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## South Lanarkshire Development Plan Scheme 2010

### 1 Introduction

**1.1** This is the development plan scheme for South Lanarkshire Council. It is prepared in accordance with paragraph 20B of the Planning etc. (Scotland) Act 2006 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 (structure and local plans) in South Lanarkshire;
- Proposals for new local development plans (LDPs) for the area and the context for these to be set by the proposed Glasgow and the Clyde Valley Strategic Development Plan;
- The timescale for preparation of these LDPs;
- 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; and
- Information on how to access information and how get in touch with the Council.

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

#### The development plan system in Scotland

**1.4** The Planning etc. (Scotland) Act 2006 sets out the requirements to prepare development plans. Development plans are the basis for decision making on planning applications, containing policies and proposals for the future development and use of land. Prior to the 2006 Act development plans comprised of Structure Plans and Local Plans. The Act however introduced three tiers of land use plan:-

1. The National Planning Framework
2. Strategic development plans
3. Local development plans

**1.5** Further information on the planning system is available from the Scottish Government's website [www.scotland.gov.uk/Topics/Built-Environment](http://www.scotland.gov.uk/Topics/Built-Environment).

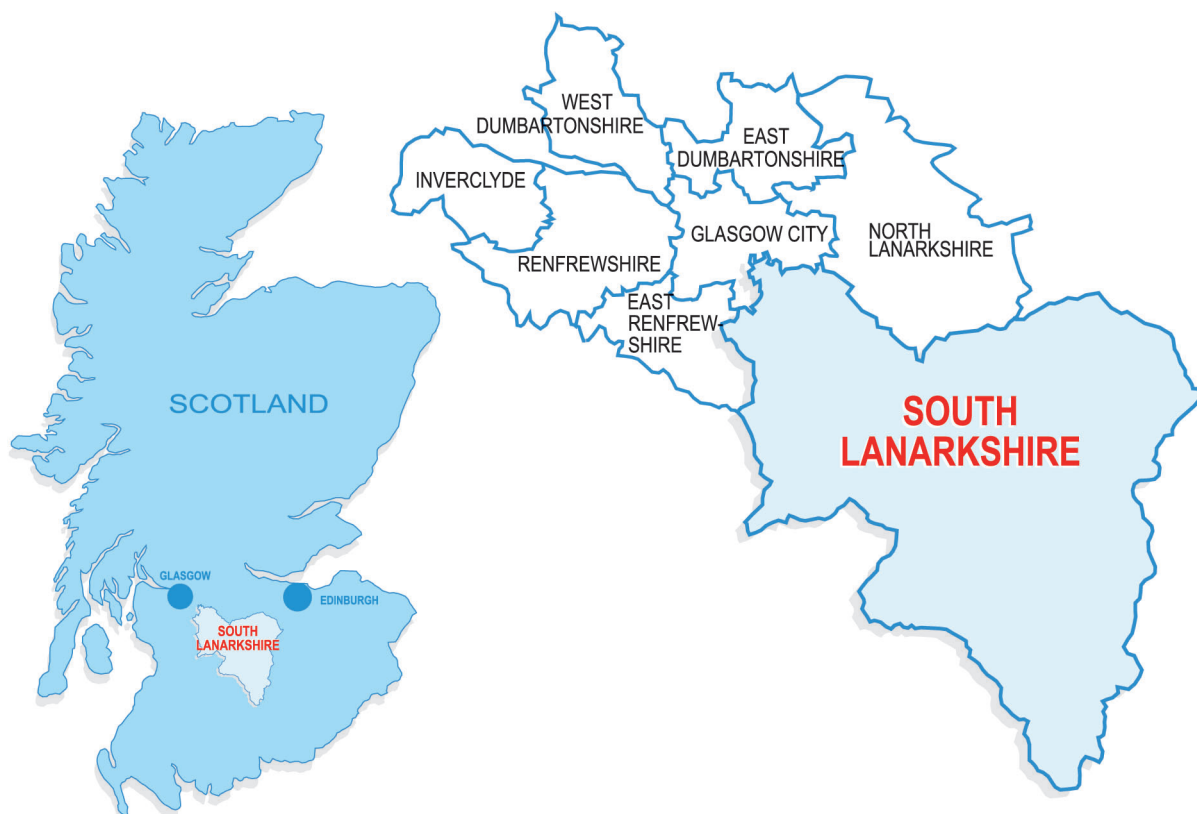
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### 2 Development planning in South Lanarkshire

#### Strategic Development Plan (SDP)

**2.1** South Lanarkshire Council is one of the eight west of Scotland local authorities that form the Glasgow and the Clyde Valley Strategic Development Plan Authority (SDPA). This area is set out in Figure 2.1 'South Lanarkshire and the Glasgow and the Clyde Valley Strategic Development Plan Authority' below.

