

National Park Authority Board Meeting

Agenda Item 7

Local Development Plan - Adoption



Paper for decision

1. Purpose

- 1.1. Consultation on the Park Authority's Proposed Local Development Plan (the Plan) took place between 18th May and 29th June 2015. Following this, the Park Authority submitted the objections - referred to as 'unresolved representations' - to Scottish Ministers on 6th December 2015 and requested that they appoint a person to examine the Proposed Plan (a reporter), as required by the Planning etc. (Scotland) Act 2006.
- 1.2. The examination process is now complete and an Examination Report, which sets out the reporters' recommended modifications to the Plan, was published on the 4th October 2016.
- 1.3. The purpose of this paper is to inform Members of the reporters' recommended modifications, seek agreement to make the necessary amendments to the Plan and proceed to adopt it.

2. Recommendation

2.1. Members are asked to:

- a) Agree the table of examination modifications recommended by the Scottish Government Directorate of Planning and Environmental Appeals (Appendix A),
- b) Agree to amend the Proposed Local Development Plan to reflect the reporters' recommendations set out in the Examination Report,
- c) Authorise the Head of Planning & Rural Development to commence the process to adopt the Local Development Plan, including the requirement to:
 - i. Publish the recommended modifications and the Plan in the form as proposed for adoption (along with minor consequential, presentational or editorial changes),
 - ii. Advertise the Park Authority's intention to adopt the Plan,
 - iii. Notify the Scottish Ministers of the intention to adopt the Plan (as modified), and
 - iv. Formally adopt the Plan (following a period of 28 days after its submission to the Scottish Ministers and unless directed not to by the Scottish Ministers)

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3. Background

- 3.1. Members will recall that the National Park Authority submitted the representations to the Plan to the Scottish Ministers on the 6th December 2015 and requested an examination. Since that time there has been an increasing focus in preparing for the work to support the delivery of the new Plan. While the key output of this entire process is an up to date Plan to guide future development, the process itself is equally important in practice as it ensures there is ongoing dialogue with our communities and all who can help deliver the Plan's strategies, policies and development sites.
- 3.2. Key to the 'LIVE Park' approach to engagement as we have prepared the Plan has been to facilitate early discussion and debate on key aspects to ensure there is broader awareness, understanding and ownership. This was facilitated in our programme of charrette's (design-led workshops) across the Park between 2011 and 2014. We have continued to build on that approach, and the dialogue it established, with a focus on delivery. Examples of meaningful recent progress so far include:
- a) The recent successful charrette in Balloch, delivered with partner organisations and the community,
 - b) Ongoing discussions in our larger communities, including Balloch, the newly established Arrochar Forum and the well established Callander Partnership to identify sources of investment, partnership based solutions to existing issues or approaches to promoting private investment. So far some key initiatives have been:
 - Stirling Council's City Deal bid, which includes a rural element in Callander. This would result in a significant source of funding for new infrastructure to support delivery of Local Development Plan.
 - West Dunbartonshire Council providing £1.2M core funding to public realm improvements in Balloch in addition to the support from Sustrans through their Community Links programme for projects in Balloch and Callander to improve active travel networks.
- 3.3. The examination process involved two reporters being appointed from the Directorate of Planning and Environmental Appeals (DPEA) to conduct the examination, which commenced on 19th January 2016 and concluded on the 29th September 2016. The Park Authority had no involvement in the appointment or selection of the reporters – they are entirely independent and the DPEA charge the Park Authority for the costs to administer and conduct the examination. The [Examination Report](#) was published on the 4th October 2016, together with a table of

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the reporters' modifications (Appendix A). These should be read with the Proposed Local Development Plan. An updated version will be available at the Board meeting should Members wish to view it with the modifications.

