

LOCAL DEVELOPMENT PLAN 2 TECHNICAL NOTES

1.0 EXECUTIVE SUMMARY

- 1.1** The purpose of this report is to invite Members of the PPSL Committee to approve technical notes as planning guidance to Argyll and Bute Local Development Plan 2 (LDP2).
- 1.2** On 28th September 2023 Council agreed to the submission LDP2 as modified by the reporters to the Scottish Ministers stating intent to adopt. The Plan will be adopted within 28 days of submission unless otherwise directed by the Scottish Ministers.
- 1.3** Once adopted, 2015 LDP and its Supplementary Guidance will no longer be part of the Development Plan. LDP2 will require supporting guidance to assist applicants and decision makers in the interpretation of policy. However, formal Supplementary Guidance has now been abolished by the changes to the planning system, with a few exceptions to this noted under transitional provisions. As such a range of Technical Notes will be produced to provide further guidance and the LDP2 document notes this. When approved these Technical Notes will be a material consideration when assessing planning applications.
- 1.4** Three technical notes are being presented with this report, namely TN06 Sustainability Technical Note and Checklist (see **Appendix 1**); TN21 Visual Impact Illustration and Landscape and Visual Assessment (Light) Technical Note (**Appendix 2**) as well as supporting documents (**Appendices 3, 4 and 5**); and TN07 Sustainable Buildings Technical Note and Checklist (Appendix 6)

RECOMMENDATION

1.4 It is recommended that Members note and approve the content of the following proposed technical notes and supporting documents as non-statutory guidance which will be a material consideration to support LDP2.

- TN06 Sustainability Technical Note and Checklist (Appendix 1)
- TN21 VII and LVIA (Light) Technical Note (Appendix 2)
- TN21 Appendix 1 Sample Visualisations for VII and LVIA (Light) (Appendix 3)
- TN21 Appendix 2 VII Template (Appendix 4)
- TN21 Appendix 3 LVIA (Light) Template (Appendix 5)
- TN07 Sustainable Buildings Technical Note and Checklist (Appendix 6)

LOCAL DEVELOPMENT PLAN 2 TECHNICAL NOTES

2.0 INTRODUCTION

- 2.1** The purpose of this report is to invite Members of the PPSL Committee to approve technical notes as planning guidance to Argyll and Bute Local Development Plan 2 (LDP2).

3.0 RECOMMENDATION

- 3.1** It is recommended that Members note and approve the content of the following proposed technical notes and supporting documents as non-statutory guidance to support LDP2.
- TN06 Sustainability Technical Note and Checklist (Appendix 1)
 - TN21 VII and LVIA (Light) Technical Note (Appendix 2)
 - TN21 Appendix 1 Sample Visualisations for VII and LVIA (Light) (Appendix 3)
 - TN21 Appendix 2 VII Template (Appendix 4)
 - TN21 Appendix 3 LVIA (Light) Template (Appendix 5)
 - TN07 Sustainable Buildings Technical Note and Checklist (Appendix 6)

4.0 DETAIL

- 4.1** LDP2 aims to provide a flexible policy framework to support sustainable growth across Argyll and Bute. Outwith settlement areas, there are two key differences between the 2015 LDP DM1 and LDP2 Policy 2, namely:
- there are no longer Rural Opportunity Areas where appropriate small scale development was supported; and
 - there is no longer the Area Capacity Evaluation (ACE) process which has

been previously carried out by the Planning Authority.

Instead, LDP2 Policy 2 (Outwith Settlement Areas) allows a more flexible approach to where in the Countryside Area development may be allowed, however development proposals will be required to demonstrate that there will be no unacceptable adverse effects (either individually, or cumulatively) on natural heritage resources, built and/or cultural heritage resources, and landscape and visual amenity. Where there is preliminary evidence that there may be such adverse effects (and where a formal Environmental Impact Assessment (EIA) is not required) a landscape and visual impact assessment, natural heritage assessment, or built and/or cultural heritage assessment may be required.