**Figure 2.1 South Lanarkshire and the Glasgow and the Clyde Valley Strategic Development Plan Authority**



**2.2** The SDPA has decided to prepare its first Strategic Development Plan (SDP) replacing the former Glasgow and the Clyde Valley Joint Structure Plan 2006 which was approved by Scottish Ministers and became operative on 29th April 2008. It is anticipated that the new SDP will be approved in the later part of 2012. The Council therefore aims to prepare and adopt a Local Development Plan (LDP) for South Lanarkshire within two years of 2012, Section 4 'Preparing the South Lanarkshire Local Development Plan' provides further details of timescales.

#### Local Development Plan (LDP)

**2.3** At present (March 2010) the Council area is covered by an adopted local plan and an adopted subject local plan, as follows:-

- South Lanarkshire Local Plan 2009
- South Lanarkshire Minerals Subject Local Plan (2002)

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**2.4** The Council adopted the South Lanarkshire Local Plan in March 2009. This plan replaced five earlier local plans for different areas of South Lanarkshire.

**2.5** The Council is now intending to review and replace the Minerals Subject Local Plan and commenced this work in 2009. Further details on the programme for the preparation of this plan are given in section 3. This includes a participation statement of when and in what form consultation is likely to take place.

**2.6** Looking further ahead the South Lanarkshire Local Plan has a lifespan of 5 years from its adoption in 2009. With a requirement having been set by Scottish Government to prepare LDPs within two years of an SDP being approved, which is anticipated in 2012, these timescales coincide well. A new local development plan for the Council area will therefore be prepared, the indicative timescales for which are set out in section 4.

**2.7** The process for preparing a LDP differs from how local plans have previously been prepared in certain aspects. The main stages of LDP preparation are set down in the Planning etc. (Scotland) Act 2006 and associated regulations and circular, and are summarised below.

### Stages of Local Development Plan Preparation

- **Monitoring Statement (MS):** The purpose of the MS is to report on changes to the principal physical, social and environmental characteristics of the area and the impact of policies and proposals of existing plans. The MS will form one of the evidence bases for the plan and will be one way of identifying the issues to be discussed in the Main Issues Report.
- **Main Issues Report (MIR):** Prior to producing a full plan the planning authority must publish a MIR which sets out the principal policy and development proposals that will be included in the plan and possible alternatives for consideration. The MIR should be subject to very broad consultation, with a view to the planning authority resolving concerns and clarifying policies prior to the preparation of the LDP.
- **Proposed Plan:** Following consideration of the issues raised in consultation on the MIR the planning authority will produce a proposed plan. The proposed plan will be subject of a formal period of consultation lasting at least 6 weeks. The proposed plan will consist of a written statement and associated maps and diagrams. Following consideration of formal representations to the proposed plan the planning authority will either:
  - publish an amended proposed plan along with a brief report setting out how the consultation requirements of the development plan scheme have been met; or
  - where they intend to make major amendments to the plan, publish a new proposed plan which will be subject to the same level of consultation as the original.
- **Examination of proposed plan:** Where there are outstanding objections a proposed plan will be subject to a public examination. The examination will be carried out by a person appointed by Scottish Ministers (the Reporter). The Reporter will examine the report on LDP consultation, the extent to which the plan conforms to national policy and, where appropriate, the strategic development plan. The Reporter will also consider the outstanding objections and the sections of the LDP to which these relate. The format of the examination is a matter for the Reporter to decide. Once the examination is complete the Reporter will publish findings and submit them to the planning authority. The planning authority must modify the plan in light of the Reporter's recommendations. The planning authority will have limited scope to decline to accept recommendations made by a Reporter. The planning authority has three months

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to complete this modification process. It must then submit the modified proposed plan to Scottish Ministers.

- **Adopted plan:** Following submission of the modified proposed plan to Scottish Ministers the planning authority can announce its intention to adopt the plan as the fully constituted LDP. However, the planning authority must wait for a period of 28 days from the date of its announcement prior to adopting the plan. The Scottish Ministers have the power to extend this 28 day period and can direct the planning authority to modify the plan prior to its adoption.

### Supplementary Planning Guidance

**2.8** The Council intends to produce additional detail on the interpretation and delivery of certain policies contained within the South Lanarkshire Local Plan. The following table details the Supplementary Planning Guidance to be prepared, and progress made to date.

**Table 2.1**

SPG title	Consultation timescale	Comments
Affordable housing and housing for particular needs	3 July - 25 August 2009	Finalising the SPG in light of comments received has been delayed pending the publication of the consolidated Scottish Planning Policy and intended revisions to the Scottish Government's Planning Advice Note on Affordable Housing.
Developer contributions		Programmed to start in 2009 work on this SPG has been postponed whilst the Council considers its requirements during economic recovery of the development industry.
Renewable energy development	21 January - 31 March 2010	Comments will be considered and a finalised version presented to Committee for approval in the summer.
Residential development and design	May - July 2010 (Dates to be confirmed)	Work has commenced and needs to consider the Council's response to the recently published Designing Streets policy from Scottish Government.
Rural development and conversions and alterations of rural buildings		No progress to date.

