

South Lanarkshire Development Plan Scheme 2022



**Community and
Enterprise Resources**

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1 Introduction

1.1 This is the development plan scheme for South Lanarkshire Council. It is prepared in accordance with the Town and Country Planning (Scotland) Act 1997 and sets out the Council's programme for the preparation of local development plans to cover the South Lanarkshire area.

1.2 This scheme covers:-

- The current coverage of development plans in South Lanarkshire.
- Proposals for the preparation of the next South Lanarkshire local development plan (which will be referred to as SLLDP3) for the area.
- The timescale for preparation of this LDP.
- Details, as appropriate, of the key components of each stage of preparation.
- A participation statement, giving an account of when consultation will take place, with whom and in what form, during the preparation of the LDPs.
- Details of the preparation of other supporting planning guidance associated with the local development plan.
- Information on how to access information and how to get in touch with the Council.

1.3 As required by legislation, this development plan scheme must be reviewed and republished every year.

The development plan system in Scotland

1.4 Development plans are the basis for decision making on planning applications, containing policies and proposals for the future development and use of land.

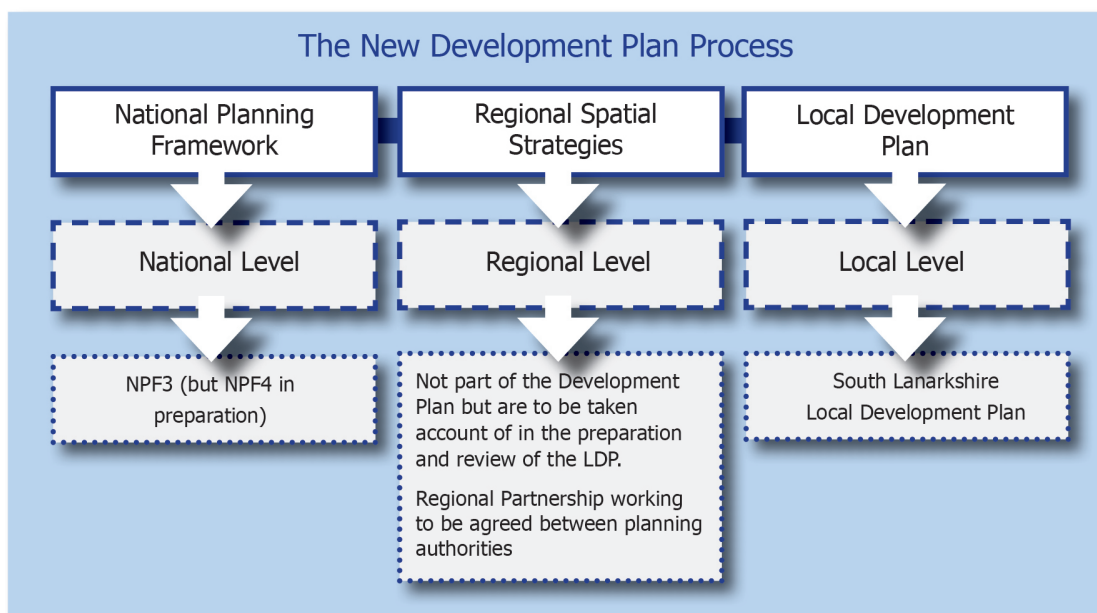
1.5 Further information on the planning system is available from the Scottish Government's website www.scotland.gov.uk/Topics/Built-Environment.

1.6 The Planning (Scotland) Act 2019 received Royal Assent in July 2019 and it has been incorporated into the 1997 Act. Among other things it introduces changes to the development plan system including

- the repeal of Strategic Development Plans and their replacement by non-statutory Regional Spatial Strategies (RSS);
- combining the existing National Planning Framework and Scottish Planning Policy into one document to be called National Planning Framework 4 when it is approved. In turn it will become part of the development plan;
- the need to replace LDPs at least every 10 years as opposed to 5 years at present; and
- the repeal of the ability to prepare Supplementary Guidance (SG).
- In addition local communities now have the opportunity to prepare Local Place Plans (LPP) for their local area to enable greater community involvement in the planning of their places. A LPP must accord with the NPF and LDP in place at that time.

1.7 The overall structure of the development plan system in Scotland will be as shown in the table below.

Introduction 1



The National Planning Framework for Scotland (NPF)

1.8 The NPF is produced by the Scottish Government and sets out a long-term spatial strategy for the development of Scotland as a whole and what Scottish Ministers consider to be development priorities. The Third National Planning Framework for Scotland (NPF 3) was published in June 2014 but it is scheduled to be replaced.

