
Report to Planning Committee

Date of Meeting: 11th April 2013

Subject: Proposed Clackmannanshire Local Development Plan

Report by: Head of Community & Regulatory Services

1.0 Purpose

- 1.1. The Planning etc (Scotland) Act 2006 introduced the requirement on planning authorities to produce a new style of development plans to replace the previous Structure and Local Plans. For Clackmannanshire, this meant that the Clackmannanshire and Stirling Structure Plan and the Clackmannanshire Local Plan would be replaced by a single tier Clackmannanshire Local Development Plan (LDP).
- 1.2. This report is to update Members on the progress of the Proposed Clackmannanshire Local Development Plan. It describes the process undertaken to date and the steps which will be required before the publication of the Proposed LDP and associated supporting documents, and the process thereafter to allow representations from the public and other interested parties. Reports will be presented to the following Committees prior to a consolidated final report being put to Council, incorporating any agreed changes:
 - 28th March Enterprise and Environment
 - 11th April Planning
 - 25th April Education, Sport and Leisure
 - 23rd May Housing, Health and Care
- 1.3. A Proposed Local Development Plan, which includes supporting text, policies, proposals and mapping, has been prepared and made available to Members for this Committee. An Open Space Audit and Strategy has also been produced in tandem with the LDP and this has also been made available to Members. The associated documents identified in paragraph 3.19 will be updated following the Committee Cycle and made available along with the Proposed Plan to be reported to Council.
- 1.4. The main areas of relevance to the Planning Committee are summarised in paragraphs 3.13-3.17 below.

2.0 Recommendations

2.1. It is recommended that the Committee:

- (a) Note the progress made on the Proposed Local Development Plan and accompanying documents,
- (b) Raise any comments or views on the Proposed LDP and accompanying documents for consideration prior to finalisation for presentation to Council.

3.0 Considerations

Background

- 3.1. The Planning etc (Scotland) Act 2006 requires the preparation of Local Development Plans to provide a robust, plan-led approach to development. setting out a clear, concise, long-term vision for the future development of the area and providing relevant and up to date policy guidance.
- 3.2. LDPs should look to guide the future use and development of land in the area for the next 20 years, and require to be reviewed at least every 5 years.

The Main Issues Report

- 3.3. The Main Issues Report (MIR) was consulted on between January and March 2011. This was the first major step in the Local Development Plan process and the first stage of public involvement in its preparation. This stage was also when the public had the greatest opportunity to be involved and influence the preparation and content of the Local Development Plan.
- 3.4. The MIR identified the key changes since the adoption and approval of the Local and Structure Plans. It identified aims for the Proposed LDP, based on Council aims, and set out a preferred Vision, along with 3 alternatives.
- 3.5. When considering key policy areas, the MIR identified preferred options from a number of alternatives which had been considered. Development sites were divided into Established sites, which were either included in adopted Plans or had planning permission, Potential sites, which were generally considered suitable for consideration in the Proposed LDP, and Non-favoured sites, which were either considered unsuitable, or not required at the present time.
- 3.6. Sites within the MIR, and those raised through the consultation process, have all been taken through a site assessment process which considered factors including landscape impact, environmental impact and accessibility.
- 3.7. Alongside the Main Issues Report, the Council also consulted on a Open Space Framework which discussed and sought opinions on key topics relating to open space in Clackmannanshire including woodland, biodiversity and the ongoing maintenance of Council-owned open space.
- 3.8. A Local Development Plan newsletter was published in June 2011 summarising what happened during the MIR process.