### Strategic Environmental Assessment

**2.9** The policies and proposals contained in future local development plans will be assessed for their potential impacts on the environment utilising a process known as Strategic Environmental Assessment (SEA). The Environmental (Scotland) Act 2005 makes SEA a legal requirement on many public plans, programmes and strategies including local development plans.

**2.10** 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

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results in an 'Environmental Report'. The process will involve regular liaison with Scottish Natural Heritage, Scottish Environmental Protection Agency and Historic Scotland (the 'consultation authorities') and involves its own public consultation process.

**2.11** The SEA will be prepared in conjunction with local development plans and will be aligned with the process of plan preparation. The main stages and their relationship to the stages of LDP preparation are summarised below.

### 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 process 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. This will be prepared for the publication of the Monitoring Statement.
- **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.

(Further details regarding the SEA process can be found at <http://www.scotland.gov.uk/Topics/Environment>.)

### Appropriate Assessment

**2.12** 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 an appropriate assessment 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.

**2.13** The Scottish Government conveyed the outcome of this ruling to local authority planners in December 2005 and in May 2006 issued interim guidance - 'Assessing Development Plans in Terms of the Need for Appropriate Assessment'. An appropriate assessment will therefore be carried out in preparation of proposed LDPs. This will require 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.

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### Equality Impact Assessment/Health Impact Assessment

**2.14** 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. The process for this is Equality Impact Assessment and this will be undertaken in the preparation of the proposed LDP.

**2.15** Furthermore the Council has a significant role to play in Community Planning. The South Lanarkshire Community Planning Partnership seeks to coordinate policy and actions across all public agencies involved in delivering services to the communities of South Lanarkshire. Key outcomes for the Community Planning Partnership have been developed in a Single Outcome Agreement. 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. Health Impact Assessment will also therefore form part of the process of preparing the proposed LDPs.

**2.16** Impact assessment will take place within a broader process of consultation and engagement with the communities of South Lanarkshire.

### Consultation

**2.17** Early and effective consultation with communities, agencies and other stakeholders is an established principle in development planning in South Lanarkshire. The Council strives for continuous improvement in this area and has established a number of ways, with the Community Planning Partnership, to engage and consult with communities.

**2.18** Preparing future LDPs will be informed by the National Standards for Community Engagement as set out in the Scottish Government's Planning Advice Note (PAN) 81 Community Engagement - Planning with People. These are set out below. The sections of the Development Plan Scheme dealing with the preparation of specific LDPs include statements and consultation and participation in the preparation of the plans.

#### 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.
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.

(For further information on PAN 81 go to [www.scotland.gov.uk/Publications](http://www.scotland.gov.uk/Publications))



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**2.19** South Lanarkshire Council has developed a development planning consultation portal on the internet with the web services company Limehouse Software. This can be found at <http://consult.southlanarkshire.gov.uk>. Draft versions of documents will be published in 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. In addition the Council maintains a database of consultees but do need to hear from individuals, groups and organisations on changes to contact details and on how contact with them can best be made.



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### 3 Progressing the South Lanarkshire Minerals Local Development Plan

**3.1** South Lanarkshire Council adopted a subject local plan on mineral development in 2002. The purpose of this plan was to provide a comprehensive policy basis for mineral development within one document. This plan is, however, becoming out-of-date given that new Scottish Planning Policy (SPP) on minerals (SPP 4) and opencast coal (SPP 16) has been published since the local plan's adoption and this policy itself replaced by the new consolidated SPP. A new Minerals LDP is therefore being produced for South Lanarkshire. This has been discussed with the Strategic Development Plan Authority to ensure that the preparation of the Minerals LDP will not prejudice the preparation of the Strategic Development Plan.

**3.2** Work on the Minerals LDP was delayed in 2009 due to personnel changes within the Planning and Building Standards Service. However the Service is now advancing the plans preparation and the following work has been completed:

1. Preparatory work including surveys, drafting a Monitoring Statement on the previous Minerals Subject Local Plan and preparing a SEA Scoping Statement
2. Preparing, in consultation with communities, minerals operators and key agencies, a Main Issues Report (MIR)

**3.3** The next stages in preparing the plan will be:

1. Consulting on the MIR and Monitoring Statement and on draft versions of accompanying Appropriate Assessment and SEA Environmental Report
2. Preparing a Proposed Plan including an Action Programme and revised versions of the Appropriate Assessment and SEA Environmental Report
3. Consulting on the Proposed Plan and accompanying documents and potentially making modifications to it prior to examination
4. Public examination of objections made to the Proposed Plan by a Reporter appointed by Scottish Ministers, who may recommend modifications to be made to the plan
5. Final LDP prepared, final revisions to environmental reports, submission to Scottish Ministers and adoption process

#### Participation Statement

**3.4** Early and effective consultation is the basis for the preparation of the plan. The Council has held area forums to allow communities to participate. These have been based on the mineral geography of the Council area covering the Avon Valley/Lower Clyde, Douglas Valley and the Upper Clyde/Mouse Water as shown in Figure 3.1 'Consultative forum areas for the South Lanarkshire Minerals LDP'. The input of the community at these forums has been supplemented through a Council wide survey based on the issues raised.

