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<b>Report To:</b>	<b>Environment and Regeneration Committee</b>	<b>Date:</b>	<b>31 October 2019</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration and Resources</b>	<b>Report No:</b>	<b>E&amp;R/19/10/02/SJ/ AW</b>
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<b>Subject:</b>	<b>Development Plan Update</b>		

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## **1.0 PURPOSE**

- 1.1 The purpose of this report is to update the Committee on Development Plan coverage within Inverclyde and to seek approval/adoption of associated documents.

## **2.0 SUMMARY**

- 2.1 The Development Plan for the Inverclyde area is comprised of the Glasgow and the Clyde Valley Strategic Development Plan (known as Clydeplan), which was approved by the Scottish Ministers in July 2017, and the Inverclyde Local Development Plan which was adopted in August 2019. The Council therefore has an up-to-date development plan.
- 2.2 There is Supplementary Guidance to be produced to accompany the Plan. The Enabling Development Supplementary Guidance was published in draft format alongside the Proposed Local Development Plan. No comments were received and it is proposed that it is now adopted.
- 2.3 The Council is required to publish a Development Plan Scheme and Participation Statement annually. The 2019 version is attached for approval.
- 2.4 A draft Statement of Importance for the West Renfrew Hills Local Landscape Area was published alongside the Proposed Plan. No comments were received. A finalised version is attached for approval.

## **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the Committee:
- (i) notes that Inverclyde has up to date development plan coverage;
  - (ii) agrees that the Supplementary Guidance on Enabling Development (Appendix 1) is adopted;
  - (iii) approves the 2019 Development Plan Scheme and Participation Statement (Appendix 2); and
  - (iv) approves the West Renfrew Hills Local Landscape Area: Statement of Importance (Appendix 3).

**Stuart W. Jamieson**  
**Head of Regeneration and Planning**

## 4.0 BACKGROUND

- 4.1 The Development Plan is a statutory document prepared by planning authorities, which sets out strategy and policies for the use of land and buildings within the area it covers. The Development Plan covering the Inverclyde Council area is comprised of the Glasgow and the Clyde Valley Strategic Development Plan (Clydeplan), which is prepared in partnership with the 7 other Glasgow city-region local authorities, and the Local Development Plan. Together with the National Planning Framework 3, Scottish Planning Policy and the Council's own planning guidance, the Development Plan provides the planning framework for future development of the area and forms the basis for the determination of planning applications.

## 5.0 DEVELOPMENT PLAN UPDATE

### Strategic Development Plan

- 5.1 The Glasgow and the Clyde Valley Strategic Development Plan, known as Clydeplan, was approved by the Scottish Ministers in July 2017. Under the Planning (Scotland) Act 2019 ("the new Act"), Strategic Development Plans are no longer to be prepared. Instead, planning authorities are to prepare Regional Spatial Strategies, which will not form part of the development plan. At this time it is proposed that a Regional Spatial Strategy will be prepared for the Glasgow City-region area. Until a Regional Spatial Strategy is prepared covering Inverclyde, Clydeplan remains in effect as part of the development plan.

### Local Development Plan

- 5.2 The Local Development Plan was adopted on 26 August 2019. This means that the Council continues to have an up to date development plan. Local development plans are to remain part of the development plan under the new Act, although the process for preparing them has changed, with the main issues report stage removed and a 'gatecheck' examination ahead of publishing the proposed plan introduced. The time period to be covered by local development plans has been extended from 5 to 10 years.
- 5.3 A provision for local communities to prepare local place plans which the local development plan requires to take into account is included in the new Act. Secondary legislation and/or guidance in respect of this provision and other provisions relating to local development planning is/are awaited.

### National Planning Framework and Scottish Planning Policy

- 5.4 National Planning Framework 3 and the current Scottish Planning Policy document both date from 2014. The new Act moves the National Planning Framework onto a 10 year cycle (previously 5 years) and makes it part of the development plan. Scottish Planning Policy will be incorporated into the National Planning Framework. The next National Planning Framework is required by the Act to be produced by 2024, although it is understood that the Scottish Government intend to prepare it sooner.

### Supplementary Guidance

- 5.5 Under the previous development plan system, supplementary guidance formed part of the development plan. This status has been removed under the new Act. However, as the Inverclyde Local Development Plan was prepared under the old system, associated supplementary guidance has been prepared and will remain part of the development plan until that part of the new Act removing that status is fully brought into force. The status of the supplementary guidance associated with the Inverclyde Local Development plan is set out in the table below.

<b>Supplementary Guidance</b>	<b>Status</b>
Planning Application Advice Notes	Revised draft for consultation will be brought to a later Committee.
Priority Places	Revised draft for consultation will be brought to a later Committee.
Energy	Revised draft for consultation will be brought to a later

	Committee.
Enabling Development	This guidance relates to situation where new build development is proposed to enable the restoration of a listed building (e.g. such as at Balrossie in Kilmacolm). A version of this was published with the Proposed Plan and no comments were received. Approval is sought to adopt this guidance, which is attached as Appendix 1.
Development Briefs for Housing Sites	Draft for consultation will be brought to a later Committee.
Development Affecting Trees	Draft for consultation will be brought to a later Committee.
Delivering Green infrastructure Through New development	Draft for consultation will be brought to a later Committee.
Affordable Housing in the Inverclyde Villages	Draft for consultation will be brought to a later Committee.

#### Development Plan Scheme and Participation Statement

- 5.6 The Council is required to prepare a Development Plan Scheme and Participation Statement annually. The Development Plan Scheme sets out what development plans are in place and the timetable for preparing the replacements. The Participation Statement sets out how communities and organisations will be involved in plan preparation. Owing to the recent adoption of the Inverclyde Local Development Plan and the introduction of a new development plan process for which secondary legislation and guidance is awaited, this year's development plan scheme does not include a preparation timetable for the next local development plan or information on how participation in that process will be encouraged. It is attached at Appendix 2 for approval.