The Proposed Local Development Plan

- 3.9. The publication of the Proposed LDP is the second significant stage in the Development Plan process and represents the Council's position in terms of the policies it wishes to adopt and the sites and projects it wishes to promote and support. It is therefore the Council's view of what they would wish the Plan which is eventually adopted to be.
- 3.10. The Proposed LDP and supporting documents have been prepared following research and consultation with internal and external partners including local communities, developers, landowners, businesses and Elected Members.
- 3.11. LDPs should be concise and focus on specific main proposals for the period up to 10 years from adoption. The Planning etc (Scotland) Act 2006 requires Local Development Plans to contain a number of elements:
- A **Vision Statement** which should provide a realistic expression of what the plan area could be like in 20 years time and a inform the spatial strategy of the Plan.
 - A **Spatial Strategy** which should encapsulate the headline changes that the plan seeks to achieve, and provide a locational strategy for new development up to year 10 from plan adoption and a broad indication of the scale and location of growth up to year 20.
 - A **Proposals Map or Maps**, including diagrams and illustrations where appropriate to illustrate the plan's policies and proposals spatially and allow the specific location of proposals to be accurately identified.
 - A **Schedule of Land Ownership** contain any land that is owned by the planning authority and affected by any of the policies, proposals or views expressed in the plan.
- 3.12. The Proposed LDP also identifies Strategic Objectives, Area Statements, covering the spatial areas of Forth, West Ochils and East Ochils, including proposed development sites and supporting information and general Council-wide Policies split into three chapters, Creating Sustainable Communities, Employment and Prosperity and Environmental Assets.

Main Areas of Relevance to the Planning Committee

- 3.13. The Planning etc (Scotland) Act 2006 reiterated the importance of the Development Plan at the heart of decision making and consideration of planning applications. It stressed the importance of Local Development Plans to provide a robust, plan-led approach to development, which should set out a clear, concise, long-term vision for the future development of the area and provide relevant and up to date policy guidance. The Policies and proposals within the Local Development Plan will therefore form the cornerstone of the decision making process for planning applications considered by this Committee and decided through delegated procedures.
- 3.14. LDPs should look to the next 20 years when considering the vision and spatial strategy for their area, although developments which are expected within the first five years, and during years 5-10 of the Plan's lifetime will be able to be more detailed than longer term proposals. Planning authorities are urged to

keep development plans up to date and they are required to review Local Development Plans at least every 5 years.

- 3.15. Officer reports to Planning Committee should consider all relevant aspects of the LDP and highlight those which were relevant to the consideration of the planning application being considered. There may also be material considerations which may influence either the recommendation from Officers, or the conditions attached to any permissions, however the Policies of the LDP should be the primary considerations in determining applications and cannot be dismissed or ignored without sound and well reasoned justification.
- 3.16. The LDP Policies and Proposals have been assessed to ensure that they each make a meaningful contribution to the realisation of the eight **Strategic Objectives**. Planning Applications should also be considered in relation to their contribution to meeting these Strategic Objectives, which are:
- A Clear Framework for Positive Change.
 - Sustainable Economic Growth.
 - Environmental Sustainability.
 - Meeting the Need for New Homes.
 - Community Regeneration and Improving Health and Wellbeing.
 - Natural Environment.
 - Built Environment.
 - Sustainable Transport and Accessibility.
- 3.17. A summary of the main areas of the LDP and significant new sites identified in it can be found in the background papers.

Associated Documents

- 3.18. The associated documents below require to be produced along with the LDP and consulted on. They will be finalised following the Committee cycle and reported to Council along with the finalised Proposed Local Development Plan:

An **Action Programme**, which sets out how the Council proposes to implement the Plan, including the identification of responsible persons or organisations and timescales.

A **Strategic Environmental Assessment** (SEA) which considers the likely environmental impacts of the LDP; and recommending measures to address them. A description of the SEA activity undertaken so far can be found in the background papers.

A **'Habitat Regulations Appraisal'** (HRA) which considers what implications the Plan may have on Natura sites. The LDP can only be adopted once the HRA and appropriate assessment have demonstrated that the Plan will not adversely affect the integrity of any of the sites assessed.

Supplementary Planning Guidance which will be produced along with the Proposed LDP and can be adopted as statutory guidance, if it is consulted

on in a similar way to the LDP. The Supplementary Guidance produced along with the Proposed LDP will be:

- SPG1 - Developer Contributions
- SPG2 - Wind Energy
- SPG3 - Layout and Design
- SPG4 - Energy Efficiency/Low Carbon Development
- SPG5 - Water

Future SPGs are expected to include:

- Minerals
- Woodland and Forestry
- Green Network
- Affordable Housing

The **Muckhart Conservation Area Appraisal** identifies enhancements and will be used to inform development proposals. It will form the basis of Appraisals of all of the other Conservation Areas, which will be undertaken during the period of the LDP.

