

National Park Authority Board Meeting

Agenda Item 9



LIVE Park: Consultation on Proposed Local Development Plan

Paper for decision

1. Introduction

- 1.1 This Report presents the response to the LIVE Park consultation on the Proposed Local Development Plan during May and June which the Board approved at its April Special meeting. Consultation on the Proposed Plan and the accompanying draft guidance closed on the 29 June 2015 and resulted in 139 responses from individuals or organisations.
- 1.2 Approval is sought to submit the objections – known as unresolved representations – with the Authority’s recommendations to Scottish Ministers for examination with no significant modifications to the Plan. Various minor modifications are recommended in light of the representations received and these are outlined in Appendix 1. The full details of all representations received are included in Appendix 2 (only available online).

2. Recommendations

2.1. That Members:

- 2.1.1 Approve the recommended minor modifications outlined in Appendix 1 to be submitted to the Scottish Ministers as the Authority’s final position on the Proposed Local Development Plan
- 2.1.2 Agree to delegate responsibility to the Head of Planning & Rural Development to :
 - i. determine any further minor editorial or presentational corrections required to the Proposed Local Development Plan,
 - ii. to manage the pre-examination process including assembling the detailed submission to Scottish Ministers and supporting information requirements, and;
 - iii. to finalise the accompanying updated Strategic Environmental Assessment, Appropriate Assessment and the Draft Action Programme

3. Background

- 3.1 The LIVE Park report to the April meeting of the Board provides the background to the preparation of the Proposed Local Development Plan (the Plan) and is available [here](#). The following summarises key contextual points when considering the recommendations in this report and its appendices:
- The [Proposed Plan](#) was prepared following extensive informal community, stakeholder and partner engagement since 2011 along with two formal consultations. Preferred and alternative policy options, development strategies and development proposals were set out in these formal consultations – the Main Issues Report and the subsequent Additional Sites Consultation.
 - The Proposed Plan was approved as the settled view of the Authority, and in issuing this Plan for a final consultation in May, it was recognised that there were still likely to be proposals or policies that would receive objections along with the submission of new issues or proposals. The key difference in the recent consultation was that neighbour notification was undertaken on all proposed sites.
 - Responses to the eight Draft Supplementary or Planning Guidance along with any recommended changes will be reported to Members following the conclusion of the Examination process. It is only at that point that all required changes will all be known as this will need to be informed by the Reporter's recommendations.
 - The Strategic Environmental Assessment and Habitats Regulations Appraisal will be updated to reflect the Authority's recommendations to Scottish Ministers on the unresolved representations. These are mostly minor in nature.

Statutory Process

- 3.2 Set against the extensive work to prepare the Plan, it is hoped to move quickly through the Examination to adoption in 2016. This will ensure we maintain an up to date Plan, supporting investment in our communities and delivery of our Outcomes. Maintaining an up to date Plan is also a key Government performance indicator. The focus at this stage therefore should be on only recommending necessary changes to the Plan. Any significant changes – a change to the intent or purpose of a policy or a change to a development proposal may require further public consultation. It would also delay adoption of the Proposed Plan.
- 3.3 Scottish Government's policy and procedures on the implementation of the Planning etc. (Scotland) Act 2006 are set out within [Planning Circular 6/2013](#). Paragraph 86 sets out the possible ways forward depending on the representations received. Two of these are relevant based on the representations received; decide to either make minor or significant modifications to the Plan. As indicated above, significant modifications could require further consultation.
- 3.4 If Members agree that only minor modifications are considered necessary, then the next step is to prepare the submission of the Plan along with all representations and

accompanying information in the required format to the Scottish Ministers who will appoint an officer – known as a Reporter - to review both the Authority's position and those within the representations. This appointed officer will hold an 'examination' into these issues which can include requesting further information, site visits and hearings.

- 3.5 It is expected that the submission to the Scottish Ministers will be in late November or December, with the Examination expected to last approximately 6 months.
- 3.6 As previously advised, the recommendations made by the Reporter are largely legally binding on the Authority – these can only be varied on grounds including inconsistency with the Partnership Plan, National Planning Framework and Part IVA of the Conservation (Natural Habitats etc.) Regulations 1994. The recommendations would be applied and the Plan can be adopted.