#### West Renfrew Hills Local Landscape Area: Statement of Importance

- 5.7 The West Renfrew Hills within Inverclyde have been recognised as being of landscape value since their inclusion as a Regional Scenic Area in the 1981 Strathclyde Structure Plan. The landscape value of the area continues to be recognised through its designation as a Local Landscape Area in the Local Development Plan. A draft Statement of Importance was published alongside the Main Issues Report setting out the special qualities of the landscape area. The finalised Statement of Importance is attached at Appendix 3 for approval.

## **6.0 IMPLICATIONS**

- 6.1 There are no financial implications associated with this report.

#### Financial Implications:

##### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

##### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

#### Legal

- 6.2 There are no legal implications arising from this report.

#### Human resources

- 6.3 There are no personnel issues associated with this report.

#### Equalities

- 6.4 There are no equalities impacts arising from this report.

#### Repopulation

- 6.5 There are no direct repopulation implications arising from this report.

### **7.0 CONSULTATIONS**

- 7.1 The Head of Legal and Property Services was consulted on the content of this report.

### **8.0 LIST OF BACKGROUND PAPERS**

- 8.1 None

Appendix 1: Supplementary Guidance on Enabling Development

Appendix 2: 2019 Development Plan Scheme and Participation Statement

Appendix 3: West Renfrew Hills Local Landscape Area: Statement of Importance



Inverclyde  
council  
**LOCAL  
DEVELOPMENT  
PLAN**

**ADOPTED PLAN  
2019**



**SUPPLEMENTARY GUIDANCE  
ON ENABLING DEVELOPMENT**

## **LOCAL DEVELOPMENT PLAN (2019) – SUPPLEMENTARY GUIDANCE ON ENABLING DEVELOPMENT**

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#### **5.0 Summary**

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**Annex 1: Example of a typical development appraisal layout for a single phase development**

## **1.0 Introduction**

**1.1** This Supplementary Guidance is part of a suite of supplementary guidance documents supporting the Inverclyde Local Development Plan (2019). Supplementary guidance provides detailed information on specific policies in the Inverclyde Local Development Plan, thereby enabling the Plan to focus on the spatial strategy, main policies and development proposals.

**1.2** This guidance supplements Policy 30 - 'Enabling Development' in the Local Development Plan by setting out the criteria for achieving compliance with the policy and identifying supporting processes.

**1.3** The guidance is aimed at:

- Developers/professionals considering new projects;
- Communities and interest groups considering the benefits/disbenefits of an enabling development proposal; and
- The Regeneration and Planning Service and Inverclyde Council Councillors, who will assess and determine planning applications for enabling development

**1.4** The guidance is structured as follows:

- Section 2.0 provides background information, including a definition of enabling development and its relevance in Inverclyde. It also sets out the national and local planning policy context, explains why supplementary guidance is required and outlines the scope of the guidance.
- Section 3.0 sets out the assessment criteria which will be used to determine whether enabling proposals comply with Policy 30.
- Section 4.0 outlines a number of processes which will support the assessment and determination of enabling proposals and, where applicable, their implementation.

**1.5** This Supplementary Guidance is supported by Annex 1: 'Checklist of information to be submitted with an Enabling Development application'.

## **2.0 Background**

### **What is Enabling Development?**

**2.1** Enabling development is an established planning tool. In the context of Scottish Planning Policy (2014), enabling development seeks to subsidise the cost of restoring a listed building and securing its long term future. The need for a subsidy arises when this cost is greater than the buildings resulting value to its owner, also known as the 'conservation deficit'. The concept of enabling development is that development, which would otherwise be contrary to established planning policy and not permissible, may be acceptable if it can be demonstrated that the public benefits of the proposal, e.g. restoring and securing the long term future of a listed building at risk of being lost, would outweigh any negative impacts.

**2.2** Enabling development was confirmed as a legitimate planning tool in 1988, when the Court of Appeal, in R v. Westminster City Council ex parte Monahan, upheld the validity of a planning permission authorising office development, even though contrary to the development plan, on the basis that it would provide the funds to improve the Royal Opera House, Covent Garden, which was unobtainable by other means.

**2.3** While enabling development can vary in type, it is most often associated with new build residential development to support the restoration and re-use (residential) of a historic building.

### **Why is Enabling Development important in Inverclyde?**

**2.4** Enabling development has already been shown to be a relevant and important planning tool for restoring historic buildings in Inverclyde. Prior to the adoption of the previous Inverclyde Local Development Plan in 2014, planning approval was granted (under the 2005 Local Plan) and work completed on a number of enabling proposals,

including the redevelopment of the former Bridge of Weir Hospital at Quarriers village.



**Redevelopment of the Former Bridge of Weir Hospital**

- 2.5** In addition, a number of listed buildings in Inverclyde are identified on the 'Buildings at Risk Register', which highlights 'at risk' properties of architectural or historic merit throughout Scotland. Subject to compliance with Policy 30 and the wider Local Development Plan, some of these buildings could be restored and brought back into use through enabling development.

#### **Policy Context**

- 2.6** Enabling development is supported by Scottish Planning Policy (2014), which states that:

*"Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset (listed building) and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset".*

- 2.7** In accordance with Scottish Planning Policy, the Local Development Plan supports enabling development through Policy 30 - Enabling Development:

#### **Policy 30 - Enabling Development**

*Proposals for enabling development to support the restoration of listed buildings will be considered favourably where it can be clearly shown to be the only means of preventing the loss of the listed building and securing its long term future. Any enabling development is required to be the minimum necessary to achieve this aim. The resultant development is required to be designed and sited carefully to preserve or enhance the character and setting of the listed building. Further detail will be set out in the Council's Supplementary Guidance on Enabling Development which will form part of the assessment of any proposals.*

#### **Why is Supplementary Guidance Required?**

- 2.8** While Policy 30 provides the principle for enabling development proposals to be brought forward in Inverclyde, the additional scope provided by this Supplementary Guidance allows the process and criteria for assessing proposals to be transparent and clearly align with national planning policy and best practice.