1.9 The Scottish Government published a draft NPF 4 for public consultation in November 2021 which closed in March 2022. It is anticipated that an approved version will be published in summer 2022. NPF 4 will also incorporate Scottish Planning Policy (SPP) which contains detailed national policy on a number of planning topics and for the first time spatial and thematic planning policies will be addressed in one place. NPF 4 has also been made the vehicle for identifying the housing land requirements for LDPs, taking over this role from Strategic Development Plans (SDP), and its enhanced status as an integral part of the development plan will give it a much stronger role in informing day to day decision-making. It will have a longer time horizon to 2045, fuller regional coverage and improved alignment with wider programmes and strategies, including the delivery of infrastructure and economic investment, tackling the climate emergency and nature crisis and supporting the creation of high quality sustainable places.

Regional Spatial Strategies

1.10 The Planning (Scotland) Act 2019 removed the requirement to prepare SDPs and instead requires the preparation and adoption of Regional Spatial Strategies (RSS). Once approved it will provide a framework for the preparation of the NPF and Local Development Plans. They are long-term spatial strategies which identify the need for strategic development and the priorities for the delivery of strategic development and proposed locations, all shown in the form of a map or diagram. It is expected that the Scottish Government will publish draft regulations and guidance on the preparation of RSS later in 2022.

1 Introduction

1.11 The legislation encourages planning authorities to work together to produce RSS. South Lanarkshire Council is one of the 8 members authorities of Clydeplan and this arrangement which was established in 1996 will continue. An 'interim' RSS was submitted to Scottish Government in June 2020.

Local Development Plans (LDP)

1.12 The South Lanarkshire Local Development Plan 2 (SLLDP2) was adopted by the Council on 9 April 2021. It was produced under the existing legislation but took account of some of the changes that have been introduced under the 2019 Act. In particular it includes a Volume 2 of additional policies that replaces the SG's prepared in association with the first iteration of the SLLDP. The Council has begun to produce non-statutory Supporting Planning Guidance on a number of topics; will not have the same statutory standing as the Supplementary Guidance they will be a material consideration in determining planning applications.

1.13 Under the new legislation LDPs will continue to be prepared by local planning authorities and set out detailed policies and proposals for their particular area to guide the use of land and buildings over a 10-year period. A new first stage in the process has been introduced which will comprise the preparation of an Evidence Report which involves gathering a wide range of information and data which will inform the direction of the plan. Engagement with stakeholders, key agencies and local communities will form part of this work. The Evidence Report is then submitted to Scottish Ministers for review (referred to as a 'gatecheck'). Following confirmation that the Scottish Ministers are content with the Evidence Report, Planning Authorities can then start preparation of the Proposed Plan. The previous plan preparation stages of engagement and public consultation and thereafter an examination of the Proposed Plan are maintained. Following this, Planning Authorities can then adopt their Local Development Plan, taking account of the findings and recommended modifications from the Examination.

1.14 Consultation by the Scottish Government on draft Regulations and guidance took place in early 2022 and it is anticipated that the relevant parts of the Act and secondary legislation will come into effect in later in 2022. Preparation of LDP3 will not formally commence until once NPF4 and the associated legislation and guidance is approved by the Scottish Government. This should outline the new process and what is expected of Local Authorities.

1.15 Under the new Planning (Scotland) Act 2019 provisions relating to supplementary guidance are repealed, so that it will no longer be possible for local planning authorities to prepare supplementary guidance that forms part of the development plan. However, the ability to continue to prepare non-statutory guidance in order to support the delivery of the plan strategy and policies is retained.

Local Place Plans (LPPs)

1.16 The 2019 Act introduces the ability for community bodies to prepare Local Place Plans for their area. They are community-led plans setting out proposals for the development and use of land and reflect the community's aspirations for the area. The plans are to reflect national and local outcomes and therefore they are required to conform with the NPF and LDP in place at the time. The related legislation came into effect in January 2022 and was accompanied by the publication of Circular 1/2022:Local Place Plans.

