



Planning and Access Committee

Meeting: 29th November 2021

Agenda item: 5

SUBMITTED BY: **STUART MEARNS**
Director of Place

SUBJECT:	Draft Planning Guidance <ul style="list-style-type: none">• Sustainable and Active Travel (new)• Safeguarding Policies (new)• Visitor Experience (revised)
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1. Summary and reason for presentation	1
2. Recommendation	2
3. Background	2
4. Sustainable and Active Travel Planning Guidance	3
5. Safeguarding Policies Planning Guidance	4
6. Update to Visitor Experience Guidance	4
7. Conclusion.....	5
8. List of Appendices	5

1. Summary and reason for presentation

- 1.1. This report seeks the Planning and Access Committee's approval of two new draft planning guidance documents and an update to one of our existing guidance documents, for an eight week consultation period, rather than six weeks given the Christmas holiday period. This covers sustainable transport and safeguarding policies (protecting the use of land or buildings which are important for community life) as well as a revision to the existing visitor experience guidance. These have been written to provide additional guidance to existing policies within the [Local](#)

[Development Plan 2017-2021](#) to keep the plan responsive and up-to-date and to resolve any issues of interpretation to inform planning decisions.

2. Recommendation

2.1. That Members:

- (a) **Approve** the draft Sustainable Transport and Safeguarding Policy Guidance, and revised Visitor Experience Guidance, as set out in Appendices 1, 2 and 3, for an **8 week consultation** starting December 2021 to end January 2022; and
- (b) **Agree** to delegate responsibility to the Director of Place to make any amendments to the design and formatting prior to consultation.

3. Background

- 3.1. As Members will be aware we have re-programmed the preparation of our next Local Development Plan to 2024 in light of the changes to development planning that are being introduced new Planning (Scotland) Act 2019. The revised timeline for the preparation of the plan is set out in our [Development Plan Scheme 2021](#). In the intervening period there may be a requirement to issue planning guidance to cover new or emerging topics where necessary.
- 3.2. Guidance on sustainable transport is considered to be an area that needs further clarity. This is to ensure developers understand what is expected to comply with LDP Transport Policy 2 in terms of making a positive contribution towards safe and sustainable travel and improving active travel options. The guidance also covers what is expected in relation to travel plans, which is a requirement for larger developments under LDP Transport Policy 3.
- 3.3. For the safeguarding guidance this is considered an area of importance given the recent increase in the number of applications for change of use due to businesses closing particularly in the retail areas. These are issues that had been developing before the pandemic but have now been exasperated due to extended periods where businesses were being asked to close. We therefore wish to provide clarity on why we safeguard certain uses – retail, economic uses, open space, community facilities – and where flexibility may be offered given the changing context and what alternative uses might be acceptable to support local living and working across the Park’s communities.
- 3.4. Finally, for the visitor experience guidance, due to the urgent requirement to address visitor pressures in some locations, as well as additional funding and the focus on improving visitor infrastructure due to the pandemic, it was considered that further clarity was needed around car parks and how these are viewed in relation to the need to help facilitate a shift away from the private car, but at the same time recognising the urgent immediate term response required to help tackle significant visitor pressures in some areas of the Park.

Status and Statutory Requirements

- 3.5. Both guidance notes are known officially as ‘non-statutory planning guidance’, which can be used by planning authorities to provide detail on a range of subject areas. The benefits of non-statutory planning guidance (often just referred to as planning guidance) is that it can be prepared and updated quickly to address issues

that arise during the lifecycle of the plan. Circular 6/2013 on Development Planning advises that it can be used to address various issues, for example emerging technology or in relation to a windfall site. Non-statutory planning guidance does not form part of the Local Development Plan but adoption of it by the Park Authority as planning authority will give it a degree of authorisation and it can be used as a material consideration in decision making.

- 3.6. Following the 8 week consultation, all representations will be considered and the guidance's will be amended and returned to Committee for approval. The consultation will ensure we reach the widest audience possible reaching all interested stakeholders such as the relevant council transport teams, and developers.
- 3.7. There are a number of technical assessments required to be considered in preparing the Guidance, namely Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA). A screening assessment was undertaken in relation to SEA which assesses the significant potential positive and negative environmental impacts of implementing the Guidance and it was determined that no SEA was required. This was because the guidance do not contain any proposals and therefore there is no significant positive and negative environmental impacts, albeit the Sustainable and Active Travel guidance is hoped to offer some positive environmental impacts if there is an increase uptake in walking and cycling and other sustainable modes of transport.
- 3.8. A similar screening in relation to HRA was undertaken which assessing the impact of the plan on European Sites. Similarly it was determined that the plans and policies can be screened out similarly because the policies will not lead to development or other change and they relate to design or qualitative criteria.
- 3.9. Thirdly, the equality impact assessment that assess discrimination to prescribed groups has been prepared. These assessments will be issued with the consultation.

