



# Planning and Access Committee

Meeting: 30<sup>th</sup> May 2022

Agenda item: 5

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

<b>SUBJECT:</b>	Planning Guidance <ul style="list-style-type: none"><li>• Sustainable and Active Travel (new)</li><li>• Safeguarding Policies (new)</li><li>• Visitor Experience (revised)</li></ul>
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## 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. The guidance was previously brought to committee in November 2021 where approval was given to publishing the draft guidance documents for an eight week consultation period. The planning guidance 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 amended versions of the Sustainable Transport and Safeguarding Policy Guidance, and revised Visitor Experience Guidance, as set out in Appendices 1, 3 and 5, and;
- (b) **Note** the consultations responses, as set out in Appendices 2, 4, 6.

## 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](#). This is due to be updated over the coming months to reflect programming from 2022 onwards. In the intervening period there may be a requirement to issue planning guidance to cover new or emerging topics where necessary.
- 3.2. The guidance is 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 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.
- 3.3. As explained in the November Committee paper, following the eight week consultation, all representations were to be considered and the guidance’s amended and returned to Committee for approval. The November committee paper provides a summary of why the topics were selected and also explains the statutory assessments that were undertaken.

## 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. We received **13 comments** from three Community Councils (Gartmore, Luss and Kilmaronock), the Countryside Trust, three individuals and transport specialists including Stirling Council Transport Team, Sustrans, Transport Scotland, British Horse Society and Strathclyde Passenger Transport. SEPA, HES and Sportscotland also confirmed that they had no comments. There were no objections to the guidance and it was widely supported by all those who provided us with detailed comments.
- 4.2. A summary of the main changes in response to the comments:
  - Purpose and Introduction – There have been no major changes to these sections apart from removing reference to Draft Active Park, Healthy People due to uncertainty over its future status.

- What is active and sustainable travel? – This section has been re-worded following comments from Stirling Council and others in relation to there being too much emphasis on accommodating electric vehicles. The changes should ensure the reader understands how to use the hierarchy and the priority given to walking and cycling then sustainable transport.
- How can my proposal make a positive contribution? – Similar to the last section, we have responded to the comments that said this section had too much emphasis on EV charging. We have moved these technical EV requirements into the Appendix alongside the Parking Standards, which are newly introduced. This allows this section to focus in on sustainable travel and it now aligns closely with the hierarchy on page 5. There have also been some minor edits to some sections in relation to cycle parking following some very useful comments from Sustrans and Scottish Government.
- Travel Plans and Transport Assessment – A number of changes have been made in this section following comments mainly from Stirling Council and the Countryside Trust. Further clarity is provided around Transport Statements, Transport Plans and Travel Plans and when they are required. The thresholds have been slightly modified for Travel Plans to be more than 15 homes rather than 10 homes.

## 5. Safeguarding Policies Planning Guidance

- 5.1. This Safeguarding Guidance (Appendix Three) is about change of use applications and the policies that we have within our Local Development Plan to protect and safeguard certain uses. We currently have four different policies protecting tourism, economic, retail uses and community facilities within our Local Development Plan.
- 5.2. We received **9 comments** mainly from individuals and the three Community Councils with some specific comments from Sportscotland in relation to sports facilities and Scottish Government in relation to emphasising redevelopment of vacant and derelict land. There were a number of public agencies that confirmed they had no comments. There were generally no objections to the guidance and it was widely supported by all those who provided us with detailed comments. However, there was some disagreement over the requirements for properties to remain vacant for a 12 month period.
- 5.3. A summary of the main changes:
- Section 2, Why Safeguard?, Visitor Experience - Further clarification is added under Visitor Experience Policy 3 to clarify that a change of use application is not currently required to change a house to a short-term holiday let or second home. It was not considered necessary to explain that if a short-term let control area was introduced then this would then require a change of use application for every case. The reason being that short-term let control areas do not exist in the National Park and we are yet to consider their potential use and whether necessary.
  - Section 2, Why Safeguard?, Community Facilities – Further clarification is provided under the list of potential communities facilities that would be considered under this policy. This included clarification over sports facilities and reference to the Open Space Policy which is not covered in this guidance. Also car parks were added following comments from a Community Council in relation to these being important community facilities in some villages.