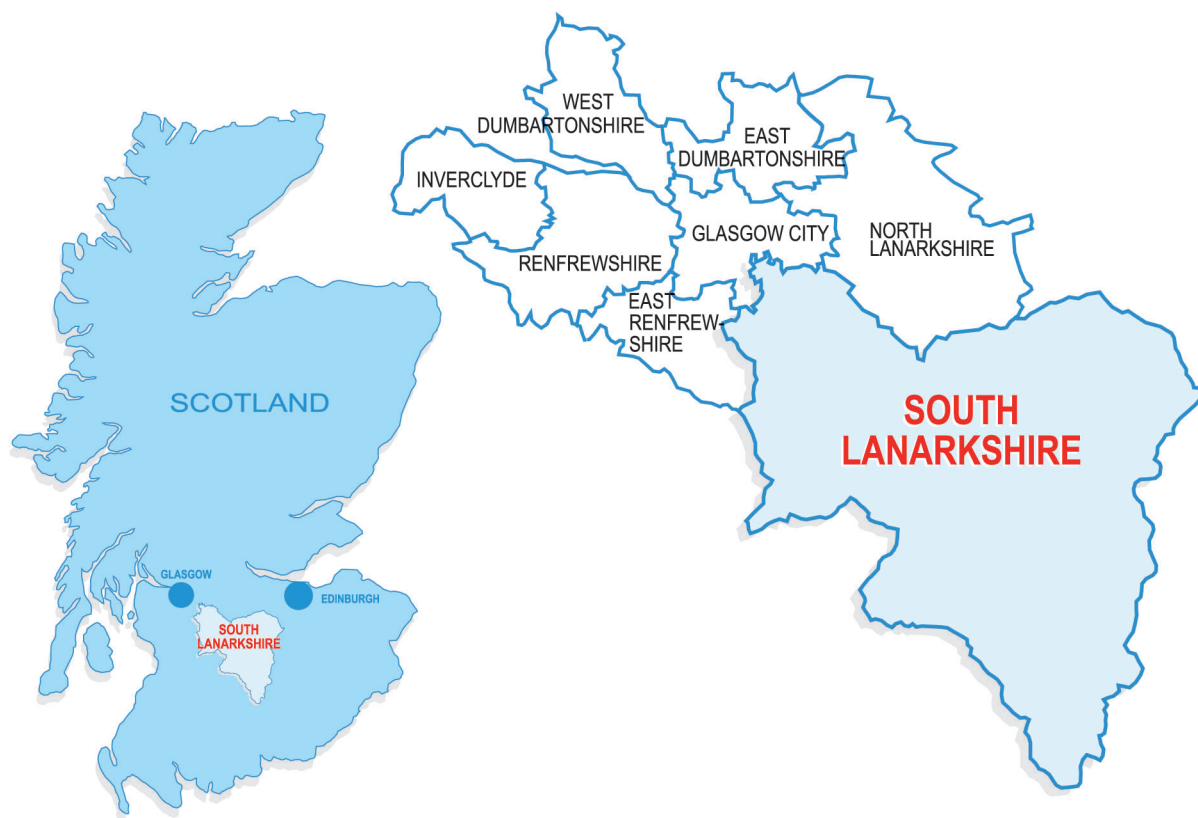
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Strategic Development Plan (SDP)

2.1 South Lanarkshire Council is one of the eight local authorities that forms the Clydeplan Strategic Development Planning Authority (SDPA).

2.2 The second SDP (Clydeplan) was approved in July 2017. This plan will fall in 2022 and will not be replaced by another Strategic Development Plan. A Regional Spatial Strategy will be developed which will continue to address cross boundary or region wide issues as the well as the Housing Needs and Demand Assessment. Although it will not have a statutory status Local Development Plans are required to take account of the Regional Spatial Strategy.

Figure 2.1 South Lanarkshire and the Clydeplan Strategic Development Planning Authority



Local Development Plan (LDP)

2.3 The South Lanarkshire Local Development Plan 2 was adopted by the Council on 9 April 2021. Supplementary Guidance produced as part of LDP1 is no longer part of the development plan however it will continue to be used in decision making where relevant until associated Supporting Planning Guidance is produced. As a result of the removal of SGs in the 2019 Act all of the policy currently contained within this Supplementary Guidance have been included within Volume 2 of the South Lanarkshire Local Development Plan 2. The Council will not produce any further statutory Supplementary Guidance.

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Supporting Planning Guidance

2.4 The Council has already produce non-statutory supporting planning guidance on specific topics. Alongside the LDP2 an SPG was prepared and approved relating to Renewable Energy. Supporting planning guidance does not need approval of the Scottish Government and can be approved by Councils and thereafter will be a material consideration in determining planning applications. It can be prepared at any time during the lifecycle of the plan. Further SPG's have been prepared relating to Electric Vehicle Charging Points, Development At A Dwellinghouse and Community Infrastructure Assessment. A site specific SPG has also ben produced for land at Law Place , East Kilbride. Further SPG's are in development relating to Local Nature Reserves and Town Centres.

