

# PERTH AND KINROSS COUNCIL

## Enterprise & Infrastructure Committee

11 January 2016

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

#### Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development )

This report seeks approval for the proposed programme and priorities for preparing supplementary guidance to support both the Adopted Local Development Plan and 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 and the non-statutory guidance work programme of the Local Development Plan team.

#### 1. BACKGROUND / MAIN ISSUES

- 1.1 A report seeking approval for the publication of, and consultation on, the Main Issues Report (Report No.15/534 refers) was considered at the Special Council meeting on 18 November 2015. In line with the recommendations of this report, it was agreed that a report on the proposed programme and priorities for preparing Supplementary Guidance would be submitted to the January 2016 Enterprise & Infrastructure Committee (Report No.16/2 refers). This further report provides an update on progress on a number of pieces of guidance.
- 1.2 Guidance has been adopted in the following areas:
- Delivering Zero Waste (Report No. 16/376 refers);
  - updates to the Loch Leven SPA and Ramsar Site Advice (Report No. 16/379 refers);
  - Dunkeld-Blairgowrie Lochs SAC (Report No. 16/379 refers);
  - and River Tay SAC advice for Developers (Report No. 16/379 refers).
- 1.3 In addition, progress is ongoing in respect of the statutory guidance for:
- Placemaking;
  - Renewable and Low Carbon Energy (including a spatial strategy for wind);
  - Open Space Provision and Developer Contributions;
  - the non-statutory guidance for Gypsy/Travellers' sites; and
  - the Planning and Biodiversity suite of advice documents.

- 1.4 It is proposed to add one new piece of non-statutory guidance to the programme in relation to air quality. This is an outcome of the Perth Air Quality Action Plan and its adoption bringing considerable benefits to the Air Quality policy, in advance of proposed revisions to the next Local Development Plan. Specifically, it will allow consideration of air quality to be expanded within the policy coverage of the Local Development Plan to ensure:
- a consistent and standardised approach to assessing the impact of new developments on air quality, and in doing so enable confident planning decisions to be determined;
  - the promotion of a proactive response to development design in terms of air quality; and
  - the implementation of appropriate mitigation measures proportionate to the predicted air quality impact.
- 1.5 Appendix 1 provides more detail in respect of the updated programme for Supplementary Guidance.

## 2. PROPOSALS

### Proposed programme and priorities for Supplementary Guidance

- 2.1 As part of the policy review undertaken to inform the preparation of the Main Issues Report (MIR), the effectiveness of the existing Supplementary Guidance was considered. The findings of this have informed the proposed revised programme. The outcome of the MIR consultation has also informed proposals for the revised programme.
- 2.2 As a result, Appendix 1 provides an update on:
- which pieces of guidance have been operating well and should remain unchanged,
  - those pieces of guidance that are to be amended due to policy changes, and
  - areas where new guidance is required.

### Statutory Supplementary Guidance

- 2.3 In relation to the Statutory Supplementary Guidance, there are three significant pieces remaining in the work programme on which progress has been made as follows:
- **Renewable and Low Carbon Energy (including a spatial framework for wind, hydro and solar)** – A significant amount of work has been undertaken on this guidance, and its scope has been widened to include hydro and solar. However, due to the volume of work and availability of staff resources, it has not progressed as programmed. It is proposed that draft guidance will be consulted on in spring 2017

- **Placemaking** – This guidance is currently being prepared and a significant amount of work has been undertaken. An initial draft is well advanced and will be consulted on in spring 2017
- **Open Space Provision and Developer Contributions** – This guidance is currently being prepared and a significant amount of work has been undertaken. An initial draft is well advanced. However, issues have arisen which require a comprehensive review of the open space adoption policy. It is intended that a Draft of the Open Space Supplementary Guidance is published for consultation in Spring 2017, but this will be dependent on the timing of the review of the open space adoption policy. It is intended that a Draft of the Open Space Supplementary Guidance is published for consultation in Spring 2017, but this will be dependent on the timing of the review of the open space adoption policy.

2.4 In addition, updates are required to:

- Housing in the Countryside Guide;
- Sustainable Design and Zero Carbon Development;
- Airfield Safeguarding; and
- Flood Risk and Flood Risk Assessments.

2.5 Work on the Statutory Supplementary Guidance will be carried out in tandem with the review of the Local Development Plan. Consultation may take place at, or around, the same time as the Proposed Plan to ensure that the revised pieces of Supplementary Guidance are adopted at the same time as the LDP.

