

**EAST RENFREWSHIRE COUNCIL**

**27 October 2021**

**Report by Director of Environment**

**LOCAL DEVELOPMENT PLAN 2 (LDP2)**

**PURPOSE OF REPORT**

1. The purpose of this report is to update the Council in relation to the Local Development Plan 2 (LDP2) Examination Report, the modifications promoted by Reporters from the Scottish Government's Planning and Environmental Appeals Division (DPEA) and to seek approval to proceed to adopt the Modified Plan.

**RECOMMENDATIONS**

2. It is recommended that the Council:
- (a) Agrees the summary of Reporters' recommendations to the Local Development Plan 2;
  - (b) Approves the East Renfrewshire Local Development Plan 2 in the form intended for Adoption and the accompanying revised Strategic Environmental Assessment;
  - (c) Authorises the Director of Environment to undertake the required statutory requirements including notifications and advertisements and submission to Scottish Ministers; and
  - (d) Delegates to the Director of Environment to approve any minor inconsequential changes to the Local Development Plan 2, in line with Council policy, prior to submission to Scottish Ministers.

**BACKGROUND**

3. The Local Development Plan is the Council's key strategic land use planning document. The current Local Development Plan (LDP1) was adopted in June 2015.

4. The Council commenced a review of LDP1 and started the preparation of LDP2 in October 2016 with the publication of the Main Issues Report (MIR) for consultation. The results of this public consultation fed into preparation of the Proposed LDP2. The Proposed LDP2 set out a refreshed development strategy up to 2031 and beyond and was agreed by the Council for an 8 week consultation on 26 June 2019.

5. The Council at its meeting on 24 June 2020 approved the responses and recommendations to representations received to the Proposed LDP2, and agreed that these be submitted to the Scottish Government for formal Examination. Comments were received on a wide range of matters and all representations were grouped into a total of 36 issues. The Proposed LDP2, representations and all supporting information were submitted to Scottish Ministers on 18 August 2020 for Examination.

## REPORT

6. Scottish Ministers appointed 4 Reporters to examine the Proposed LDP2 and the representations. The Examination was conducted with very few requests for additional/further information by the Reporters and there was no requirement for a Hearing session on any of the 36 issues under Examination.

7. The LDP2 Examination Report was received from the Scottish Government Reporters on 13 August 2021, taking approximately 12 months from submission to conclude. The Council has 3 months from receipt of the Examination Report to submit the modified Plan to Scottish Ministers for Adoption.

8. The full Examination Report ([Appendix A](#)) and a schedule of proposed modifications ([Appendix B](#)) have been made available to view on the Council's website at: [www.eastrenfrewshire.gov.uk/ldp2](http://www.eastrenfrewshire.gov.uk/ldp2)

9. The first stage of the Examination was an assessment of the Council's consultation process to ensure that appropriate publicity and consultation had been undertaken in accordance with the "Participation Statement" as set out in the Development Plan Scheme (May 2019). The Reporter concluded that the Council had conformed with its participation statement and had met its statutory obligations.

10. In the majority of Issues, the Reporters have agreed with the approach taken by the Council in preparing the Proposed LDP2. Overall, the Reporters have made only minor modifications to the Plan, involving mainly changes to text, graphics and policies to assist with clarity and understanding. This can largely be attributed to the robust evidence and justification that was prepared to support the Proposed LDP2 and the Council's case at Examination.

11. The Reporters have agreed with the Plan's development strategy and have not identified any new housing sites. Importantly the Reporters also accepted the Council's approach to meeting education needs. The Education and Environment Departments will continue to work in close collaboration to agree a strategy that will fully address future education needs and residential requirements in a long term, coordinated and planned way through LDP3.