Strategic Environmental Assessment

2.5 The policies and proposals contained in local development plans are required to be assessed for their potential impacts on the environment utilising a process known as Strategic Environmental Assessment (SEA).

2.6 The purpose of SEA is to provide a high level of protection for the environment by ensuring that environmental issues are considered by decision makers alongside economic and social issues. This is achieved by systematically assessing the potential significant effects of the plan, and recording the results in an 'Environmental Report'. The process involves both regular liaison with NatureScot, Scottish Environment Protection Agency and Historic Environment Scotland (the 'consultation authorities') and its own public consultation process.

2.7 An SEA has been carried out in conjunction with the preparation of LDP2 in alignment with the process of plan preparation. The main stages and their relationship to the stages of LDP preparation are summarised below. It is not clear whether these stages will be amended under the new system since there will no longer be a Main Issues Report produced.

Stages of Strategic Environmental Assessment

- **SEA Screening:** a process for identifying the likelihood of the LDP having a significant environmental effect. Local development plans will, by their very nature, have environmental effects. Therefore a SEA will be required, so it is unlikely that this screening stage will be necessary.
- **SEA Scoping:** determines which details are to be included in the environmental report. It is undertaken early on in the assessment process, in order to focus efforts on the environmental issues to be assessed and the data sets that will be used to measure these and potential alternatives for achieving the aims of the LDP.
- **Environmental Report:** predicts and evaluates environmental impacts. The environmental report is the main reporting mechanism for describing and evaluating the environmental effects of the proposed LDP and evaluating alternatives. A draft Environmental Report will be published with the Main Issues Report with a revised Environmental Report being published alongside the Proposed Plan. A further revision may be required after the public examination of the plan.

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Habitats Regulations Appraisal

2.8 Following a ruling by the European Court of Justice in October 2005, plans which are likely to have a significant effect on Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) can be approved only after a Habitats Regulations Appraisal (HRA) of the implications of the plan's policies/proposals for the sites has been carried out, under the provisions of the Habitats Directive 1992. The requirements are transposed into UK law by the Conservation (Natural Habitats & c) Regulations 1994. Scottish Ministers have also extended the requirement for assessment to Ramsar sites, listed under the international convention on the conservation of wetlands of international importance, and potential SPAs, before they are fully classified. At the moment an HRA is required for all proposed LDPs including a draft assessment at the MIR stage and a revised assessment at the proposed Plan stage. A further revision may be required after public examination of the plan. The requirement for HRA for the new style LDP will remain however the timing of the various stages is unknown until Regulations are approved. In addition HRA will be required to be undertaken for any Supporting Planning Guidance produced.

Equality Impact Assessment/Health Impact Assessment

2.9 The preparation of LDPs in South Lanarkshire takes place within a context that is wider than direct legislative requirements and high level planning and environmental policy. The Council has further obligations and policies that also apply to the preparation and content of LDPs. The Council is committed to undertake assessment of all policies to ensure that they do not prejudice the interests of individuals in terms of age, disability, economic circumstance, ethnicity, gender or religion. An Equality Impact Assessment was undertaken in the preparation of the SLLDP2. There will also be a requirement to carry out an assessment of inequalities caused by socio-economic disadvantage under the Fairer Scotland Duty 2018.

2.10 Furthermore the Council has a significant role to play in Community Planning. The Community Empowerment (Scotland) Act 2015 introduced the requirement for Community Planning Partnerships to develop a Local Outcomes Improvement Plan (LOIP) and any appropriate Locality Plans (called Neighbourhood Plans in South Lanarkshire). It also gave community planning a statutory purpose to focus on improving outcomes and tackling inequalities of outcome, including in localities whose communities experience the poorest outcomes. Outcomes relating to health can be influenced by planning policy and Health Impact Assessment has been developed as a tool to allow assessment of policy and its relationship to human health, which is also considered by SEA.

Consultation

2.11 Early and effective consultation with stakeholders is an established principle in South Lanarkshire. The Council strives for continuous improvement in this area and has established a number of ways to engage and consult with communities for example, focus groups and citizens panels. Preparing LDPs is informed by the National Standards for Community Engagement as set out in PAN81 Community Engagement - Planning with People.

National standards for community engagement

1. Involvement: Identify and involve the people and organisations who have an interest in the focus of the engagement.
2. Support: Identify and overcome any barriers to involvement.