#### **Scope of the Guidance**

- 2.9** While this Supplementary Guidance applies solely to enabling development, it is not intended to cover all the issues which may be associated with this type of application. For example, issues relating to the protection of the Green Belt, the design and sustainability of new build development and impact on the character and setting of listed buildings will be dealt with through Policy 19 – Individual and Small Scale Housing development in the Green Belt and Countryside, Supplementary Guidance on Planning Application Advice Notes (PAANS) Supplementary Guidance, and Policy 29 - Listed Buildings. In addition, any potential environmental impacts will be identified and addressed through the policies set out in the Our Natural and Open Spaces section of the Local Development Plan, i.e. Policies 33-39.

- 2.10** In light of the above, this Supplementary Guidance only addresses those issues which relate specifically to enabling development proposals and are not covered elsewhere in the Local Development



Plan. This guidance should therefore be read and applied in conjunction with other relevant Local Development Plan policies.

- 2.11** The nature of enabling development means that proposals may not comply with all relevant Local Development Plan policies. Where there is conflict between policies, the final decision will be based on whether the public benefits associated with complying with planning policy decisively outweigh any disbenefits associated with non-compliance. For example, there may be situations where the public benefit of restoring a listed building does not decisively outweigh adverse impacts on the setting of the building and/or the surrounding landscape. The balance of benefits and disbenefits will be determined on a case by case basis, taking into account the merits of each proposal and consultation comments from stakeholders.

### **3.0 Assessment Criteria**

#### **What buildings will qualify for Enabling Development?**

- 3.1** Policy 30 requires that enabling development proposals should prevent the loss of the listed building. While the assessment of when a listed building is in danger of being lost is subjective, the 'Buildings at Risk Register' provides an independent, robust and transparent approach to the determination of a buildings condition.

#### **The 'Buildings at Risk Register'**

The register highlights properties of architectural or historic merit throughout Scotland, which are considered to be at risk or under threat. It is maintained by Historic Environment Scotland.

A Building at Risk is usually a listed building, or an unlisted building within a conservation area, that meets one or several of the following criteria:

- Vacant with no identified new use
- Suffering from neglect and/or poor maintenance
- Suffering from structural problems
- Fire damaged
- Unsecured and open to the elements
- Threatened with demolition

It should be noted that the above list is not exhaustive and other criteria may sometimes be considered when assessing a building for

inclusion in the Register.

Anyone can suggest that a building should be added to the Register as long as it meets one of the criteria listed above.

- 3.2** To comply with this policy requirement, enabling proposals should relate to a listed building(s) identified on the 'Buildings at Risk Register' at the time of application or demonstrate that other justifiable circumstances exist.

- 3.3** Listed buildings which have previously been granted planning approval for enabling development, and where work has been completed, will not be supported for further enabling development. Incremental enabling development would not only be contrary to the key objective of 'securing the long term future of the listed building', but would also distort the assessment of public benefit/disbenefit, as the full impact of enabling development could not be known in advance.

#### **Securing the long term future of the Listed Building**

- 3.4** Policy 30 requires that enabling development proposals secure the long term future of the listed building(s) to which they relate. To comply with this policy requirement, proposals should demonstrate that they will secure the restoration, appropriate re-use, and ongoing management/maintenance of the listed building, through submission of:

- A Conservation Plan, defining all aspects of significance of the building and landscape, its vulnerability, and guidelines or policies for sustaining its significance. This should include consideration of where any new build enabling development would be most appropriately sited.
- A Conservation Management Plan, which sets out the ongoing actions necessary to sustain the significance of a listed building once works to restore and re-use the building have been completed. In particular, it should identify:
  - a) who will be responsible for the long-term management of the listed building
  - b) the necessary maintenance tasks and the frequency with which they will be undertaken.

c) how future maintenance will be funded in the long term

- 3.5** These plans should be prepared by a suitably accredited professional in building conservation. Historic Scotland's 'Conservation Plans: A Guide to the Preparation of Conservation Plans' (2000) provides useful information on conservation planning and management.
- 3.6** It is important that restoration works are carried out as soon as possible, in order to prevent further deterioration of the listed building(s). In light of this, proposals must demonstrate how the funds raised by the enabling development will be channelled into the restoration of the listed building at the earliest possible opportunity, i.e. through a phasing plan.

#### **The Only Means Possible**

- 3.7** Policy 30 requires that enabling proposals are the '**only means**' of preventing the loss of a listed building and securing its long term future. This reflects the fact that enabling development should only be used as a last resort as it often requires disbenefits to be accepted in return for greater public benefits. In addition, enabling is an inefficient means of funding a conservation deficit, usually requiring development with a value of three or four times the conservation deficit to break even.
- 3.8** To comply with the above policy requirement, an options appraisal should demonstrate that:
1. a number of potential uses have been investigated, with the proposed use being the optimum viable use that is compatible with the listed building.
  2. the listed building has been subject to market testing, unless:
    - it has been unsuccessfully marketed during the past 18 months or has been recently acquired for a price that reflects the current condition.

Where a listed building forms part of a larger historic entity, i.e. a Garden and Designed Landscape, it is expected that the historic entity will be market tested, unless it can be demonstrated, to the satisfaction of the Council and Historic Environment Scotland, that this would be inappropriate. This

approach is intended to prevent the detrimental fragmentation of the historic entity through the sale of the listed building only.

Market testing will normally include the offer of the unrestricted freehold or long leasehold (125 years or more) on the market at a realistic price reflecting the condition of the place, the presumption to retain and restore the asset, and, so far as ownership allows, with an appropriate curtilage. There should be no inflation of the price in the hope of demolition or additional development. The marketing should be carried out by a suitable firm of chartered surveyors or estate agents and include the placing of advertisements in all relevant journals. Assuming normal market conditions, the minimum period of active marketing will be six months. The emphasis must be on active marketing rather than merely placing the property's details on a website after an initial advertising campaign.

3. The potential for grant aid has been investigated and none is available. Where grant aid is available, but insufficient to cover the conservation deficit, this should be used in combination with enabling development to restore and secure the future of the listed building. Available grant aid should be included in the 'development appraisal' to be submitted with the planning application.
4. No other groups, such as a development trust, are willing to undertake the project.