4. Sustainable and Active Travel Planning Guidance

- 4.1. The Sustainable and Active Travel Guidance – attached as Appendix One to this report –sets out the requirements of the Local Development Plan's Transport Policies 2 and 3 and what is meant by the sustainable transport hierarchy.
- 4.2. It then lists what measures have to be included in a proposal to support sustainable and active travel and therefore meet the policy. It provides details of what is expected in relation to electric vehicle charging for different types of development and where charging points are too expensive, then what alternatives a proposal could offer such as bus stop shelters, seating and/or lockers.
- 4.3. In terms of electric vehicle charging, there is a current [Scottish Government Consultation: Scottish Building Regulations](#): "Proposed change to energy standards and associated topics including Electric Vehicle Charging Infrastructure" which is likely to bring about new mandatory requirements for charging (from 2025) and retrofitting requirements to existing buildings. This guidance will ensure new development proposals are future proofed in line with this guidance and to meet the climate emergency. It is interim but important piece of guidance to ensure the current policy is delivered consistently and sets out detailed requirements of developers. The next Local Development Plan in 2024 will allow a review and for

this position to be updated in line with any new regulations that come into force and if it moves to a building regulation requirement rather than the planning authority conditioning the requirement.

- 4.4. There is then a detailed section on transport assessments and guidance alongside the different types of travel plans and what is expected to be included.

5. Safeguarding Policies Planning Guidance

- 5.1. This Safeguarding Guidance (Appendix Two) is essentially about change of use and protecting and safeguarding certain uses. We currently have four different policies protecting tourism, economic, retail uses and community facilities within our Local Development Plan. All these uses are protected primarily because they provide local services and facilities to sustain our communities, support localised living and working, accommodate visitor's needs and provide employment opportunities. With most of these uses the primary use we are seeking to prevent is residential in a village/town setting as they offer no employment or vitality to a village centre or might result in no service provision in the village at all (e.g. the last hotel or shop closing). However, in some instances residential may be a suitable alternative use and this guidance provides the opportunity to delve into the detail and nuances around safeguarding policies and where flexibility might lie.
- 5.2. The guidance also makes it clear what type and level of supporting information is expected to support an application as the policies often require the applicant to demonstrate that the proposal has been marketed for 12 months.
- 5.3. In the Appendix to the guidance it also provides a useful list of the Use Classes Order and when change of use is required and if it is required then what policies applies. Also within the Appendix is a note regarding the new permitted development rights that are now afforded to change of use of agricultural and forestry buildings to residential units.
- 5.4. This guidance will provide clarity around certain uses and what policies apply and help to guide these applications and ensure that flexibility is applied appropriately and uses are safeguarding where they need to be. It will help development management officers in dealing with the many pre-application enquiries relating to change of use, particularly when a property is being marketed.

6. Update to Visitor Experience Guidance

- 6.1. Finally, we have revised the visitor experience guidance (Appendix Three), this is in response to recognising that there was a need for further guidance on car parks and visitor infrastructure. The guidance currently provides some guidance on this, however given the increase in number of applications on this subject area, further clarity is required.
- 6.2. The guidance contains a section on toilets and parking encouraging innovative solutions and suggesting consideration of community arrangements to permit shop/business toilets to be used. Car parks are referenced only in terms of increasing capacity for use by motorhomes and ev charging.
- 6.3. The revision now includes further clarity on how the Visitor Experience Policy 1 would apply to a new car park and what size of car park is considered to be small-scale. The guidance now indicates that a car park that is 10-30 spaces is generally

considered small-scale however this needs to be considered for each location. This general threshold has been determined from the recent approvals (2020-2021) in countryside locations including:

- 28 spaces at Ben A'an
- 30 spaces at Loch Katrine
- 10 spaces at Port of Menteith
- 26 spaces at Stronachlachar

- 6.4. 250 new spaces were also approved at Luss but this is within a village setting and is provided in connection with wider visitor traffic management proposals and public realm enhancements.
- 6.5. This new guidance will ensure the countryside area is protected against proposals for large-scale car parking infrastructure and that car parking is focusing in and around villages and new mobility hubs.
- 6.6. It also sets out best design practice for car parks and what should be included in any supporting statement. This links neatly with the new Sustainable and Active Travel guidance and the Strathard Framework which makes reference to mobility hubs and supporting a move towards more sustainable and active travel modes. This will provide clarity and consistency amongst applications that we will handle from our own Authority and others who are keen to meet the demands and pressures following the increase in visitors by car, due to the pandemic. It is recognised that new car parks are a short term solution given the severe visitor pressures and resultant damage to environment, impact on rural communities and irresponsible parking pressures. The guidance therefore advises that car parks in the countryside locations are preferably designed as temporary solutions where a new sustainable transport mode is expected in the future.
- 6.7. Finally, there has been an update to the visitor centre/facility section providing clarity around where visitor facilities that relate to distilleries and breweries would be best located. This is in response to a recent number of applications and enquiries relating to this type of proposal.

7. Conclusion

- 7.1. The new and revised guidance offers an opportunity to ensure the Local Development Plan keeps abreast of the changing policy context and respond to new or continuing issues. It will also help with efficiencies and consistency of handling of proposals, particularly around change of use and EV charging.
- 7.2. Members are asked to agree the guidance for the 8 week consultation.

8. List of Appendices

Appendix 1: Draft Sustainable and Active Travel planning guidance
Appendix 2: Draft Safeguarding policies planning guidance
Appendix 3: Revised Visitor Experience planning guidance