- Section 2, Why Safeguard? Retail – A reference is now included to National Planning Framework 4 and a sentence was added in relation to dead frontages and unattractive frontages which has come from this policy. It was felt it was useful to clarify that this would part of the assessment.
- Section 3 – When is a change of use application required? – Changes were made to clarify the wording around permitted development and material change of use.
- Section 4 – Marketing Statement – A change was made so it is only recommended to submit a marketing statement rather than it is required. This was due to comments about the emphasis of the policy on this element of the assessment and that other material considerations were often more important such as community opinion and blight caused by a site, and the suitability of the proposed new use.
- Section 4 – Table – Other material consideration – Further clarification is given in each section with regards to material considerations. In particular, that both the previous use and the proposed use are material consideration alongside the existing use.
- Section 4 – Open Space – Clarification was added as to the policies that apply in relation to Open Space but no guidance is given as such because this is not the purpose of the guidance. Open Space protection policies are very different to the safeguarding policies.
- Appendix 1 – Use Classes – The rows that referred to Sui Generis uses have been amalgamated to reduce the length of the table and a definition of Sui Generis is added in the Glossary at the end.

## 6. Update to Visitor Experience Guidance

- 6.1. Finally, we have revised the visitor experience guidance (Appendix Five), 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. We received **7 comments** from three Community Councils (Gartmore, Luss and Kilmarnock), the Countryside Trust, three individuals. There were no objections to the guidance and it was widely supported by all those who provided us with detailed comments including the organisations; Stirling Council Transport Team, Sustrans, Transport Scotland, British Horse Society, Strathclyde Passenger Transport, SEPA and Sportscotland. The main area that raised comments was around the number of parking spaces that should be considered small scale in terms of the definition for car parking with the planning guidance. There was also a comment that we should make the reference to mobility hubs and interchanges. We have responded to both these comments and have updated the guidance (Appendix Five).
- 6.3. Other comments or more observations were regarding the impact of visitors and new path/car park infrastructure on the National Parks environment however this is covered by the Natural Environment Policies within the Local Development Plan and the Design and Placemaking Guidance which also deals with all the various types of solutions from sustainable urban drainage to landscape design. It is not considered relevant to go into this detail within the Visitor Experience guidance as the purpose of the guidance is to provide clarity to the Visitor Experience Policies. Reference is made to the other guidance that is available.

#### 6.4. A summary of the main changes:

- Section 6 Definition of 'small scale': Visitor Experience Policy 1, Parts (b) and (d to g) – Based on consultation comments the text on car parks spaces and what constitutes small scale has been amended and the number of spaces reduced under the small scale definition to now state 10 to 20 spaces rather than the previous draft stating 10 to 30 spaces.
- Section 8 Guidance on Proposals for Car Parks – We received comments in relation to how new car parks should connect to existing paths and be mobility hubs to allow integrated transport solutions. This section has been edited to reflect this comment.

### 7. Conclusion

7.1. Members are asked to approve the updated planning guidance following the public consultation as presented in Appendices 1, 3 and 5 of this paper and note the consultation responses as presented in Appendices 2, 4, and 6.

### 8. List of Appendices

Appendix 1: Sustainable and Active Travel planning guidance

Appendix 2: Summary of Comments to Sustainable and Active Travel planning guidance

Appendix 3: Safeguarding policies planning guidance

Appendix 4: Summary of Comments to Safeguarding Policies planning guidance

Appendix 5: Visitor Experience planning guidance (revised)

Appendix 6: Summary of Comments to Visitor Experience planning guidance