#### **The Minimum Necessary**

- 3.9** Policy 30 requires enabling development proposals to be the '**minimum necessary**' to restore and secure the long term future of a listed building(s). This reflects the fact that enabling development can only be justified by the inherent lack of viability of the listed building, not an owner's inability to fund a commercially viable scheme.
- 3.10** To comply with this policy requirement, proposals should meet, but not exceed an identified 'conservation deficit', which exists when the existing value, plus the development cost (e.g. restoration, conversion to an appropriate use and developer profit), exceeds the value of the listed building after development.

**3.11** With regard to developer profit, it is right and proper that a developer be allowed a fair and reasonable return on their investment, to reflect the risk involved in the development project. The appropriate level of developer profit will be determined on a case by case basis, taking into account the location of the development, length of development period, the target market, complexity of the scheme, possibility of unforeseen problems (although a contingency figure in the building costs should take this risk into account) and the stability of interest rates etc.

**3.12** Compliance with this policy requirement should be confirmed through submission of a development appraisal, which covers all financial aspects of the proposed enabling development in sufficient detail to enable scrutiny and verification by the Council. The development appraisal must establish and justify the 'need' for enabling development and the scale of development necessary to meet that need. A template for a typical development appraisal is provided in Annex 1. While this template is for a single phase development, it can be adapted to cover multi-phase proposals and a variety of circumstances.

**3.13** The development appraisal should be substantiated by:

- a) justification for current value, if not nominal;
- b) justification for end values, based on comparable transactions;
- c) detailed costed schedules of works;
- d) justification for any other exceptional costs; and – sensitivity analysis

**3.14** Enabling proposals will not be justified where:

- a developer pays a higher price for a development opportunity than is justified by market conditions
- market conditions change to such an extent that the developer may not be able to realise the anticipated return on their investment.
- the owner's insurance is considered inadequate to meet the cost of repair and reinstatement following a normally insurable loss.

### **Public Benefits**

**3.15** Enabling development is often contrary to one or more planning policies and justified on the basis that the public benefits of the proposal decisively outweigh any disbenefits. While the restoration of a listed building is the key public benefit derived from enabling development, in terms of contributing to the retention and maintenance of the wider historic environment, it does not provide a direct benefit to the public/local community, who are likely to be most directly affected by any disbenefits. In light of this, a proposal should demonstrate how it will provide a significant public benefit, in addition to the restoration of the listed building. It is expected that public benefits will be directly related to the use of the listed building and/or its setting. However, off-site public benefits, which are proportionate to the proposed development, will be considered. While not exhaustive, the following is a list of potential benefits.

- New or improved public access to the listed building and/or its setting
- Restoration/reinstatement of the setting of the listed building (must be accompanied by public access)
- Biodiversity enhancements on site (must be accompanied by public access)
- Conversion of the listed building to a public use (i.e. tourist attraction, education facility etc.)
- Provision of Employment opportunities

**3.16** The appropriateness and significance of public benefits will be determined by the Regeneration and Planning Service, taking into account the scale and impact of the proposal and public comment received during the statutory 21 day consultation period.

### **Location of New Build Development**

**3.17** In some cases applicants, who own or have control of land outwith the site of the listed building, may wish to locate the new build element off-site, either because there is no scope for new build development within the curtilage of the site, or to remove potential impacts on the setting of the listed building. This type of proposal will be considered on its merits, including the suitability of the off-site location. It should be noted that any additional costs associated with off-site development, such as the purchase of land, will not be accepted as a 'development cost', as this will increase the 'conservation deficit' and the scale of

enabling development required to meet it. This would be contrary to the principle of 'the minimum necessary'.

### **Provision of Supporting Information**

**3.18** Supporting information should be of sufficient detail to allow the Regeneration and Planning Service and its consultees to make an informed decision on whether an enabling proposal meets the criteria set out in this Supplementary Guidance. While some of the requirements for supporting information have already been highlighted under specific criteria, applicants should ensure that all the supporting information listed below is submitted with a planning application.

Checklist:

1. A report, including survey drawings, showing the existing form of the building and associated landscape and how it has developed through time.
2. A Conservation Plan, defining all aspects of significance of the building and landscape, its vulnerability, and guidelines for sustaining its significance
3. A Conservation Management Plan, which sets out the ongoing actions necessary to sustain the significance of a listed building once works to restore and re-use it have been completed. In particular, it should identify:
  - a. who will be responsible for the long-term management of the listed building
  - b. the necessary maintenance tasks and the frequency with which they will be undertaken.
  - c. how future maintenance will be funded in the long term
4. A design and access statement
5. An options appraisal (covering potential uses and sources of funding)
6. Proposals, defined in sufficient detail to understand their impact on the significance of the place
7. A development appraisal, substantiated by:

- justification for end values, based on comparable transactions
- detailed costed schedules of works
- justification for any other exceptional costs; and sensitivity analysis
- justification for current value

8. A Phasing Plan

9. Pre-Application Consultation Report (where undertaken)

10. A parallel application (if applicable) for scheduled monument consent or listed building consent

### **Type of planning application**

**3.19** As highlighted in the sections above, the determination of enabling development applications requires a full understanding of the benefits and disbenefits of each proposal, which can only be achieved if a sufficient level of detail is submitted with the application. For example, detailed information on layout and design and the financial justification are required to determine the proposals impact on the listed building and its setting and to establish and quantify the need for enabling. In light of this, applications for planning permission in principle, where substantive matters are reserved for later approval, are not appropriate and all enabling development proposals must be submitted as full/detailed planning applications.

## **4.0 Supporting Processes**

### **Pre-Application Discussion**

**4.1** Applicants are encouraged to engage in pre-application discussion with the Regeneration and Planning Service, in order to highlight the key issues and identify any obstacles which need to be addressed. This should avoid unrealistic expectations and ensure that the determination of planning applications is not unduly protracted.

### **Professional Advice**

**4.2** An enabling development application will include detailed supporting information on a wide range of issues, including building

conservation/management and development finance. The process of assessing and verifying this information requires a range of professional skills. While the Council will, whenever possible, utilise internal resources and statutory consultees, independent professional advice may be sought to verify supporting information. For example, where appropriate, an independent professional in building conservation may be used to verify the conservation statement and conservation management plan.