4.0 Sustainability Implications

- 4.1. The Planning etc (Scotland) Act 2006 requires planning authorities to carry out their development planning functions with the objective of contributing to sustainable development. The Policies within the Proposed Plan, and the Supplementary Planning Guidance supports the promotion of sustainability in developments proposals, including green travel, the siting and layout of new development, energy efficiency, renewable energy, encouraging development of brownfield land and avoiding areas of known flood risk.
- 4.2. The Proposed LDP has been subject to a Strategic Environment Assessment and Habitat Regulations Assessment, see 3.19 above.

5.0 Resource Implications

- 5.1. The resources for preparing, publishing and consulting on the Proposed Local Development Plan are already provided for in the Development Services budget.
- 5.2. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☒
- 5.3. No additional staff resources would be required from Services to Communities and Support Services.

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box ☒)

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input checked="" type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input checked="" type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input checked="" type="checkbox"/>

(2) **Council Policies** (Please detail)

The Proposed Local Development Plan accords with and supports the Council's key strategies including, the Single Outcome Agreement, the Local Housing Strategy, Local Transport Strategies, Open Space Strategy and the Sustainability and Climate Change Strategy.

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☒ No ☐

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Policies Background Paper for Planning Committee

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at

which the report is considered)

Yes ☒ (please list the documents below) No ☐

- Summary of the main areas of the LDP and significant new sites (Copies available in the Members' Rooms).
- Proposed Local Development Plan (Copies available in the Members' Rooms).
- Development Plan Scheme and Participation Statement (2012). (Copies available in the Members' Rooms).
- Strategic Environmental Assessment recommendations summary. (Copies available in the Members' Rooms).
- Open Space Strategy. (Copies available in the Members' Rooms).
- Open Space Strategy Strategic Environmental Assessment. (Copies available in the Members' Rooms).
- Local Development Plan Main Issues Report (January 2011)
- Local Development Plan Main Issues Report Information Pack (January 2011)
- Open Space Framework (January 2011)
- Report to Council dated 16th December 2010 – Clackmannanshire Local Development Plan Main Issues Report and Open Space Framework.

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Approved by

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APPENDIX 1

POLICIES BACKGROUND PAPER FOR PLANNING COMMITTEE

All of the policies are relevant to the Planning Committee and the policies and areas of change are listed below:

CREATING SUSTAINABLE COMMUNITIES

HOUSING

SC1 Maintaining a Housing Land Supply

Update of Local Plan Policy RES1 'Housing Land Supply'. This policy aims to ensure the maintenance of a robust and deliverable housing land supply.

SC2 Affordable Housing

Update of Local Plan Policy RES5 'Affordable and Particular Needs Housing'. Updated to give greater detail of what affordable housing contributions will be expected from developments.

SC3 Gypsies and Travellers and Travelling Showpeople

New Policy to reflect Government Policy in the SPP.

SC4 Residential Care Facilities

Update of Local Plan Policy RES6 'Residential Homes and Nursing Homes'.

SC5 Layout and Design Principles

Update of Local Plan Policy RES7 'The Layout and Form of Development', incorporating new design and layout thinking from the Scottish Government's Designing Streets and Placemaking advice and agendas. This policy sets out criteria that should be followed in the design of all new residential developments to ensure they are designed to high standards and contribute positively to their local environment and community.

SC6 Additional Design Information

New Policy to further support Policy SC5. This policy sets out circumstances where higher quality design will be expected and therefore the Council will expect proposals to be supported by additional design information.

SC7 Energy Efficiency and Low Carbon Development

Updating Local Plan Policy INF10 'Energy Efficiency', to reflect the progress made in this area and reflect new standards and technologies. This policy sets out the Council's expectations with regards to the energy efficiency of new buildings, and is underpinned

by an SPG that sets out in more detail how the standards should be met throughout the plan period.

