

# **PERTH AND KINROSS COUNCIL**

## **Strategic Policy and Resources Committee**

**17 April 2019**

### **Update on Progress with the Preparation of Supplementary Guidance to Support the Local Development Plan**

**Report by Executive Director (Housing & Environment) (Report No. 19/112)**

This report seeks approval for the proposed programme and priorities for preparing supplementary guidance to support the Local Development Plan review process currently under way. It also provides an update in respect of progress made on the preparation of the Statutory Supplementary Guidance (SG) and the non-statutory guidance work programme.

#### **1. BACKGROUND / MAIN ISSUES**

- 1.1 A report seeking approval for the publication of, and consultation on, the Main Issues Report was considered at the Special Council meeting on 18 December 2015 (Report No. 15/534 refers). In line with the recommendations of this report, it was agreed that an annual report on the proposed programme and priorities for preparing Supplementary Guidance would be submitted to Committee (Report No 16/2 refers). This report provides the fourth update on progress on both statutory and non-statutory guidance and outlines the work priorities for 2019/2020 (Appendix 1).
- 1.2 In last year's report to the Strategic Policy and Resources Committee (Report 18/44 refers), the main priorities for statutory and non-statutory guidance were:-
- placemaking (new guidance)
  - Renewable and low carbon energy - including a spatial strategy for wind (new guidance)
  - open space provision and developer contributions (new guidance)
  - sustainable heating and cooling (new guidance)
  - air quality (new guidance)
  - non-statutory guidance for delivery of development sites (new guidance)
  - non-statutory guidance for Gypsy/Travellers' sites (new guidance)
- 1.3 As highlighted in last year's report, work on the Supplementary Guidance was to be carried out in tandem with the Local Development Plan review, with progress being dependent on the volume of responses received to LDP 2 and the timing of the submission of the Plan to Scottish Ministers. As members will be aware, a significant volume of representations was received by the close of consultation in February 2018. As such, the focus of the team's work until September 2018 was on analysing the comments and preparing the Council's responses for submission to Scottish Ministers for Examination. Despite this, good progress has been made as highlighted below.

1.4 **Statutory Supplementary Guidance drafted and currently out to consultation** – of the 14 pieces of statutory guidance required to support LDP 2, the following 5 have been drafted and are currently out to consultation from 31 January to 14 March 2019. Placemaking, air quality and open space were all priorities for 2018.

- **Placemaking and accompanying Technical Notes (new)** - develops the placemaking criteria and gives further guidance on how to achieve the policy requirements provided in the LDP. It also provides clear explanations as to how to achieve high quality development that responds to the unique setting of the Perth and Kinross Council area.
- **Air Quality and Planning (new)** - sets out a summary of where to find relevant national and local policy, describes officer understanding of the existing and future air quality issues in our area. It also describes how air quality will be considered for planning applications, including when the need for an air quality assessment is likely to be triggered. It also provides advice on mitigation, along with a technical guide with more detail for applicants.
- **Open Space Provision for New Development (new)** – new guidance covering standards for open space in new developments, the types of open space which are required, whether the open space provision should be on-site or off-site, and the mechanisms for the maintenance of open space.
- **Flood Risk and Flood Risk Assessments (revised)** - provides more guidance relating to LDP 2 Policy 50: New Development and Flooding, and Policy 51: Water Environment and Drainage, and once adopted, will be used in the assessment of planning applications.
- **Housing in the Countryside (revised)** - seeks to advise applicants on when and where it is appropriate to build or create, through conversion, new houses in the countryside.

1.5 Of the remaining 9 pieces of statutory guidance to be prepared to support LDP2, two were identified as priorities for 2018 - Renewable & Low Carbon Energy and Sustainable Heating and Cooling. Progress with these and the other remaining guidance is detailed below.

- **Renewable and Low Carbon Energy - including a spatial strategy for wind (new)** – draft guidance was prepared and consulted on in summer 2017. This was generally well received. Revised guidance, incorporating changes in response to consultation was to be presented to the SP&R Committee in June 2018. However, due to the short timescale between this, and the requirement to review, re-consult and adopt the guidance in relation to LDP2, and the potential confusion this could cause, it was decided not to report at this time. Consultation on the Guidance to be adopted alongside LDP2 will take place in September 2019.
- **Sustainable Heating and Cooling (new)** – drafting of the guidance was subject to progress with the Local Heat and Energy Efficiency Strategy, which offers a potential methodology for identifying Heat Network Zones. Further research is being undertaken, including an appraisal of the approaches adopted by other local authorities before finalising the

methodology. Consultation on the Guidance will take place in September 2019.