- 4.3** For all enabling development applications, an independent professional agency, chosen by the Council, will be used to verify the financial justification (development appraisal) submitted.

#### **Consultation Process**

- 4.4** Since the principle of enabling development involves a degree of disbenefit being accepted in return for a greater public benefit, it is important that the views of stakeholders are integrated into the decision making process. This will be achieved through the consultation process. As a statutory consultee, Historic Environment Scotland will be consulted on all enabling development proposals, with other bodies, such as the Architectural Heritage Society of Scotland and the Scottish Civic Trust, consulted as and when required. The statutory 21 day public consultation period will provide the opportunity for local communities to comment. Applicants are encouraged to carry out pre-application public consultation, in the form of one public meeting. This will enable local communities to contribute to the identification of public benefits and provide the opportunity for any concerns/issues to be identified and resolved before submission of a planning application. Where pre-app consultation is undertaken, a consultation report, setting out the issues raised and how these have been taken into account, should be submitted with the planning application.

#### **Use of Legal Agreement and/or Planning Conditions**

- 4.5** A Section 75 legal agreement and/or planning conditions will be used to ensure that the design, layout, public benefits and phasing agreed at the development management stage are delivered.

### **5.0 Summary**

- 5.1** Scottish Planning Policy makes it clear that the planning system has a role to play in preventing the loss of listed buildings and securing their long term future by supporting 'enabling development', where appropriate.
- 5.2** This Supplementary Guidance provides the detailed criteria for assessing compliance with Policy 30 and identifies the supporting information required. In particular, the criteria clarifies when a listed building will be considered at risk of being lost, when a proposal is the 'only means' and the 'minimum necessary' to restore and secure the long term future of a listed building and what public benefits will be appropriate. The guidance does not address those issues which relate to enabling development, but are covered elsewhere in the Plan.
- 5.3** This Supplementary Guidance also sets out the processes which will support the assessment, determination and implementation of enabling applications, including pre-application discussions, professional advice, the consultation process, and the use of legal agreements and/or planning conditions.
- 5.4** This guidance should be read and applied in conjunction with other relevant Local Development Plan policies and supplementary guidance documents.

## ANNEX 1

### Example of a typical development appraisal layout for a single-phase development

#### Site costs

Market value of property in existing condition

Costs incidental to acquisition:

Stamp Duty Land Tax on acquisition at market value legal fees on acquisition at market value  
agent's fees on acquisition at market value reasonable holding costs

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Total site costs

£ xxx

#### Design and construction

Survey costs

Research and analysis costs

Contamination costs

Construction costs:

- repair
- conversion
- New build

Landscaping costs

Professional fees:

- project manager
- architect/surveyor
- landscape architect
- quantity surveyor
- structural engineer
- M&E engineer
- planning supervisor
- other

Contingency on design and construction costs

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Total design and construction costs

£ xxx

#### Statutory and other charges

Planning fee

Building control fee

Funding and valuation fees:

- funding fees
- financial cap
- bank valuation fee
- bank's legal and monitoring fees second charge costs

Payments required under Article 40 agreement

Legal costs of Article 40 agreement

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Total statutory and other charges

£ xxx

**Interest (preferably calculated by way of cash flow)**

Site cost + fees  
Construction + fees  
Statutory and other charges  
Voids

Total interest costs	£ xxx
<b>Letting and sales costs</b>	
Agent's letting fees	
Legals on letting agent's sale fees	
Legals on sales promotion costs	

Total letting and sales costs	£ xxx
<b>Deductions from costs</b>	
Short-term income from site	
Grants	

Total deductions (£ xxx)	
<b>Developer's profit</b>	
Total @ x % on net costs £ xxx	

TOTAL COSTS £ xxx	(£ xxx)
COMPLETED MARKET VALUE OF SCHEME	
SURPLUS/DEFICIT £ 0	

**NOTES:**

In an enabling development scheme, the surplus/deficit should be approximately zero.

Developer's profit is calculated on all costs except any cash grant or subsidy from public funds.



**Regeneration and Planning**

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**APPENDIX 2**



**DEVELOPMENT PLAN SCHEME  
& PARTICIPATION STATEMENT**  
OCTOBER 2019

# INTRODUCTION

This document sets out which development plans are in effect in Inverclyde (the **Development Plan Scheme**) and how we encourage participation in development plan preparation (the **Participation Statement**).

## DEVELOPMENT PLAN SCHEME

### What is a Development Plan?

The Development Plan sets out the strategy, policies and proposals for the use of land and buildings within Inverclyde. It is used to determine planning applications and provide advice on development proposals.

The Development Plan for Inverclyde comprises:

- The Glasgow and the Clyde Valley Strategic Development Plan (known as Clydeplan), which was approved 24<sup>th</sup> July 2017 and can be viewed at: <https://www.clydeplan-sdpa.gov.uk>. This plan covers the eight Glasgow City Region local planning authorities, including Inverclyde. It sets out a long term vision for the future development of the city region and provides a framework for Local Development Plans.
- The Local Development Plan was adopted by Inverclyde Council on the 26<sup>th</sup> August 2019. The Plan includes a range of policies and development sites, which together provide the context for determining where development should and shouldn't happen in Inverclyde.
- Supplementary Guidance provides greater detail on how certain policies will be applied. Draft Supplementary Guidance has been prepared for the following topics:
  - Priority Places
  - Enabling Development
  - Energy
  - Planning Application Advice Notes

Supplementary Guidance will also be prepared for the following topics:

- Development Briefs for Housing Sites
- Affordable Housing in the Inverclyde Villages
- Development Affecting Trees
- Delivering Green Infrastructure Through New Development

The Plan and associated guidance can be viewed at: <https://www.inverclyde.gov.uk/ldp>

## Future Development Plans

The Planning (Scotland) Act 2019 has revised the development planning system in Scotland. Strategic Development Plans are no longer to be prepared (these will be replaced by Regional Spatial Strategies which will not form part of the development plan), and the process of preparing Local Development Plans is to change. Regulations and guidance in respect of the new system is awaited and a timeline for preparing Inverclyde's next Local Development Plan will be included in a future Development Plan Scheme once relevant regulations and guidance are published.