SC8 Domestic Developments

Updating Local Plan Policy RES12 'Householder Developments and Established Amenity'.

SOCIAL INFRASTRUCTURE

SC9 Developer Contributions

New policy which aims to ensure that developers contribute to alleviating any issues affecting community infrastructure which arise as a direct result of their development.

SC10 Education, Community Facilities and Open Spaces

This Policy brings together some elements of the Local Plan policies such as Policy INF14 'Existing Public Parks, Amenity Open Spaces, Allotment Gardens, Playing Fields and Sports Pitches' and also adds emphasis to educational and community/social facilities for protection and enhancement.

SERVICES

SC11 Transport Networks

Update of Local Plan Policy INF2 'Integration of Transport and Development Proposals'. This Policy aims to ensure that the impacts of development on the wider transport network are considered, and that opportunities to enhance the network are identified at an early stage.

SC12 Development Proposals - Access and Transport Requirements

New Policy picking up on some of SC11 and aiming to ensure that sustainable transport infrastructure is fully integrated into the design of new developments.

SC13 Decentralised Energy

New Policy aiming to encourage the provision of decentralised energy from appropriate sources and within suitable developments.

SC14 Renewable Energy

Update on the Local Plan Interim Policy INF9 'Renewable Energy Developments' aiming to encourage the incorporation and use of renewable energy technology.

SC15 Wind Energy Development

New Policy which aims to provide details of areas where wind energy development proposals will be likely to be most acceptable.

SC16 Hydro-electricity Development

SC17 Biomass

SC18 Large Solar Arrays

SC19 Deep Geothermal

All of the above Policies are new and they aim to identify the circumstances under which proposals for the particular type of energy generation may be supported.

SC20 Water and Drainage Infrastructure and Capacity

New Policy which aims to ensure that developments are served by the required standards of water and drainage infrastructure.

SC21 Pipeline and Hazard Consultation Zones

SC22 Hazardous Substances Consent

These Policies add to the Local Plan Policy EN16 'Control of Hazardous Substances' and aim to ensure that proposed developments within Consultation Zones are compatible with the existing operational uses, and that developments requiring Hazardous Substances Consent are located on the most appropriate sites.

DEVELOPMENT IN THE COUNTRYSIDE AND THE RURAL ECONOMY

SC23 Development in the Countryside - General Principles

SC24 Residential Development in the Countryside

SC25 Business Development in the Countryside

SC26 Enabling Development in the Countryside

These Policies add to the Local Plan Policies EN18 'Development in the Countryside', JOB11 'Rural development', JOB12 'Tourism' in the context of the countryside and aim to safeguard the countryside by supporting developments which meet the criteria of the relevant policies.

EMPLOYMENT AND PROSPERITY

BUSINESS AND EMPLOYMENT

EP1 Strategic Land for Business

Similar to Structure Plan Policy EDP1. New site at Kilbagie and a larger site at Alloa West (Orchard Farm) have been identified in the LDP and the 3 previous sites from the Structure Plan at New Alloa, Dumyat and Castlebridge have been retained and included.

EP2 Business Proposals

Similar to Local Plan Policy JOB3, however, while some existing business areas such as Kelliebank and Forthbank were identified in the Local Plan, the LDP has considered business areas in far more detail and included smaller areas in business and employment use such as Whins Road, Alloa and Barnpark, Tillicoultry. These have been identified and business and employment proposals will be directed towards them.