12. The main Reporters' recommendations can be summarised as follows:

- Agreement with the Proposed LDP's development strategy of consolidation and regeneration which the Reporters conclude as reasonable and appropriate.
- Agreement that there is sufficient housing supply to meet the housing land requirement and that this can be met from existing housing allocations.
- Agreement that there is no need to release further land for housing or to modify the Proposed LDP2's position in relation to education constraints. None of the 31 alternative housing proposals submitted by interested parties were recommended for inclusion in the Proposed LDP2.
- Agreement that the Council's education estate is sufficient to meet continued education demands arising from the allocated housing sites.
- Strengthening of the Proposed LDP2's approach towards meeting net zero objectives through amendments to the spatial objectives and 'Policy E1: Sustainable Design' and to reflect the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

- Site specific proposals:
  - Retention of master plan approach including a remediation strategy at Braidbar Quarry, Giffnock (Policy M4) cognisant of the requirement for appropriate solutions to meet education needs and address other constraints.
  - Retention of residential proposal SG1.23 (as modified SG1.21) at Broompark Drive, Newton Mearns with a capacity of 5 units and amendment to the Proposals Map to clarify that housing, urban greenspace and green network allocations apply to the whole site.
  - Retention of residential proposal SG1.15 at Robslee Drive, Giffnock. Adjustment to the site boundary to align with the site shown in the site evaluation report. Inclusion of further text regarding the requirement for a flood risk assessment which may limit the future capacity of the site.
  - Deletion of residential proposal SG1.16 (Crofthead Mill, Neilston) from Schedule 15. Continued recognition within LDP2 of the potential for a mixed use development of employment and community use and that housing may also be acceptable as part of a mixed use development, subject to the submission of a flood risk assessment.
  - Deletion of residential proposal SG1.17 (Neilston Juniors, Neilston) from schedule 15 and linked proposal D12.8 (Kingston Playing Field, Neilston) from schedule 8 (community facilities) in accordance with the Council's recommendation.
- Inclusion of an additional requirement within 'Policy D3: Green Belt and Countryside around Towns' to cross refer to 'Policy SG1: Housing Supply, Delivery and Phasing' to acknowledge that where there is a shortfall in the 5 year effective housing land supply, release of green belt or countryside for housing may be appropriate.
- Requirement for flexibility in 'Policy D11: Electric Charging infrastructure' to provide active and passive provision to allow for the circumstances of each site, changes in levels of electric vehicle ownership and possible changes in technology.
- Inclusion of references to unstable land within Policy E10 as follows: 'Policy E10: Vacant, Derelict, Contaminated and Unstable Land'.

13. The Council is required to accept the Reporters' recommendations except in exceptional circumstances where there are specific reasons for not doing so, as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended). The circumstances where authorities may depart from recommendations are 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 national park plan for the same area;
- b) Is incompatible with 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) Are based on conclusions that could not reasonably have been reached based on the evidence considered at the Examination.
  - Criterion (d) addresses the possibility of clear errors (including factual errors) having been made by the Reporter. It does not relate to circumstances where the planning authority disagrees with the planning judgement reached by the Reporter.

14. The Reporters' conclusions and recommendations have been carefully considered and Officers are content with the modifications proposed.

15. If the Council was minded not to accept all or some of the proposed modifications, then the Council would need to report any departures to Scottish Ministers. Any departure from the recommendations could delay Adoption of the LDP2 by a minimum of 6 months, be expensive in terms of potential future legal fees and would not bring any guarantee over the potential outcome. Furthermore, in adopting this approach the current 2015 Adopted Local Development Plan (which is increasingly out of date), would be the Plan that planning applications would need to continue to be assessed against. The Council would therefore not have an up-to-date development strategy and Plan for the area which could lead to potential planning by appeal.

16. Taking account of all this, it is proposed that the Council approves in full the Proposed Modifications as per the Examination Report. The LDP2 in the form intended for Adoption is set out in [Appendix C](#) to this report. The Strategic Environmental Assessment (SEA) has also been updated to reflect the Reporters' modifications ([Appendix D](#)).