## PARTICIPATION STATEMENT

Inverclyde Council encourages everyone with an interest in the future development of Inverclyde to engage in the Local Development Plan process.

A detailed Participation Statement for the next Local Development Plan will be issued once regulations and guidance associated with the new development planning system have been published.

## REGISTERING AS A CONTACT

The Council maintains a mailing list of interested people, groups and organisations that will be directly notified of key stages/events in the preparation of the next Plan.

To add your name to our mailing list, please get in touch with the Planning Policy team using the details provided at the end of this document.

## CONTACTING THE LOCAL DEVELOPMENT PLAN TEAM

### PLANNING POLICY TEAM

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Inverclyde  
council  
**LOCAL  
DEVELOPMENT  
PLAN**



**WEST RENFREW HILLS LOCAL LANDSCAPE AREA**  
**STATEMENT OF IMPORTANCE**

## **CONTENTS**

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- 2.** Policy Context
- 3.** Study Approach
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  - 4.3** Local Landscape Area Boundary
  - 4.4** Landscape Change
  - 4.5** Other Designations and Interests

## **1. INTRODUCTION**

The West Renfrew Hills lie within the Clyde Muirshiel Regional Park and stretch from Inverkip and Wemyss Bay in the west to the edge of Loch Thom in the east and adjoin the North Ayrshire Special Landscape Area to the south.

Patterns of hillside and coastal landscapes combine with the varied patterns of vegetation to help define the character of the rural areas and provide a functional setting for the urban areas of Inverclyde.

## **2. POLICY CONTEXT**

Scotland's landscapes are recognised as a major asset, contributing to national, regional and local identities, adding to the qualities of many people's lives and providing attractive settings which help promote social and economic development.

The European Landscape Convention (ELC) highlights the importance of an 'all landscapes' approach to landscaping and encourages more attention to their care and planning. This provides a framework for work on Scotland's landscapes based on a set of five principles:

- people, from all cultures and communities, lie at the heart of efforts for landscape, as we all share an interest in, and responsibility for, its well-being;
- the landscape is important everywhere, not just in special places and whether beautiful or degraded;
- landscapes will continue to evolve in response to our needs, but this change needs to be managed;
- better awareness and understanding of our landscapes and the benefits they provide is required; and
- an inclusive, integrated and forward-looking approach to managing the landscapes we have inherited, and in shaping new ones, is required.

The Scottish Government's national outcomes include that people value, enjoy, protect and enhance their environment. The vision for this outcome includes reference to our natural landscape and wilderness being essential to our identity and way of life.

National Planning Framework 3 recognises how spectacular Scotland's landscapes are and how they contribute to our quality of life, our national identity and the visitor economy as well as supporting place-making and reinforcing Scotland's national image. The wildest landscapes require continued strong protection whilst those close to settlements also have an important role to play in sustaining local distinctiveness and cultural identity, and in supporting health and well-being.

One of the Sustainability Policy Principles of the Scottish Planning Policy states that planning should protect, enhance and promote access to natural heritage, including green



infrastructure, landscape and the wider environment whilst one of the Natural Environment Policy Principles states that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character.

Planning authorities are encouraged by Scottish Planning Policy to limit non-statutory local designations to areas designated for their local landscape or nature conservation value. The purpose of areas of local landscape value should be to:

- safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
- promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
- safeguard and promote important local settings for outdoor recreation and tourism.

It is important therefore to understand the local landscape character and its sensitivity to change through the preparation of this Statement of Importance.

The West Renfrew Hills landscape has been recognised in development plans for over 30 years having been designated a Regional Scenic Area in the 1981 Strathclyde Structure Plan.

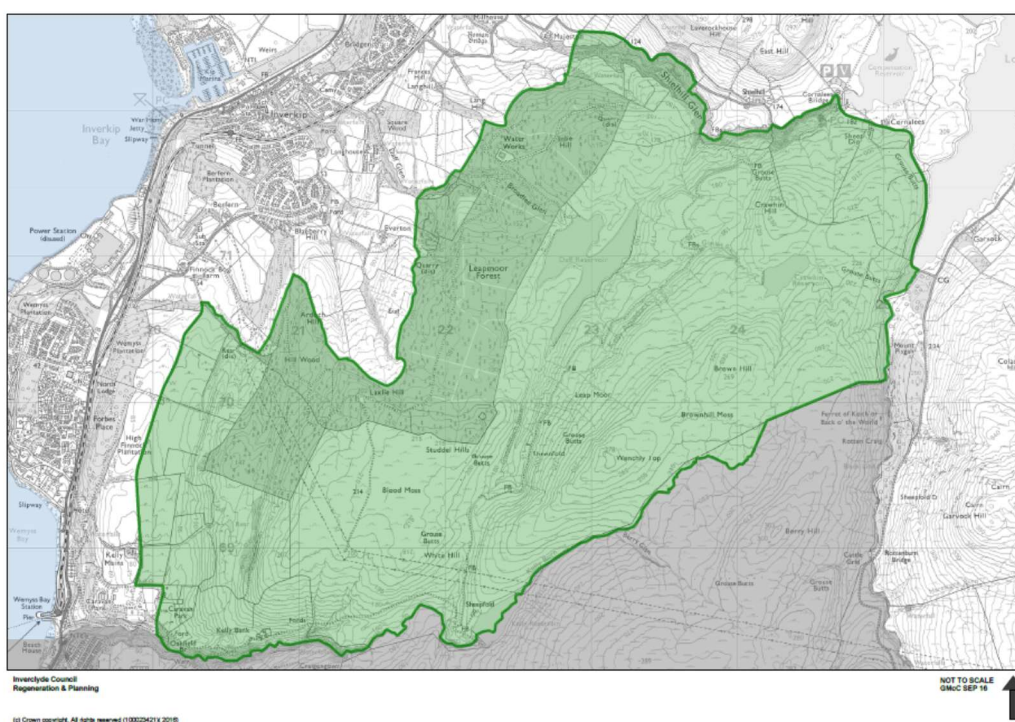
The Inverclyde Local Development Plan 2019, through Policy 33 (Biodiversity and Geodiversity), recognises the importance of the West Renfrew Hills Local landscape Area and requires the protection and enhancement of its special features.