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3. Planning: Gather evidence of need and resources to agree purpose, scope and actions.
4. Methods: Agree and use methods of engagement that are fit for purpose.
5. Working Together: Agree and use clear procedures that enable participants to work together effectively and efficiently.
6. Sharing Information: Ensure necessary information is communicated between the participants.
7. Working with Others: Work effectively with others with an interest.
8. Improvement: Develop the skills, knowledge and confidence of the participants.
9. Feedback: Feed results back to the wider community and agencies affected.
10. Monitoring and Evaluation: Monitor and evaluate whether engagement achieves its purpose and meets the national standards for community engagement.

2.12 The 2019 Act goes further in setting out a range of groups that will be required to be consulted during the preparation of LDP3. This includes specific reference to disabled persons, gypsies and travellers, and children and young people.

2.13 South Lanarkshire Council has a development planning consultation portal on the internet with the web services company Objective Keystone Online Software. When a consultation is underway the portal is active and can be accessed via the South Lanarkshire Council Website. Draft versions of documents are published on this portal and comments can be made online. Consultees can register themselves and set their own preferences on how they wish to be alerted to future consultations. The planning service needs to hear from individuals, groups and organisations if there are any changes to contact details.

South Lanarkshire Local Development Plan 3

Local Development Plan (LDP)

3.1 The South Lanarkshire Local Development Plan 2 was adopted in April 2021. Under the old system local development plans required to be kept under review and the adopted plan replaced at least every 5 years from the date of adoption. Under the emerging system this has been extended to 10 years. Transitional arrangements published by the Scottish Government indicate that they expect the new style LDPs to be adopted by every planning authority by mid 2027.

3.2 Table 3.1 provides a very indicative proposal for the main stages in the early part of the preparation of LDP3. However this is likely to be subject to change due to National Planning Framework 4 not being currently approved and the associated regulations and guidance for preparing the LDP not having been finalised. Nevertheless work will start in the second half of 2022 on the gathering of information to inform the Evidence Report based on the contents of the draft guidance that was published by the Scottish Government earlier in the year. In addition monitoring of policies in LDP2 will also be carried out.

Participation Statement

3.3 The primary legislation on the Development Plan scheme includes a requirement to prepare a Participation Statement which is to set out how the Council will engage and consult with its stakeholders when preparing the LDP. However it has not been possible to carry out this requirement due to the uncertainty about the associated Regulations and timescales for the preparation of the new style LDPs. The Scottish Government has also advised that they intend to publish draft guidance on Community Engagement in 2022. As a result it is expected the next version of the Development Plan Scheme will include a detailed Participation Statement.

Supporting Planning Guidance

3.4 A series of supporting planning guidance documents are currently under preparation or programmed to be started in the next 12 months. As Supporting Planning Guidance is produced it will be presented to committee for approval and thereafter consultation carried out.

Programme

3.5 Table 3.1 on the next page identifies an outline of likely tasks, progress and timescales for preparing the next LDP. However this will be updated once final details of the new system emerge. The timescales are based on what is currently expected.

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Table 3.1 Preparing the South Lanarkshire LDP 2

Stage	Key components	Complete/Timescale
Adoption Procedures for LDP2	Plan adopted	April 2021
	Post Adoption procedures Completed	
Preparation of Supporting Planning Guidance	Prepare Guidance on a number of topics to replace existing Supplementary Guidance	Ongoing
	Consultation	
	Committee Approval	
Prepare timetable and detailed Work Programme for LDP3	Subject to publication of NPF4 and and the associated Development Plan Regulations and Guidance	End of 2022
Monitoring Report for LDP2	Prepare Monitoring Report to assess performance of policies in LDP2	Summer 2022
Commence preparation of the Evidence Report	Consultation with an array of stakeholders and relevant parties	Early 2023

A summary time-line is provided below.

South Lanarkshire LDP 3 programme

Table 3.2

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Accessing information and contacts 4

South Lanarkshire Council

Community and Enterprise Resources
Planning and Building Standards Services HQ

Tel: 0303 123 1015

Email: localplan@southlanarkshire.gov.uk

Web page: www.southlanarkshire.gov.uk

South Lanarkshire's development planning consultation portal

<https://southlanarkshire.objective.co.uk/portal/>

If you need this information in another language or format,
please contact us to discuss how we can best meet your needs.
Phone 0303 123 1015 or email: equalities@southlanarkshire.gov.uk

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development
Montrose House, 154 Montrose Crescent
Hamilton ML3 6LB
www.southlanarkshire.gov.uk