**3.5** The minerals industry and key agencies have been engaged through a stakeholder forum that allowed the Council to identify emerging demands and developments in regulations or policy that the plan must take account of. The findings of the community forums and the stakeholder forum have been considered in a Consultation and Engagement Report that forms a key part of the evidence base for the MIR. Dialogue with the key statutory consultees in the LDP and SEA process has continued as the MIR has been prepared.

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Figure 3.1 Consultative forum areas for the South Lanarkshire Minerals LDP



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## Programme

**3.6** The following table identifies the tasks, progress and future timescales for preparing the Minerals LDP. Consultation activity is highlighted in green.

**Table 3.1 Preparing the South Lanarkshire Minerals LDP**

Stage	Key components	Complete/Timescale
Preparatory work	Mineral operators survey	✓
	Draft Monitoring Statement	
	SEA Scoping Report	
Prepare Main Issues Report (MIR), Monitoring Statement, SEA Environmental Report and Appropriate Assessment	Establish area and stakeholder forums	✓
	Forum meetings	
	Forum reports	
	Draft MIR consultation with key agencies	
	Prepare and publish MIR, Monitoring Statement and Consultation and Engagement Report	
	Prepare and publish draft SEA Environmental Report and Appropriate Assessment	
Consultation on MIR and SEA Environmental Report	Six week period for comments	Apr - May 2010
	Consultation portal	
	Representation form	
Prepare Proposed Plan, Proposed Action Programme and revisions to SEA Environmental Report and Appropriate Assessment	Assessment of consultation responses	Jun - Oct 2010
	Prepare and publish documents	
Consultation on Proposed Plan and SEA Environmental Report	Statutory deposit and six week period for representations	Nov - Dec 2010
	Consultation portal	
	Representation form	
Prepare for examination of Proposed Plan	Assessment of representations	Jan - Apr 2011 <i>(Jan - Jul 2011 if modifications are required)</i>
	Potential for modifications to be made to Proposed Plan and further statutory deposit	
	Submit Proposed Plan, Action Programme and Report of Conformity to Scottish Ministers	

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Stage	Key components	Complete/Timescale
Examination of Proposed Plan	Reporter appointed	May - Sep 2011  <i>(Aug - Dec 2011 if modifications were made)</i>
	Public local inquiry established to examine objections made and not withdrawn	
	Reporters report	
	Publish plan incorporating Reporters recommendations	
	Submit to Scottish Ministers	
Adoption of LDP	Adoption of LDP	Oct 2011  <i>(Jan 2012 if modifications were made at Proposed Plan stage)</i>
	Post adoption SEA Statement	

**3.7** A summary time-line is provided in Table 3.2 'South Lanarkshire Minerals LDP programme' on the next page.

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### Table 3.2 South Lanarkshire Minerals LDP programme

[illegible]

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### 4 Preparing the South Lanarkshire Local Development Plan

**4.1** As mention in paragraph 2.4 above, the South Lanarkshire Local Plan was adopted in 2009. Also the new SDP for Glasgow and the Clyde Valley should be approved late in 2012 and given the Scottish Government's expectation that LDPs should be adopted two years at most after the approval of an SDP, then the preparation of an LDP for South Lanarkshire will need to commence during the coming year.

**4.2** The South Lanarkshire Local Plan needs to be kept under review and a Monitoring Statement will be produced in 2011 as an early action in the preparation of an LDP. Table 4.1 'South Lanarkshire LDP indicative programme' below indicates out the main stages of activity for preparation of the plan.

**Table 4.1 South Lanarkshire LDP indicative programme**

Year (quarters)	2011				2012				2013				2014	
Stage	1	2	3	4	1	2	3	4	1	2	3	4	1	2
SLLP Monitoring	◀													
MIR														
Proposed plan														
Pre examination														
Examination														
Adoption														

**4.3** This indicative programme will be kept under review with further detail presented on the programme and on participatory arrangements in the next annual Development Plan Scheme.

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## 5 Accessing information and contacts

### South Lanarkshire Council

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South Lanarkshire's development planning consultation portal: <http://consult.southlanarkshire.gov.uk>

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