### 3. STUDY APPROACH

Inverclyde Council and Scottish Natural Heritage (SNH) worked together to prepare this Statement of Importance for the West Renfrew Hills Local Landscape Area (LLA) which identifies its extent and landscape character, including those qualities identified as special.

The Statement of Importance has been prepared following three key stages:

- I. A landscape review meeting was held in June 2016 with landscape and planning staff from SNH and Inverclyde Council to discuss key views and attributes of the West Renfrew Hills;
- II. A desk review was carried out of the Glasgow and the Clyde Valley Landscape Character Assessment (1999) and historic mapping and local documentation; and
- III. Fieldwork assessment within the West Renfrew Hills carried out over 2 days (8<sup>th</sup> September and 5<sup>th</sup> October 2016) by SNH Landscape Architects and Planning Officer and Inverclyde Council's Planning Officer.



**West Renfrew Hills Local Landscape Area boundary**

## **4. STATEMENT OF IMPORTANCE**

### **4.1 Landscape Overview**

There is something very special and characteristic about the landscape along the Inverclyde part of the Clyde coast where a linear development of settlements along the waterfront is set against a steep rural hinterland stretching up to the moorland hills

### **4.2 Landscape Qualities**

The following landscape qualities of the West Renfrew Hills are identified as being of special interest; they justify and explain the West Renfrew Hills' selection as a Local Landscape Area. The qualities identified consider not only key landscape and visual characteristics but look beyond these to encompass how the landscape is experienced and valued. They identify and explain the importance of specific locations and landscape features which are considered to contribute strongly to what is special about the area.

**Landform** - This landscape is underlain by basalts which are more resistant than surrounding rocks and have withstood glacial and fluvial erosion to leave rugged uplands moors with summits up to 500m. The lavas which cap the Renfrewshire Hills create the terraced or stepped slopes.

Key characteristics, features and qualities:

- distinct upland character created by the combination of terraced hill slopes, elevation, exposure, rugged landform, moorland vegetation
- extensive natural and man-made water bodies
- some areas of forestry
- the presence of archaeological sites on hilltops and sides. Neolithic and Bronze Age remains
- a sense of apparent naturalness and remoteness which contrasts strongly with the farmed and developed lowland areas;
- the predominant lack of modern development; and
- tall masts and pylons, visible on the skyline in places.

**Views and skylines** – West Renfrew Hills boast a panoramic view stretching to the south west over the Isle of Bute across the length of the Cowal Peninsula northwards to the Holy Loch and the Rosneath Peninsula. The Renfrew Heights and plateau moorlands separating the Clyde and the Ayrshire basin to the south create strong and containing skylines. These come together to emphasise this narrow part of the Inner Firth of Clyde. The coastal part of Inverclyde is one of the few areas where views extend beyond the Clyde basin, extending to the Argyll coast and into the south west Highlands. These views across the Firth of Clyde emphasise the contrast between the remote upland and the developed lowlands.

**Natural heritage features** – the high ground supports three main habitats - upland pasture, heather moorland and coniferous forestry. The combination of these habitats over the seasons can impart characteristic ranges of colours and textures to the landscape with shades of green, brown, ochre and straw and at flowering periods, the vivid purple of the extensive heather.

The land cover of these hills is dominated by moorland plant communities including heather and rough grasslands. There are patches of bracken which generally impact on both the ecology and the landscape, and there are extensive areas of blanket bog within Clyde Muirshiel Regional Park. Extensive areas of peat deposits, as defined on SNH's Carbon and Peatland Map 2016 are found in a number of upland and moorland parts of the West Renfrewshire Hills.

On the more accessible hillsides and lower slopes, agricultural improvements create a brighter green sward, contrasting with the paler hues of the unimproved grassland.

Fields enclosed with walls and hedges push onto some of the slopes around the edges of the hills. Some have been abandoned and invaded by bracken.

In general, the less intensively used upland areas provide a valuable resource for wildlife with a wide range of invertebrates, birds and mammals supported including, for example, the skylark, curlew, golden plover and lapwing, red grouse and hen harrier.



**Hen harrier (m)**

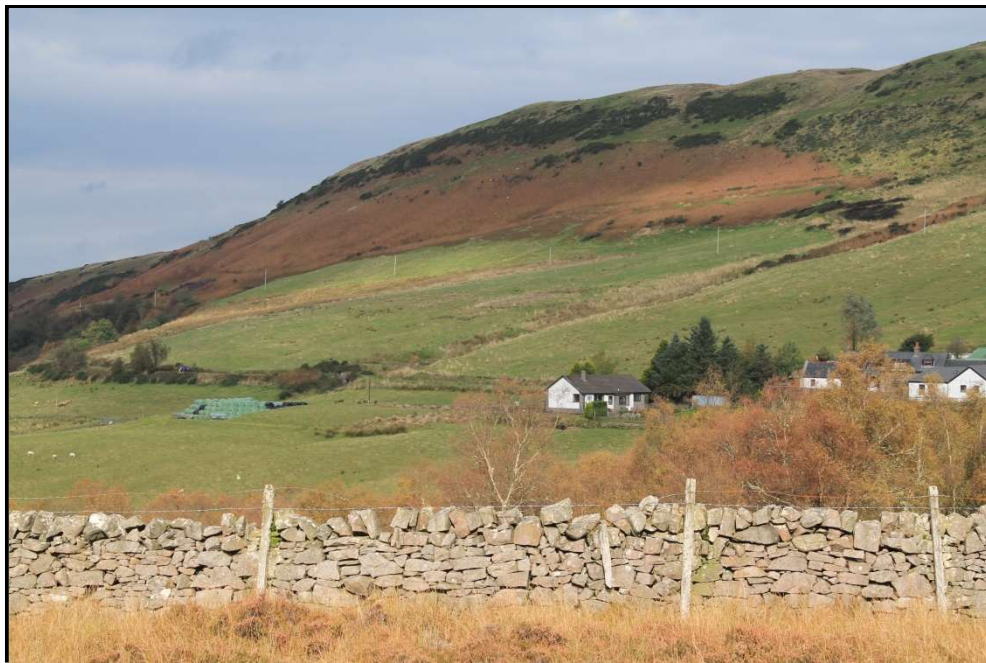


**Lapwing**

**Woodland** - the hills are generally unwooded in character. The principle exception is the commercial plantation found on the western slope at Leapmoor Forest. Deciduous trees and shrubs are also found in some of the gully and burn-side areas, and around some of the hill fringes.