- 3.4. The examination of the Plan was conducted on the basis of the submitted written representations. It also included a series of site inspections, which were unaccompanied, and three requests for additional information by the reporters' relating to housing land supply, visitor experience and renewable energy. No hearing or inquiry sessions were held.
- 3.5. Compared to the previous examination for the current Local Plan, which involved hearing sessions and considered around double the number of representations, the examination process for the Proposed Plan has been considerably less onerous. Prior to the examination commencing, the Park Authority provided the reporter's with an extensive package of background information in support of the Plan, the process that has been undertaken, and its position regarding the unresolved representations. It is evident that they have drawn on this evidence base in reaching their conclusions and recommendations. It is encouraging that the reporters' recommended modifications to the Plan reference the early consultation at Plan preparation stage, including the main issues report and use of charrettes, at which sites and strategy options were considered and explored in detail.

Key Issues from the Examination Report

- 3.6. Consultation on the proposed local development Plan during 2015 resulted in 139 responses from either individuals or organisations, which were broken down into 413 individual representations. Rather than examine each unresolved representation separately, these were grouped into 29 issues for the purposes of the examination. This was reported to Board at its meeting on 26th October 2015 and can be viewed [here](#). The scope of the examination is limited to assessing the issues raised in the unresolved representations only. In each case, the reporters' reviewed the original representation, the Park Authority's summary of this along with any accompanying documents submitted and its response (either to amend the Plan to address matters raised in the representation or not to amend it), and then set out their conclusions and recommendations in relation to each issue in the report.
- 3.7. In summary, the reporters' conclusions have supported the Park Authority's position in all key policy or site-based issues. The majority of the recommended modifications to the Plan reflect those outlined by the Authority in its response. A total of 50 sites were considered during the examination and the sites that received the most representation were located in Drymen and Callander with a smaller number of objections received for Balloch, Arrochar, Succoth, Tarbet and Balmaha. The only site with a notable change recommended is the reporters' recommended modifications include a new site at Gartmore for 6 houses. No changes to the Plan's

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overall strategy have been made aside from adding reference to the proposed improvements to the A82 Tarbet to Inverarnan and adding a specific reference to the National Marine Plan. Minor wording amendments and/or clarifications – which as highlighted above reflect the Authority’s response - only are made to the overarching core policies as well as the housing and visitor experience policies, with the main policy direction and intent of these policies remaining unchanged and supported by the reporters. To receive such independent endorsement of these aspects of the Plan reaffirms the approach taken. Appendix B provides more a detailed officer’s summary in this regard.

Statutory Adoption Process

- 3.8. The Park Authority is required to accept the reporters’ recommendations as set out in the Examination Report except in instances where there are specific reasons for not doing so. In terms of the Town and Country Planning (Grounds for Declining to follow Recommendations) (Scotland) Regulations 2009, and Planning Circular 6/2013 ‘Development Planning’, the grounds upon which the Park Authority may decline to follow the Reporter’s recommendations are limited to circumstances where the recommendation(s):
- a) Would have the effect of making the Local Development Plan inconsistent with the National Planning Framework, or with any Strategic Development Plan or the National Park Plan;
 - b) Is incompatible with the Part IVA of the Conservation (Natural Habitats etc) Regulations 1994;
 - c) Would not be acceptable having regard to an environmental assessment carried out by the planning authority on the Plan following modification in response to recommendations;
 - d) Is based on conclusions that could not reasonably have reached based on the evidence considered at the examination.
- 3.9. The Authority has reviewed these circumstances and whether any apply to the reporter’s recommendations to the Plan. Gartmore Community Council has indicated that it is concerned over the recommendation to include the new housing site for 6 houses, however it is not considered that this particular recommendation triggers any of the exceptions set out in Paragraph 3.8 above. The reporter has formed their recommendation on the basis of their planning judgement; a disagreement with this would not trigger the exception. If there had been material factual error in coming to this judgement, then that would be different, but this has not been the case. Members are advised that there are no circumstances presented in the Examination Report’s recommendations which officer’s consider trigger any of the above criteria. It is therefore recommended that the recommendations are accepted in full.