- **Airfield Safeguarding** – guidance drafted and Strategic Environmental Assessment (SEA) progressing. Consultation on the guidance will take place in May 2019.
- **Delivering Zero Waste** - guidance drafted and SEA progressing. Consultation on the guidance will take place in May 2019.
- **Green Infrastructure** – guidance drafted and SEA progressing. Consultation on the guidance will take place in September 2019.
- **Forest and Woodland Strategy** – awaiting input from Forestry Commission Scotland on extent of changes required. Consultation on the Guidance will take place in September 2019.
- **Developer Contributions and Affordable Housing** – following a report to Scrutiny Committee in November 2018 (Report No. 18/397 refers), potential changes were reported to the Planning Policy, Practice and Improvement Member/Officer Working Group on 25 March 2019. It is considered appropriate to report the revised Draft Guidance to this Committee before going out to consultation. It is intended this will take place in June 2019 with consultation taking place in September 2019.
- **Landscape Guidance** – awaiting the LDP Examination Report, as a substantive change in the wording of the Policy regarding Wild Land Areas has been proposed. The published Guidance will need to reflect the Reporter's recommendation on the policy. Consultation on the guidance will take place by June 2020.
- **West/North West Perth Strategic Development Framework** – awaiting LDP Examination Report to inform future development of framework. Consultation on the Guidance will take place during the first half of 2020.

## 1.6 Progress with non-statutory guidance

- **Non-statutory guidance for delivery of development sites (new guidance)** - awaiting LDP Examination Report in respect of Policy 23. Delivery of development sites as any changes to the policy may impact on the form and content of the Guidance. Consultation on the Guidance will take place by June 2019.
- **Non-statutory guidance for Gypsy/Travellers' sites (new guidance)** Progress with this guidance has been delayed due to the re-focusing of officer time. With the increased available money from Scottish Government for affordable housing, officer time has been taken up finding appropriate sites.

## 2. PROPOSALS

### Proposed programme and priorities for Supplementary Guidance during 2019/2020

- 2.1 Legislation requires that all Statutory Supplementary Guidance to be used with LDP 2 is referred to in the Plan, formally consulted upon and submitted to Scottish Ministers. This applies even where no change is proposed. It had been thought that to avoid consultation fatigue, it would be sensible to consult on all the guidance to be carried forward, together with the new guidance, at the same time. However, in response to feedback received in relation to the volume of information being consulted on, it is proposed this takes place in three stages with 2 further rounds of consultation in May and September 2019. It should be noted that for non-statutory guidance, there is no need to reconsult. However, where changes are proposed, it is good practice to conduct a similar consultation process. Where possible, these will be combined with the consultation on the Statutory Supplementary Guidance, although it is proposed to focus on completion of the Statutory Guidance before progressing the non-statutory. Where only minor technical changes are required to non-statutory guidance, it is proposed that authority to approve them as Council policy is delegated to the Executive Director (Housing & Environment).
- 2.2 The following areas of guidance have been identified as priorities in the 2019 work stream:

Priorities for Consultation			
January - March 2019	May 2019	September 2019	Before June 2020
Placemaking Guide Air Quality and Planning Open Space Provision for New Developments Flood Risk and Flood Risk Assessments Housing in the Countryside Guide	Airfield Safeguarding Delivering Zero Waste	Developer Contributions and Affordable Housing Renewable and Low-Carbon Energy Perth and Kinross Forest and Woodland Strategy Sustainable Heating and Cooling Green Infrastructure	Landscape West/North West Perth Strategic Development framework

- Report the statutory guidance referred to under paragraph 1.4 to Committee for approval and subsequent submission to Scottish Ministers for adoption, after the adoption of LDP2.
- Airfield Safeguarding, Delivering Zero Waste, Green Infrastructure – Consultation May 2019 and report to Committee for approval and subsequent submission to Scottish Ministers for adoption, after the adoption of LDP2.

