
| | | | |
|-------------------------|---|--------------------|------------------------|
| Report To: | Environment & Regeneration Committee | Date: | 13 January 2022 |
| Report By: | Interim Director, Environment & Regeneration | Report No: | ENV004/22/SJ |
| Contact Officer: | Stuart Jamieson | Contact No: | 01475 715555 |
| Subject: | Inverclyde Local Development Plan Update | | |

1.0 PURPOSE

- 1.1 The purpose of this report is to provide the Committee of the current progress of the Proposed Inverclyde Local Development Plan and to set out the way forward for its delivery.

2.0 SUMMARY

- 2.1 The current 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.
- 2.2 In July 2020, a decision of the Court of Session quashed Chapter 7 of the Local Development Plan ('Our Homes and Communities'). In light of this the Council agreed to review its Local Development Plan. A Main Issues Report – the first statutory stage in the preparation of a new Plan – was published for consultation in December 2020. Following that, the Proposed Plan was prepared and consulted upon in July 2021. The next stage of the process would have been to prepare and submit the Proposed Local Development Plan to the Scottish Government for Consideration. However the events listed in Para 4.2 have dictated that said course of action was not appropriate at that time.

The following is the proposed revised timetable for the delivery of the Local Development Plan. This timetable is based on the assumptions that two new staff members are in post by end of February 2022 and that the West of Quarry Drive decision has also been issued by the end of February 2022

| Stage | Date |
|---|-------------|
| Publication of revised Proposed Plan | April 2022 |
| Submission of Proposed Plan to Scottish Ministers | July 2022 |
| Commencement of Examination of Proposed Plan | August 2022 |
| Adoption of Proposed Plan | March 2023 |

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee note the current progress of the Proposed Plan Inverclyde Local Development Plan and agree to the proposal as a way forward for its delivery.

Stuart W. Jamieson
Interim Director Environment & Regeneration

4.0 BACKGROUND

- 4.1 The current 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.
- 4.2 In July 2020, a decision of the Court of Session quashed Chapter 7 of the Local Development Plan ('Our Homes and Communities'). In light of this the Council agreed to review its Local Development Plan. A Main Issues Report – the first statutory stage in the preparation of a new Plan – was published for consultation in December 2020. Following that, the Proposed Plan was prepared and consulted upon in July 2021. The next stage of the process would have been to prepare and submit the Proposed Local Development Plan to the Scottish Government for Consideration. However the events listed below have dictated that said course of action was not appropriate at that time.
- 4.3 Firstly, the Proposed Local Development Plan was prepared taking account of the Scottish Government Guidance on the formulation of Housing Land supply Planning Advice Note 1/2020 (PAN). This document stated the method of calculating housing land supply numbers which the Scottish Government considered to be the most appropriate of those methods which are commonly used. However following a legal challenge, this document was struck down by the Court of Session due to a failure in the consultation process on the document, not the methodology itself. The Scottish Government has indicated that this issue will be incorporated into the National Planning Framework 4 (NPF4) due to be issued in late 2021 and is currently being consulted upon.
- 4.4 Therefore, while the methodology used in the Proposed Local Development Plan for the calculation of the housing land supply numbers is a commonly used and accurate method, it has now been struck from Government policy and no longer has the status it had when the Local Development Plan was prepared, therefore the Plan could be subject to legal challenge by a third party.
- 4.5 As a result of this, we will require to re-consult on the proposed Local Development Plan with an amended text taking account of the quashed Planning Advice Note and reverting back to the 2014 SPP, or the new NPF4 when it is issued, thus allowing all interested parties to make comment without the context of the quashed Circular.
- 4.6 Secondly, in May 2021 the Planning Authority approved the Planning application for West of Quarry Drive Kilmacolm on the basis that it was an appropriate housing site in accordance with the Proposed Local Development Plan. As a result of the Council ownership of a small parcel of the application site the matter required to be referred to the Scottish Government DPEA for approval in line with the Planning Circular. The Reporter from the DPEA is currently considering the application. We have no clear deadline for the conclusion of that process however it is reasonable to consider that it will be concluded by the end of January 2022.
- 4.7 If the Reporter is minded to refuse the West of Quarry Drive application contrary to our recommendation, on the grounds that additional housing units were not required in the Kilmacolm area, such a decision would potentially have an impact on the credibility of the Proposed Local Development Plan. As such the proposed LDP would need to be reviewed to accommodate those findings. This is a critical path issue and our re-consultation on the revised Proposed Plan Local Development Plan, taking account of the quashed Circular, requires to wait for this decision.
- 4.8 Thirdly, in May 2021 the Planning Authority also refused a planning application for a housing site at Plantreeyetts, Kilmacolm as it was not in accordance with the Local Development Plan or the Proposed Local Development Plan. The applicant has appealed that decision to the Scottish Government and a (different) Reporter from the DPEA is currently considering the matter. We have no clear deadline for the conclusion of that process.