**Water** - there are three reservoirs in the West Renfrew Hills - Daff, Crawhin and Kelly - which were constructed to serve the nearby urban areas with water. There is also the Kelly Cut, a narrow non-navigable aqueduct, built in 1845 by engineer Robert Thom which fed water into the nearby Greenock Cut. It intersects the moorland running around Wenchly Top, Brown Hill and Crawhin Hill around 500m above sea level for a distance of 6 miles (9km) from Cornalees down to Wemyss Bay. A path following the line of the Cut is provided for walkers and cyclists. The hills are connected to the wider green network by 11 core paths running through them, allowing residents and visitors to Inverclyde to enjoy them.

**Remoteness** - in this exposed upland area, buildings are generally very sparse. Shielhill Farm is located just outside the area at the northern edge. However, it soon disappears from view when venturing deeper into the Hills. There are telephone lines, pylons and tracks criss-crossing the area but it is largely uninhabited. The moorlands are vast and there are vistas opening out across the Clyde toward the Isle of Bute, the Cowal Peninsula and beyond. Besides the industrial archaeology cutting through the area in the form of Kelly Cut, there are historic cairns scattered around giving the perception of an undisturbed historic landscape. Despite being within easy access of the urban area, the Hills provide a contrasting solitude where it is possible to enjoy remoteness, solitude and isolation.



**Shielhill Farm**

**Recreation** - the uplands are also of recreational importance with the Greenock Cut Visitor Centre and Clyde Muirshiel Regional Park providing informal and semi-formal recreation close to the urban fringe. Core paths provide access to the area by foot or cycle and the variety of birds and wildlife offer interest to both residents of the area and visitors.

### **4.3 Local Landscape Area Boundary**

As part of the fieldwork assessment carried out in formulating this Statement of Importance, the boundary of the existing Regional Scenic Area was assessed on the ground to establish if it was appropriate to continue as the boundary of the proposed Local Landscape Area.

The mapped Regional Scenic Area boundary had a few anomalies when compared to what was on the ground. It was established that these were due to GIS mapping issues. When these were resolved the boundary was assessed against the following criteria which established that it was robust:

- use of clear, permanent features that are easy to identify on the ground;
- consideration of the visual experience in the landscape; and
- drawing of boundaries close to, or within, settlements and larger urban areas with smaller areas of lesser merit falling within the Local Landscape Area where this allows better physical definition.

### **4.4 Landscape Change**

A key principle in the policy approach to landscape is that landscapes are constantly changing and evolving in response to our needs. Positive change should be facilitated whilst maintaining and enhancing distinctive character. Human activity has already had notable effects on parts of the landscape of the West Renfrew Hills including:

- management of land for grazing;
- the creation of water supply reservoirs at Daff and Crawhin and the aqueduct at Kelly Cut to serve nearby urban areas;
- management of commercial forestry at Leapmoor Forest with associated infrastructure and tracks; and
- the erection of masts, pylons and wind turbines.

All of these have cumulatively detracted from some of the special landscape qualities in some locations, particularly the characteristics of remoteness and perceived wildness and naturalness.

Landscape planning and management should aim to conserve the character and special qualities of these Rugged Moorland Hills. Developments and land use changes which undermine the sense of perceived wildness, naturalness and remoteness should be resisted.



## **4.5 Other Designations and Interests**

### **Natural Heritage**

#### **Renfrewshire Heights Special Protection Area (part) and Site of Special Scientific Interest (part)**

The Special Protection Area was designated in 2007. The boundary is coincident with that of the Site of Special Scientific Interest designated in 2005. Part of these designations cover the West Renfrew Hills and comprise an upland moorland area which supports a diverse mosaic of habitats suitable for nesting and foraging hen harriers. These habitats include blanket bog, acid grassland, wet and dry heath, rough grassland and small sedge mires/flushes. Blanket bog communities predominate, accounting for approximately 70% of the upland vegetation.

The area qualifies for designation due to it regularly supporting a breeding population of hen harriers of European importance (an average of 10 breeding females annually recorded between 1998 and 2004), although the last assessment in 2010 indicated that numbers were unfavourably declining.

### **Cultural heritage**

There are four Scheduled Monuments within the West Renfrew Hills. All are remains of cairns with burial cists which were probably built between 3000 and 1000 BC in the late Neolithic or Bronze Age. Three Monuments are located in the vicinity of Kelly Bank Cottage, Wemyss Bay while the fourth is located near Glen Everton House, Inverkip.

Further information available at: <http://portal.historicenvironment.scot/>

### **Recreation**

#### **Clyde Muirshiel Regional Park**

Clyde Muirshiel Regional Park is one of three Regional Parks in Scotland. Designated in 1990, it covers 28,000 ha (108 square miles) in Inverclyde, Renfrewshire and North Ayrshire. It includes of Castle Semple Loch and Collegiate Church, the Greenock Cut Centre (formerly Cornalees Bridge), Muirshiel Country Park, Barnbrock Farm, Lunderston Bay, Locherwood, Haylie Brae and Knockendon.

The objectives of the Regional Park are to:

- conserve and enhance the natural beauty, biodiversity and cultural heritage of Clyde Muirshiel Regional Park;
  - encourage and enable learning, understanding and enjoyment of Clyde Muirshiel Regional Park; and
  - promote and foster environmentally sustainable development for the social and economic well-being of the people and communities within the Clyde Muirshiel Regional Park area.
- Further information is available at: <http://clydemuirshiel.co.uk/>