- Developer Contributions and Affordable Housing – Report to SP&R on draft guidance in June 2019 before consultation in September 2019. Report back to SP&R for approval and subsequent submission to Scottish Ministers for adoption, post adoption of LDP2.
- Renewable and Low Carbon Energy, Forest and Woodland Strategy, Sustainable Heating and Cooling – Consultation September 2019 and report to Committee for approval and subsequent submission to Scottish Ministers for adoption, after the adoption of LDP2.
- Landscape – Review following publication of the LDP Examination Report. Consultation on the guidance will take place before June 2020.
- West/North West Perth Strategic Development Framework – Review following publication of the LDP Examination Report. Consultation on the guidance will take place before June 2020.

### **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 This report and associated appendix provide an update on the work done to date in respect of the Supplementary Guidance required to support LDP2. It also outlines the work that is programmed to take place during 2019/2020. Implementation of the priorities set out in the programme will ensure that the planning policy framework is in place to support the Local Development Plan.
- 3.2 It is recommended that the Committee:
- i) notes the progress made on the programme for the planning policy framework (Appendix 1)
  - ii) agrees the priorities for preparing the LDP Supplementary Guidance as set out in this report.
  - iii) Requests the Executive Director (Housing & Environment) holds briefing sessions for elected members prior to any consultation, where substantial changes are proposed
  - iv) requests that the Executive Director (Housing & Environment) continues to report annually to the Strategic Policy & Resources Committee on progress with the preparation of Supplementary Guidance to support the Local Development Plan.
  - v) delegates authority to the Executive Director (Housing & Environment) to approve non-statutory guidance where only minor technical changes are required.

**Author**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
B Renton	Executive Director (Housing & Environment)	2 April 2019

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan	Yes
Corporate Plan	Yes
<b>Resource Implications</b>	
Financial	None
Workforce	Yes
Asset Management (land, property, IST)	None
<b>Assessments</b>	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
<b>Consultation</b>	
Internal	None
External	None
<b>Communication</b>	
Communications Plan	None

### 1. Strategic Implications

#### Community Plan

- 1.1 This report supports the Community Plan/Single Outcome Agreement strategic objectives of promoting a prosperous, inclusive and sustainable economy; and creating a safe and sustainable place for future generations.

#### Corporate Plan

- 1.2 The Council's Corporate Plan 2018 – 2023 sets out five outcome-focused strategic objectives that provide clear strategic direction, inform decisions at a corporate and service level, and shape resources allocation. They are as follows:
- i) Giving every child the best start in life;
  - ii) Developing educated, responsible and informed citizens;
  - iii) Promoting a prosperous, inclusive and sustainable economy;
  - iv) Supporting people to lead independent, healthy and active lives; and
  - v) Creating a safe and sustainable place for future generations.
- 1.3 This report relates to all of the above.

## **2. Resource Implications**

### Financial

- 2.1 There are no financial implications arising from this report.

### Workforce

- 2.2 There are no workforce implications arising from this report.

### Asset Management (land, property, IT)

- 2.3 There are no asset management implications arising from this report.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The supplementary guidance referred to in the Committee Report has been or will be considered under the Corporate Equalities Impact Assessment process (EqIA) and where necessary, assessments have been undertaken.

### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 The supplementary guidance referred to in the Committee Report has been or will be considered under the Act and where necessary, Screening Reports and Environmental Reports have been undertaken.

### Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
  - in the way best calculated to deliver any statutory adaptation programmes; and
  - in a way that it considers most sustainable.



- 3.6 The proposals have been considered under the provisions of the Acts using the Integrated Appraisal Toolkit.
- 3.7 The supplementary guidance referred to in the Committee Report has been or will be considered under the Acts where necessary. It supports the policy framework set out in the Local Development Plan, which seeks to achieve sustainable development and reduce the impact of climate change through its vision, strategies, policies and proposals, and will therefore contribute to the delivery of a more sustainable Perth and Kinross.

#### Legal and Governance

- 3.8 None

#### Risk

- 3.9 There are no specific risks associated with the proposals outlined within the Committee Report.

### **4. Consultation**

#### Internal

- 4.1 Officers in Community Greenspace and Environmental Health have been consulted in the preparation of this Committee Report.

#### External

- 4.2 None.

### **5. Communication**

- 5.1 None.

### **2. BACKGROUND PAPERS**

- 2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report:

- Perth and Kinross Local Development Plan (Adopted February 2014)
- Perth and Kinross Local Development Plan 2 Proposed Plan
- LDP1 Monitoring Statement
- LDP2 Main Issues Report

### **3. APPENDICES**

- 3.1 Appendix 1 – Supplementary Guidance update April 2019.