. Clydeplan) will no longer be prepared. They will be replaced, by Regional Spatial Strategies, but these will not form part of the development plan.

4. Main IssuesNational 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 Revised Draft Fourth National Planning Framework (NPF4) was laid before the Scottish Parliament on 8 November 2022 for no more than 120 days of scrutiny. Under the Planning (Scotland) Act 2019, once adopted, NPF4 will become part of the

development plan for all planning authorities in Scotland. NPF4 will include a National Planning Policy section, replacing the previously separate Scottish Planning Policy document.

- 4.2** A summary of the content of the Revised Draft NPF4 is attached as Appendix 2. The Council has started to refer to the Revised Draft NPF4 in its determination of planning applications as a material planning consideration. Greater weight as a material consideration will be given to the document as it goes through the Parliamentary approval process, and until it becomes part of the development plan when adopted by Scottish Ministers. The decision of the weight attached to Revised Draft NPF4 rests with the decision maker but at present it is considered to have a limited weight.

Clydeplan and Regional Spatial Strategies

- 4.3** The Clydeplan Strategic Development Plan 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 eight Glasgow City Region authorities (West Dunbartonshire, East Dunbartonshire, Renfrewshire, East Renfrewshire, South Lanarkshire, North Lanarkshire, Inverclyde, Glasgow City Councils) 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

- 4.4** 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.
- 4.5** 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 Duntiglennan Fields site in Clydebank as a housing development opportunity. Therefore, as a result of the Scottish Ministers' Direction, that Local Development Plan remained unadopted. Members agreed, at Planning Committee, on February 16th 2022, that LDP1 should no longer be referred to in determining planning applications; it had until that point remained a material consideration in the determination of planning applications.

- 4.6** 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 '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.

Planning Guidance

- 4.7** The Council has a number of planning guidance documents. Some of these have been prepared in association with the current Local Development Plan (LDP2) under the Planning (Scotland) Act 2006, which means that they can go through an adoption process to become part of the development plan, although the associated development plan has to be adopted first. The November 2022 Planning Committee approved Creating Places, Antonine Wall, and Green Network and Green Infrastructure Guidance. It is intended that this planning guidance would become adopted Supplementary Guidance once LDP2 is adopted. Other guidance documents have a non-statutory status, meaning they have lesser weight but are still a material consideration in the determination of planning applications. The Council's current planning guidance is listed in Appendix 1.

Development Plan Scheme and Participation Statement

- 4.8** 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.
- 4.9** The Development Plan Scheme 2022 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. The Scottish Government has indicated that Regulations relating to the preparation of Local Development Plans may come into force shortly after adoption of the NPF4; final guidance on Local Development Plans will be published at the same time. A timetable for LDP3 will be prepared on publication of the final Local Development Planning Regulations and Guidance and set out in the 2023 Development Plan Scheme and

Participation Statement, which will be brought to Planning Committee for approval in the new year.

5. People Implications

5.1 There are no personnel issues associated with this report.

6. Financial and Procurement Implications

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

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 (EIA)

8.1 The Local Development Plan (LDP2) has been subject to an Equality Impact Assessment.

9. Environmental Sustainability

9.1 A Strategic Environmental Assessment of Clydeplan and the current Local Development Plan has been undertaken.

10. Consultation

10.1 Clydeplan and current Local Development Plan (LDP2) have been through consultation processes as required by legislation.

11. Strategic Assessment

11.1 The Council's land use planning documents and processes are considered to support all of the Council's strategic priorities.

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Date: 14 December 2022

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Appendices:

Appendix 1: Development Plan Scheme and Participation Statement

Appendix 2: Summary of Revised Draft Fourth National Planning Framework (NPF4)

Background Papers:

None

Wards Affected:

All