17. If the Council agrees the proposed modifications, the next step will be to publish a Notice of Intention to Adopt the Plan.

18. 28 days after the Plan has been submitted to Scottish Ministers, the Council may Adopt the Plan unless directed by Ministers not to do so.

19. There is a statutory right of appeal to the Court of Session, within 6 weeks of adopting the Plan.

20. Assuming therefore that Scottish Ministers allow the Council to adopt the LDP2 and that no legal challenge is received, it is proposed that the Director of Environment proceeds to adopt the LDP2, and in doing so undertakes the necessary adoption and post adoption arrangements (notifications and advertisements).

### **Next Stages**

21. The Planning System in Scotland is undergoing a substantial transformation and the context for preparing our next Local Development Plan (LDP3) has changed significantly. LDP3 will now be prepared under the Planning (Scotland) Act 2019 which has introduced a new statutory process for Local Authorities in preparing local development plans. Future LDPs will now be required to be reviewed every 10 years rather than 5 under the current system. LDP3 will establish a new long-term vision and strategy for East Renfrewshire alongside the delivery of new infrastructure.

22. A draft National Planning framework 4 (NPF4) is scheduled for publication and public consultation in autumn 2021 which will be one of the key documents that will inform the next LDP, in particular setting our future housing requirements, and with an increased focus upon climate change, improving health and well-being, and securing positive effects for biodiversity. It is anticipated that the regulations and guidance relating to local development plans will come into force in spring/summer 2022.

23. Following adoption of LDP2 planning staff will commence the preparatory work for LDP3 with the preparation of an Evidence Report that will be assessed at an early gate check stage. A revised Development Plan Scheme will also be prepared setting out timescales and stages for stakeholder involvement for LDP3 following publication of the secondary guidance and progress with NPF4.

## **FINANCE AND EFFICIENCY**

24. The Examination process was undertaken under the legislative context provided by the 2006 Planning etc (Scotland) Act and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. The administration of the Examination process was undertaken by the DPEA with the costs being recharged back to the Council. The final total payment made to DPEA for undertaking the Examination was £56,634 (excl. VAT) and this has been met from within existing budgets.

## **CONSULTATION**

25. As detailed in previous reports, the preparation of the Local Development Plan 2 has been the subject of considerable consultation and public engagement. If the Council accepts the recommendations contained within this report, Officers will advertise the Intention to Adopt the Plan and also notify anyone who made representations that the LDP2 has been published in the form the Council wish to adopt it. All documents will be made available in local libraries and online.

## **PARTNERSHIP WORKING**

26. During the course of preparation of the Local Development Plan 2 and throughout the Examination process, considerable stakeholder consultation and engagement has taken place.

## **IMPLICATIONS OF THE PROPOSALS**

27. It is a statutory requirement that the Council has an up-to-date Local Development Plan. As discussed in paragraph 18 above, the Council's decision to adopt the LDP2 can be challenged by appeal. If required, further legal advice will be sought.

## **CONCLUSIONS**

28. This report seeks Council approval to proceed towards the formal adoption of the East Renfrewshire Local Development Plan 2 incorporating the Proposed Examination Modifications. Adoption of the LDP2 which will provide the Council with an up-to-date and refreshed LDP that will guide the future sustainable growth of East Renfrewshire up to 2031 and beyond and provide the appropriate basis for determining future planning applications.

## **RECOMMENDATIONS**

29. It is recommended that the Council:

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- (d) Delegates to the Director of Environment to approve any minor inconsequential changes to the Local Development Plan 2, in line with Council policy, prior to submission to Scottish Ministers.

Director of Environment

October 2021

**APPENDICES:**

Appendix A: Report of Examination of proposed East Renfrewshire Local Development Plan 2;

Appendix B: Summary of Reporters Recommendations;

Appendix C: East Renfrewshire Local Development Plan 2 in the form intended for Adoption;  
and

Appendix D: Strategic Environmental Assessment