

South Lanarkshire Development Plan Scheme 2012



**Community and
Enterprise Resources**

Contents

1	Introduction	2
2	Development planning in South Lanarkshire	3
3	Progressing the South Lanarkshire Minerals Local Development Plan	9
4	Preparing the South Lanarkshire Local Development Plan	13
5	Accessing information and contacts	16

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 the development plan 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

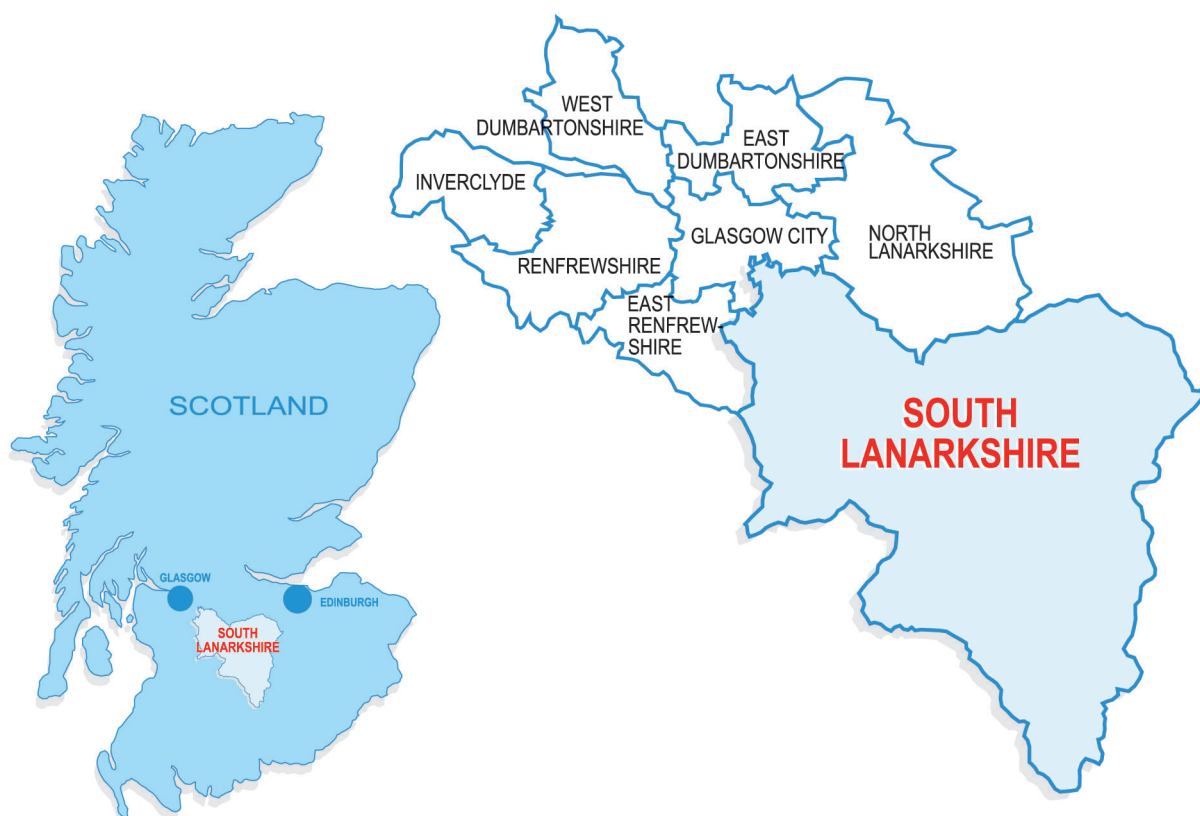
1.5 Further information on the planning system is available from the Scottish Government's website www.scotland.gov.uk/Topics/Built-Environment.

Development planning in South Lanarkshire 2

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 Clyde Valley Strategic Development Plan Authority' below.

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



2.2 The SDPA has prepared 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. This is currently (March 2012) at examination and it is anticipated that the Reporters findings will be published in early summer. 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 2012) 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).

2 Development planning in South Lanarkshire

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 in the process of replacing the Minerals Subject Local Plan and the plan is awaiting adoption (following a Parliamentary Order). Further details on the programme for the preparation of this plan are given in section 3. This includes a participation statement describing the consultation that has taken place.