EP3 Alternative Employment Generating Uses on Allocated Sites

- EP4 Business and Industrial Uses Outwith Allocated Sites**
- EP5 Non-Employment Generating Uses on Existing Business and Industrial Sites**
New, and detailed Policies which consider criteria against which proposals which would provide employment, but are not generally supported for particular sites in the Plan, may be considered. Sets out the criteria against which business proposals outwith the identified areas will be considered, with the aim of being supportive of such proposals, provided the criteria are met. This Policy discourages non-employment generating uses on sites identified for business unless a number of criteria can be demonstrated.
- EP6 Home Working**
New Policy to support the principle of home-working and live/work units, subject to detailed criteria.
- EP7 Green Business**
New Policy to provide support and encouragement to Green Business.
- EP8 Telecommunications Development Criteria**
Update of Local Plan Policy INF 7 'Telecommunications Masts'
- EP9 Telecommunications Development - Additional Information**
Gives further information on the level of information required in order to allow the Council to consider applications for telecommunications masts and updates of Local Plan Policy INF 8 'Telecommunications Equipment for Residences' by requiring consideration of data ducting in new homes.
- EP10 Protection of Minerals Resources**
Update of Local Plan Policy EN24 'Protection of Mineral Reserves'. The aim of this policy is to protect mineral resources from sterilisation by development.
- EP11 Minerals - General Principles**
Update of Local Plan Policy EN21 'Minerals'. The aim of this policy is to ensure that minerals extraction does not have a significant adverse impact on Clackmannanshire's environment and communities.
- EP12 Opencast Coal Extraction**
Update of Local Plan Policy EN22 'Opencast Coal and Related Minerals'. The aim of this policy is to set out additional criteria in relation to opencast coal extraction.
- EP13 Aggregate Minerals**
Update of Local Plan Policy EN23 'Aggregate Minerals'. The aim of this policy is to set out additional criteria in relation to aggregate minerals.

EP14 Coal Bed Methane

New Policy to address the increasing interest in exploiting coal bed methane reserves. The aim of this policy is to set out additional criteria in relation to coal bed methane.

RETAIL AND TOWN CENTRES**EP15 Retail Network Centre and Hierarchy**

Update of Local Plan Policy JOB6 'New Shopping Facilities'. The purpose of this policy is to protect and enhance the role and function of the network and hierarchy of retail centres in Clackmannanshire.

EP16 New Retail and Commercial Leisure Development

Update of Local Plan Policy JOB6 'New Shopping Facilities'. The aim of this policy is to set out criteria for the assessment of new retail and commercial leisure developments, in accordance with the LDP Strategy.

EP17 Supermarket and Superstore Development

New Policy to specifically address supermarket and superstore proposals following the findings of a Retail Capacity Study , which informed the LDP. The aim of this policy is to set out criteria for supermarket and superstore proposals in accordance with the LDP Strategy.

EP18 Food and Drink

New Policy setting out criteria for food and drink proposals in accordance with the LDP Strategy, and taking particular account of issues of amenity.

EP19 Siting of Mobile Snack Bars

New Policy setting out criteria for proposals to site mobile snack vans in accordance with the LDP Strategy, and taking particular account of issues of amenity and road safety.

EP20 Motor Vehicle Sales and Service Areas

Update of Local Plan Policy JOB5 'Petrol Filling Stations, Service Areas and Car Showrooms'.

EP21 Local Shops

Update of Local Plan Policy JOB9 'Protection of Local Shops'. The aim of this policy is to protect the role of local shops in accordance with the LDP Strategy, and set out criteria for assessment of proposals to change their use.

EP22 Shop Front Design, Advertising and External Security Measures

Update of Local Plan Policy JOB8 'Shop Front Design, Advertising and Security'. The aim of this policy is to set out criteria for shop front, advertisement and security proposals, in accordance with the LDP

Strategy and with an emphasis on the impact on the character and visual amenity.

EP23 Promoting Town Centre Regeneration

A New Policy which aims to support developments that will contribute to town centre regeneration, in accordance with the LDP Strategy.

ENVIRONMENTAL ASSETS

EA1 Supporting the Central Scotland Green Network

The Central Scotland Green Network is a priority project of the Scottish Government's National Planning Framework 2, introduced since the previous Development Plan was approved. It is an important dimension of the LDP strategy, aiming to deliver an improved sense of wellbeing and quality of life and improve the ability of the area to attract investment. The policy aims to support the implementation of CSGN by ensuring that new development contributes to its objectives where possible.