### **Non-statutory Guidance**

2.6 When the Supplementary Guidance programme was last reviewed, the concerns of the Chief Planner in respect of the volume of Supplementary Guidance under preparation by planning authorities, and consequent resource implications for both planning authorities and the Scottish Government, were taken into consideration.

2.7 To address the points raised by the Chief Planner's letter, it was proposed that several pieces of guidance that were not necessary to be Statutory Supplementary Guidance be classified as non-statutory, including:

- guidance on matters specified in other legislation (for example Conservation Area appraisals; the Special Area of Protection; Special Areas of Conservation; and the biodiversity guidance); and
- Development briefs and masterplans, since these are typically prepared by the landowner/developer and submitted in support of a planning application

2.8 This change in the classification of the above pieces of guidance will take effect once the adopted Local Development Plan is replaced by the next Local Development Plan, the timescale for which is set out in the Development Plan Scheme. There is no change to their classification in the meantime.

2.9 In respect of the non-statutory guidance, progress has been made as follows:

- Committee approval was given to the updated guidance in respect of **Loch Leven SPA; Dunkeld-Blairgowrie Lochs SAC; and the River Tay SAC;**
- Preparation of the **West/North West Perth Strategic Development Framework** which will bring together all the different requirements for the major development sites to the West and North West of Perth. This was put on hold awaiting the outcome of the Almond Valley planning application appeal. The issue of the decision at the end of October has allowed the document to be finalised and a report on the draft guidance and the outcome of the consultation on it is being brought for consideration under a separate paper to this Committee Meeting;
- the **Gypsy Travellers' Sites** guidance is being developed to support, and provide clarity, in respect of the existing policy and consultation in this respect is ongoing; and
- consolidation and updating of the **biodiversity guides** will now be brought to conclusion following adoption of the Tayside Local Biodiversity Action Plan.

2.10 One new piece of non-statutory guidance is highlighted:

**Air Quality** – one of the outcomes of the MIR consultation was SEPA's requirement that consideration of Air Quality be expanded to ensure:

- a consistent and standardised approach to assessing the impact of new developments on air quality
- In doing so, enable confident planning decisions to be determined;
- The promotion of a proactive response to development design in terms of air quality; and
- the implementation of appropriate mitigation measures proportionate to the predicted air quality impact.

2.11 This is in keeping with the Scottish Government's national strategy "Cleaner Air for Scotland (CAFS)" published in November 2015. Since this has already been identified as one of the outcomes of the Perth Air Quality Action Plan, it is considered appropriate to bring forward the work on the guidance which will cover the whole of Perth and Kinross. As such, it can be prepared as non-statutory guidance in advance of the Proposed LDP. It is proposed that draft guidance be consulted upon in Spring 2017, with a view to incorporating it as Statutory Supplementary Guidance on adoption of the next LDP. The Environment Committee of 11 January 2017 will consider a report on the Scottish Government's national strategy, the report recommends the establishment of Corporate Air Quality Working Group to facilitate a fully integrated approach to improving air quality, including implementation of the CAFS strategy requirements. The Working Group will provide an appropriate forum for the formulation and discussion of the planning guidance on air quality.

### 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 This report provides an update on the work done to date, along with the work that is programmed to take place in respect of LDP Supplementary Guidance and other non-statutory guidance between now and January 2018. 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;
  - (ii) Agrees the priorities for preparing the LDP Supplementary Guidance as set out in this report.
  - (iii) Instructs the Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) to continue to prepare an annual update to the Enterprise and Infrastructure Committee on progress with the preparation of Supplementary Guidance to support the Local Development Plan.

#### Author

Name	Designation	Contact Details
Brenda Murray	Team Leader Development Plans	01738 475000 <a href="mailto:TESCommitteeReports@pkc.gov.uk">TESCommitteeReports@pkc.gov.uk</a>

#### Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development)	14 December 2016

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	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/Single Outcome Agreement

- 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 2013 – 2018 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 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);
- LDP1 Monitoring Statement;
- Letter dated 15 January 2015 from the Chief Planner;
- MIR Appendix 1 Policy Analysis;
- LDP2 Main Issues Report
- LDP1 Action Programme
- Development Plan Scheme



### **3. APPENDICES**

#### 3.1 Appendix 1 – Supplementary Guidance update December 2016