2.6 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 is being 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 consultation on the Proposed Plan and taking consideration of any representations received the Council will take one of the following actions:
 - if no representations have been received, or all representations have been withdrawn, the Council will publish the plan, submit it to the Scottish Ministers and advertise their intention to adopt the plan;
 - if there are unresolved representations but the Council makes none or only minor modifications, the plan is published and submitted to Scottish Ministers;
 - if the Council decides to make notifiable modifications, an amended Proposed Plan will be published and further consultation will be undertaken. The Council may then further modify the plan or submit to Ministers; or,
 - if the Council makes major amendments to the plan, it will 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

Development planning in South Lanarkshire 2

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 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 Guidance

2.8 The Council is producing additional detail on the interpretation and delivery of certain policies contained within the South Lanarkshire Local Plan. The following table details the Supplementary Guidance (SG) and progress made to date.

Table 2.1

SG title	Consultation timescale	Comments
Affordable housing and housing for particular needs	3 July - 25 August 2009	Approved April 2011.
Developer contributions	July 2012	Draft being prepared in consultation with other Resources and Services. Comments will be considered and a finalised version presented to Committee in 2012.
Renewable energy development	21 January - 31 March 2010	Approved December 2010.
Residential development and design	April - May 2011	Approved August 2011.
Rural development and conversions and alterations of rural buildings	July 2012	Draft being prepared.

2 Development planning in South Lanarkshire

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

2.11 The SEA will be prepared in conjunction with the Local Development Plan(s) 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 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.

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

Habitats Regulations Appraisal

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 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.

Development planning in South Lanarkshire 2

2.13 The Scottish Government outlined the requirements for Development Planning in Circular 1/2009 - Development Planning Appendix 1; The Habitats Regulations. An HRA is required for all 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.

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 e.g. focus groups and citizens panels.

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.

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.

2 Development planning in South Lanarkshire

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)

2.19 South Lanarkshire Council has developed a development planning consultation portal on the internet with the web services company Objective 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 will be 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. 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.

Progressing the South Lanarkshire Minerals Local Development Plan 3

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 and a new Minerals LDP has been produced for South Lanarkshire.

3.2 The Minerals LDP was approved for adoption in February 2012. The Council propose to adopt the plan but due to a legal technicality this will be subject to enactment of the Town and Country Planning (Continuation in Force of South Lanarkshire Local Plan)(Scotland) Order 2012.

Participation statement

3.3 Early and effective consultation was the basis for the preparation of the plan. The Council held area forums to allow communities to participate. These were based on the mineral geography of the Council area covering the Avon Valley/Lower Clyde, Douglas Valley and the Upper Clyde/Mouse Water. The input of the community at these forums was supplemented through a Council wide survey based on the issues raised.

3.4 The minerals industry and key agencies were 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 were considered in a Consultation and Engagement Report that formed a key part of the evidence base for the MIR. Dialogue with the key statutory consultees in the LDP and SEA process continued as the MIR was prepared.

3.5 Issues raised during the public consultation on the MIR were, where appropriate, included within the proposed Minerals Local Development Plan (MLDP). The proposed MLDP was subject to public consultation from 27th January until 11th March 2011. Issues raised were considered at examination held between September and November 2011. The Reporters decision was received in January 2012 and reported to committee on 21st February 2012 with a view to adopting the plan within 12 weeks of receiving the Reporters decision as outlined in the legislation.

3 Progressing the South Lanarkshire Minerals Local Development Plan

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	✓
	Consultation portal	
	Representation form	
Prepare Proposed Plan, Proposed Action Programme and revisions to SEA Environmental Report and Appropriate Assessment	Assessment of consultation responses	✓
	Prepare and publish documents	
Consultation on Proposed Plan and SEA Environmental Report	Statutory deposit and six week period for representations	✓
	Consultation portal	
	Representation form	

Progressing the South Lanarkshire Minerals Local Development Plan 3

Stage	Key components	Complete/Timescale
Prepare for examination of Proposed Plan	Assessment of representations	✓
	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	
Examination of Proposed Plan	Reporter appointed	✓
	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	May 2012
	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.