THE NATURAL ENVIRONMENT

EA2 Habitat Networks & Biodiversity

New policy updating and strengthening the protection and enhancement of biodiversity and habitat networks, creating a direct link to aims and objectives of the new Clackmannanshire Biodiversity Action Plan and the principles of CSGN

EA3 Protection of Designated Sites and Protected Species

Updates Policy EN 1 (Sites of Local Ecological Importance) to cover protection of designated sites and species.

EA4 Landscape Quality

Similar in scope to Policy EN 2 (Landscape and Ecology) but updates policy coverage to accord with current guidance on landscape protection.

EA5 Geological Conservation Review Sites

New policy on protection of Geological Conservation Review sites.

EA6 Woodlands & Forestry

New policy which replaces former Policy EN 3 and links to the emerging Woodland and Forestry Strategy.

EA7 Hedgerows, Trees and Preservation Orders

Previously covered in former Policy EN 2 (Landscape and Ecology) this policy provides improved policy guidance.

EA8 Green Belt

National guidance on green belts has been revised since the previous Development Plan was approved. This new policy accords to the

revised guidance and provides updated criteria for development in green belt areas.

EA9 Managing Flood Risk

New policy replacing former Policy EN 4 (Water Resources) and updating policy to reflect the provisions of new flood risk management and climate change legislation and revised national planning guidance on flood risk.

EA10 Coastal Planning

National guidance on coastal planning has been updated since the previous Development Plan was approved. This policy reflects the revised guidance and replaces Policy EN 5 (The Coast) in the previous Plan.

PROTECTING ENVIRONMENTAL RESOURCES

EA11 Environmental Quality

This policy updates and replaces previous Policy EN 15 (Planning and Environmental Protection).

EA12 Water Environment

This new policy reflects the introduction of new water environment legislation since the previous Development Plan was approved and aims to protect and enhance the water environment.

EA13 Significant Soil Resources

New policy protecting not only prime agricultural land but also carbon rich soils, in accordance with the statutory duty on the Council to mitigate climate change, and recent guidance from the Scottish Government.

EA14 Supporting the Delivery of Community Growing Spaces

New policy aiming to support the delivery of community growing spaces in accordance with recent guidance from the Scottish Government and a key objective of CSGN.

EA15 Classification of Land that has been used for Community Growing

Related to Policy EA14, to ensure appropriate remediation of land last used for community growing.

EA16 Waste Management Facilities

Replaces former Policy EN 25 (Waste Management) and reflects the considerable changes that have occurred in guidance on planning for waste management since the previous Development Plan was approved. Supports the development of suitable waste management facilities while safeguarding environment and amenity.

EA17 Energy from Waste Facilities

New policy to address Scottish Government support for such facilities and their role in national waste management policy. The policy sets out the criteria which such proposals should meet.

EA18 Minimising Waste in New Development

New policy which supports recent national guidance to minimise waste generated during the construction and use of new developments.

THE BUILT ENVIRONMENT**EA19 Scheduled Monuments**

Updates former Policy EN 7 (Archaeological or Historic Sites) to provide improved policy guidance and conform with current guidance.

EA20 Other Archaeological Resources

Updates former Policy EN 8 (Site Assessment, Evaluation and Recording) to provide improved policy guidance and conform with current guidance.

EA21 Historic Gardens and Designed Landscapes

Updates former Policy EN 9 (Nationally Important Gardens and Designed Landscapes) to provide improved policy guidance and conform with current guidance.

EA22 Listed Buildings

Updates former Policy EN 6 (Listed Buildings) to provide improved policy guidance and conform with current guidance.

EA23 Conservation Areas

Updates former Policy EN 10 (Conservation Areas) to provide improved policy guidance and conform to the current guidance.

EA24 Buildings at Risk and Non-Designated Heritage Assets

New policy to support renovation and re-use of buildings at risk.

EA25 The Development of Brownfield and Contaminated Land

Updates former Policy EN 14 (Contaminated Land) and also supports the re-use of brownfield land.