Consultation Response

- 3.7 Consultation on the Proposed Plan and the accompanying draft guidance closed on the 29 June 2015 and resulted in 139 responses from either individuals or organisations. This resulted in 413 individual comments or objections. From these, 41 related to the Draft Guidance and of the rest around two thirds concerned proposed development sites. The sites that received the most comment and objection were in Drymen and Callander with a smaller number received in Balloch, Arrochar, Succoth and Tarbet.
- 3.8 In terms of the Plan's Vision, Strategy and Policies, while there were a number of comments or changes requested, there were no particularly contentious areas that attracted more than a few responses. Key policy areas that responses sought clarification or modifications were; Visitor Experience, Climate Change and Housing.
- 3.9 The response from partner organisations and Local Authorities was generally positive with the focus on particular points of detail rather than any question of the Development Strategy or the approach taken. West Dunbartonshire Council did lodge an objection as we had not included their proposed cemetery site at Kilmarnock Church. Scottish Natural Heritage commented mainly on sites considering that, for some, the Plan should show more explicitly that the proposal could potentially have an adverse impact on the qualifying interests of nearby European protected sites and that the need to identify mitigation measures should be identified. It was also considered the links with Your Park could be clearer.
- 3.10 Seven Community Councils responded, generally focusing on specific sites in their communities. Objections were made against a handful of sites:
- Succoth MU2
 - Tarbet H1 (Land South of A83)
 - Balloch MU2 (Carrochan)
 - Drymen H2 (Laurelfields)
 - Callander LT3 (Balgibbon Drive)

- 3.11 The Scottish Government's response requested a number of changes, including:
- Minor wording modifications to policies concerning flood risk framework and marine planning, with reference to the National Marine Plan requested
 - Strengthen the content in relation to digital broadband connectivity and also in the use of low and zero carbon generating technologies that in new development (in reducing greenhouse gas emissions from their use)
 - Seeks further justification or changes to the approach to new housing in the countryside. This was considered more restrictive than that set out in Scottish Planning Policy. The reference to occupancy conditions tying new housing in the countryside to an established rural business was also questioned.
 - Clarification in regard to areas of 'wild land' and 'wild land character' and Scottish Planning Policy's requirements.
 - Promoting the potential for co-locating development with high heat demand to sources of heat supply, informed by a Heat Mapping study, and,
 - That the Supplementary guidance on developer contributions should be statutory guidance as opposed to non-statutory planning guidance
- 3.12 The minor modifications recommended in light of the representations received are outlined in Appendix 1, along with supporting justification.
- 3.13 The response overall has been really encouraging, set against the significant preparation and engagement work undertaken. It is recognised that there will always be some objections at this stage in process, as it is an important stage for the public or stakeholders to raise points that they feel requires further scrutiny through the examination. It has been encouraging that more notable changes to policy introduced by the Proposed Plan, such as the removal of the historical Loch Lomondside occupancy restriction, the introduction of a financial contribution for 1-3 homes in some areas of the Park, Rural Development Frameworks and increased flexibility for some policy areas, received little comment. Importantly, there has been no challenge to the overall approach of the Plan.

4. Conclusion

- 4.1 The consultation on the Proposed Local Development Plan draws to a conclusion the formal engagement on our new 10 year Plan to guide future new development. The process has been hugely successful in delivering an accessible Plan that reflects the many aspirations and expectations of the National Park. While objections have been received, these are areas which are known and have been carefully considered previously. Many areas of the Plan have not received any comment or changes and this is as a result of the extensive and innovative approach taken. The next step is for the Scottish Ministers to undertake an Examination of the objections and recommend any changes they think appropriate. These will be reported to the Board during 2016. It is hoped to be able to adopt the Plan during the second half of 2016.

Appendices:

Appendix 1 – Summary Report of Consultation & Recommended Changes

Appendix 2 – Responses to Proposed Local Development Plan consultation
(only available online)

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