- 4.9 If the Reporter reached a different conclusion on this planning application and decided to approve this application, while not welcomed, it would not have a significant impact on the revised Proposed LDP.
- 4.10 With regards to NPF 4, a draft document was issued by the Scottish government on 10th November 2021 with parties having until 31st March 2022 to make representations on the draft document. The finalised NPF4 document expected to be issued in the late Autumn 2022. While this is a significant Planning Policy document, the consultation period and the timing of the document being integrated into the Planning System means that is not critical to the procedural process of this LDP.
- 4.11 It is worth noting that as a result of the Planning Scotland Act 2019 NPF4 will be part of the Statutory development plan meaning it will carry greater weight in decision making and will play an important role in informing local development plans.
- 4.12 In addition, the draft NPF 4 contains the 10 year Minimum All Tenure Housing Land Requirement (MATHLR) for all authority areas in Scotland which LDPs should at least meet. Authorities are entitled to consider their local housing needs and identify a larger housing land requirement within their LDP.
- 4.13 In addition to these matters, two members of staff key to this process have departed Inverclyde Council. The Team Leader in the Policy Section departed on the 10th of November 2021 for West Dunbartonshire and the Planning & Building Standards Manager left for South Ayrshire on the 3rd of December 2021. Therefore the resources available to proceed at this current time with the Local Development Plan process has been significantly impacted by these departures. This is critical path issue.

5.0 PROPOSALS

- 5.1 Taking all these matters into account the following revised timetable for the delivery of the Local Development Plan is proposed. This timetable is based on the assumptions that two new staff members are in post by end of February 2022 and that the West of Quarry Drive decision has also been issued by the end of February 2022

| Stage | Date |
|---|-------------|
| Publication of revised Proposed Plan | April 2022 |
| Submission of Proposed Plan to Scottish Ministers | July 2022 |
| Commencement of Examination of Proposed Plan | August 2022 |
| Adoption of Proposed Plan | March 2023 |

6.0 IMPLICATIONS

Finance

- 6.1 There are no direct financial implications arising from this report.

Financial Implications:

One off Costs

| Cost Centre | Budget Heading | Budget Years | Proposed Spend this Report | Virement From | Other Comments |
|-------------|----------------|--------------|----------------------------|---------------|----------------|
| N/A | | | | | |

Annually Recurring Costs/ (Savings)

| Cost Centre | Budget Heading | With Effect from | Annual Net Impact | Virement From (If Applicable) | Other Comments |
|-------------|----------------|------------------|-------------------|-------------------------------|----------------|
| N/A | | | | | |

6.2 **Legal**

There are no direct legal implications arising from this report.

6.3 **Human Resources**

There are no direct human resource implications arising from this report.

6.4 **Equalities**

Equalities

(a) Has an Equality Impact Assessment been carried out?

| | |
|---|--|
| | YES |
| X | NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required |

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

| | |
|---|--|
| | YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed. |
| X | NO |

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

| | |
|---|---|
| | YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals. |
| X | NO |

6.5 **Repopulation**

There are no direct repopulation implications arising from this report.

7.0 CONSULTATIONS

7.1 None.