3 Progressing the South Lanarkshire Minerals Local Development Plan

Table 3.2 South Lanarkshire Minerals LDP programme

[illegible]

Preparing the South Lanarkshire Local Development Plan 4

4.1 The South Lanarkshire Local Plan was adopted in March 2009 and the new SDP for the Glasgow and the Clyde Valley should be approved late in 2012. Given the Scottish Government's expectation that LDPs should be adopted two years at most after the approval of an SDP, the preparation of an LDP for South Lanarkshire commenced in 2011.

4.2 The South Lanarkshire Local Plan needs to be kept under review and an MIR is currently being prepared. Table 4.2 below indicates the main stages of activity for preparation of the plan. This programme will be kept under review but it is anticipated that consultation on the MIR will take place in early summer 2012.

Participation Statement

4.3 Early and effective consultation was the basis for the preparation of the MIR. The Council held area consultation to allow communities and individuals to participate. These were held in Hamilton, Rutherglen, East Kilbride and Lanark. The input of the community at these events was supplemented through a Council wide survey held between August and September 2011.

4.4 Engagement also took place with secondary school pupils, the Disability Partnership and Seniors Together. The findings of the community forums and various other community events were considered in a Consultation and Engagement Report that formed a key part of the evidence base for the MIR. Dialogue with the key statutory consultees in the LDP and SEA process will continue as the LDP is prepared.

Programme

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

Table 4.1 Preparing the South Lanarkshire LDP

Stage	Key components	Complete/Timescale
Preparatory work	Draft Monitoring Statement	✓
	SEA Scoping Report	
Consultation and Engagement	Establish Consultation Forums	✓
	Consultation Events	
	Consultation and Engagement Report	
Prepare Main Issues Report (MIR), Monitoring Statement, SEA Environmental Report and Habitats Regulations Appraisal	Prepare and publish MIR, Monitoring Statement	✓
	Prepare and publish draft SEA Environmental Report and Habitats Regulations Appraisal	

4 Preparing the South Lanarkshire Local Development Plan

Stage	Key components	Complete/Timescale
Consultation on MIR and SEA Environmental Report	Eight week period for comments	May - June 2012
	Consultation portal	
	Representation form	
Prepare Proposed Plan, Proposed Action Programme and revisions to SEA Environmental Report	Assessment of consultation responses	June - Sept 2012
	Prepare and publish documents	
Consultation on Proposed Plan and SEA Environmental Report	Statutory deposit and six week period for representations	Oct - Nov 2012
	Consultation portal	
	Representation form	
Prepare for examination of Proposed Plan	Assessment of representations	Jan - Mar 2013
	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	
Examination of Proposed Plan	Reporter appointed	Apr - Dec 2013
	Examination of objections made and not withdrawn	
	Reporters report	
	Publish plan incorporating Reporters recommendations	
	Submit to Scottish Ministers	
Adoption of LDP	Adoption of LDP	Jan 2014
	Post adoption SEA Statement	

4.6 A summary time-line is provided on the next page.

5 Accessing information and contacts

South Lanarkshire Council

Planning and Building Standards Services

Planning and Building Standards HQ
Montrose House
154 Montrose Crescent
Hamilton
ML3 6LB

Tel: 08457 406080

Fax: 01698 455948

Email: planning@southlanarkshire.gov.uk

Web page: www.southlanarkshire.gov.uk

South Lanarkshire's development planning consultation portal: <http://consult.southlanarkshire.gov.uk>
(only active when a consultation is underway).

Glasgow and Clyde Valley Strategic Development Plan Authority

Stuart Tait
Strategic Development Plan Manager
125 West Regent Street (lower ground floor)
GLASGOW
G2 2SA
Tel : 0141 229 7730
Fax : 0141 221 4518
Email: info@gcvsdpa.gov.uk

Web page: www.gcvsdpa.gov.uk

For further information or to enquire about having this
information supplied in an alternative format or language,
please phone 01698 455934 or email: planning@southlanarkshire.gov.uk

South Lanarkshire Council
Community and Enterprise Resources
Planning and Building Standards Services
Montrose House, Montrose Crescent
Hamilton ML3 6LB
www.southlanarkshire.gov.uk