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- 3.10. Appendix A outlines the recommended modifications to the Plan as set out in the examination report. Provided that Board members approve these, the Plan will then be amended to reflect these.
- 3.11. The Authority is also required to review the recommended modifications in terms of Strategic Environmental Assessment (SEA) of the Plan and make any necessary adjustments to the final environmental report, as well as to the report on the appropriate assessment of the Plan (Habitats Regulations Appraisal (HRA)).
- 3.12. The Park Authority is then required to publish the modifications and the Plan as they propose to adopt it in the following manner:
- Publish a notice in one or more local newspapers stating :
 - That the authority propose to adopt the Proposed Plan
 - Whether the Plan has been modified following the examination and
 - Where and when the Plan (as modified) and the modifications may be inspected;
 - Make copies of the Proposed Plan (as modified), and the modifications themselves available for inspection at the Authority's office, public libraries and on the internet; and
 - Notify people who made representations on the Proposed Plan prior to examination that the Proposed Plan has been published in the form in which the Authority proposes to adopt it, and where and when it can be viewed.
- 3.13. There is no opportunity for interested parties to make representations in relation to modifications at this stage.
- 3.14. Within three months of receiving the Examination Report, the Park Authority must also send to the Scottish Ministers a copy of:
- All modifications made
 - The Proposed Plan in the form intended for adoption
 - The Reporter's examination report;
 - The environmental assessment carried out into the Proposed Plan as modified; and,
 - The advert notifying the Park Authority's intention to adopt.
- 3.15. Subject to Board approval of this report, these two steps – outlined in 3.12 and 3.14 above - will be run together immediately following the Board meeting on the 24th October with the public notice stating the intention to adopt the Proposed Plan

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expected to be published prior to the end of October, alongside submission of the Plan to the Scottish Ministers. Once the Plan is submitted to the Scottish Ministers the Park Authority must allow 28 days before adopting it.

3.16. After adopting the Plan, the Authority must:

- Send two copies to Scottish Ministers;
- Publish it (including by internet);
- Place copies in public libraries;
- Notify people who made representations on the Proposed Plan and its availability in public libraries; and
- Advertise its publication and availability in a local newspaper.

3.17. Publication at this stage would form the trigger point for the 6-week period during which challenge to the Local Development Plan may be raised in the Court of Session.

Supplementary Guidance, Planning Guidance and Action Programme

3.18. While this report focuses on the steps to be taken to adopt the Plan, the accompanying Statutory and Planning Guidance will also be reviewed and updated now that the main policy direction in the plan has been endorsed and set by the examination process. The Statutory Guidance to the Plan will be updated and, if considered necessary, further consultation will be undertaken to help refine and agree the more detailed policy guidance contained therein. Supplementary Guidance may be prepared and adopted alongside the Plan or subsequently and needs to be scrutinised by the Scottish Ministers prior to being adopted by the Park Authority. The non-statutory Planning Guidance does not need to go through the same process and can be prepared and issued swiftly where further detail is required in relation to a particular subject area. Work to refine the accompanying Supplementary and Planning Guidance to the Plan will be undertaken over Autumn/Winter 2016 and early 2017.

3.19. Within 3 months of the adopting the Plan the Park Authority is also required to adopt and publish the accompanying Action Programme that sets out how the Plan is to be implemented. Specifically, this identifies the actions required to deliver each of the Plan's policies and actions; who is responsible to carry out the action and the timescales for this. The draft Action Programme that accompanies the Plan will be updated over the Autumn with a view to publishing this early in 2017. Stakeholder engagement will continue in this regard, particularly ongoing engagement with key agencies, local authorities, landowners and developers.

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4. Conclusion

4.1. The publication of the report of the examination is considered to be a sound, independent endorsement of the strategy and policy direction set in the plan, as well as the approach taken in its preparation. It marks a significant milestone in the process to prepare the National Park's first Local Development Plan and brings this closer to the end stage of adoption. Once adopted, the Plan will have full statutory weight and will be used to guide future development and development decisions in the Park up to 2027. Its vision and strategy will help address some of the key challenges and opportunities facing the Park, helping to deliver the National Park Partnership Plan and the Park's four statutory aims.

5. Appendices

Appendix A - Table of Examination Modifications recommended by the Scottish Government Directorate of Planning and Environmental Appeals

Appendix B - Summary of Examination Report Recommended Modifications

6. Background Information

- [Report on the Examination](#)
- [Proposed Local Development Plan](#)
- [Unresolved representations to Proposed Local development Plan – National Park Authority Board Report from its meeting on the 26th October 2015](#)

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