- 4.2 Policy 70 (Development Impact on National Scenic Areas (NSAs)) and Policy 71 (Development Impact on Local Landscape Areas (LLAs)) require proposals within these designations to be supported by a Landscape and Visual Impact Assessment (LVIA).
- 4.3 LVIA is a tool used to identify and evaluate the potential effects of change resulting from proposed development on the character of the landscape as well as on people's views and visual amenity. The emphasis is on the identification of, and degree of, this effect.
- 4.4 The Landscape Institute set out guidance for LVIA which is used within the EIA process. However, the Planning Authority recognises the need for a proportionate approach for smaller scale development or on sites that are considered to be less sensitive. Therefore, three levels of this process have been defined – basic Visual Impact Illustrations (VII); LVIA (Light); and full LVIA as required for EIA.
- 4.5 It is proposed that the need for VII or LVIA will be determined through the submission of a Sustainability Checklist (TN06 – see **Appendix 1**) which is required for all applications for development, and it is recommended that this be completed at Pre-Application stage and updated as required should a planning application be made.
- 4.6 TN06 Sustainability (**Appendix 1**) provides guidance on the wider considerations of siting a development in the natural or built landscape as well as the impact of a development on the community, economy and environment. The guidance and checklist are intended to guide developers to meet the requirements of policies 04 (Sustainable Development), 05 (Design and Placemaking) and 08 (Sustainable Siting) as well as to consider whether a VII or LVIA (Light or Full) may be required through Policies 02, 70 and 71. This replaces an existing Sustainability Checklist within the 2015 LDP with one requiring more detail, given the increased emphasis on climate change in

NPF4.

- 4.7 TN21 (VII and LVIA (Light) (see **Appendix 2**) provides detail on the proportionate approach that the Planning Authority would expect for developments within the Countryside Area, National Scenic Area or Local Landscape Area. It is supported by appendices by way of Sample Visualisations and Templates (see **Appendices 3, 4 and 5**).
- 4.8 TN07 – Sustainable Buildings Technical Note and Checklist (**Appendix 6**) goes into more detail on the proposed building itself. It is proposed to be mandatory that this is completed for all applications for development. The content of this technical note and checklist provides additional detail to policy 09 (Sustainable Design).

5.0 CONCLUSION

5.1 Technical notes are non-statutory but are a material consideration when assessing planning applications. They provide detail to policies within the LDP2. The three technical notes presented with this report will assist with consistency of decision making when applying policies 02, 70, 71, 04, 05, 08 and 09. On this basis Members are recommended to approve the following technical notes and supporting information:

- TN06 Sustainability Technical Note and Checklist (Appendix 1)
- TN21 VII and LVIA (Light) Technical Note (Appendix 2)
- TN21 Appendix 1 Sample Visualisations for VII and LVIA (Light) (Appendix 3)
- TN21 Appendix 2 VII Template (Appendix 4)
- TN21 Appendix 3 LVIA (Light) Template (Appendix 5)
- TN07 Sustainable Buildings Technical Note and Checklist (Appendix 6)

6.0 IMPLICATIONS

6.1 Policy: Once adopted, Local Development Plan 2 will be part of the Development Plan for Argyll and Bute (excluding Loch Lomond and the Trossachs National Park) alongside National Planning Framework 4. The planning authority, in the determination of planning applications, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Technical Notes are non-statutory material considerations when assessing planning applications which provide further detail to the policies in the Plan.

6.2 Financial: None

6.3 Legal : Once adopted the planning authority is required to have regard to the provisions of the local development plan as part of the Development Plan for the area, so far as material to the application, and to any other material considerations, in the determination of planning applications.

6.4 HR: None

6.5 Fairer Scotland Duty: None

6.5.1 Equalities - protected characteristics: None

6.5.2 Socio-economic Duty: None

6.5.3 Islands: None

6.6 Climate Change: TN06 and TN07 will provide guidance to encourage, promote and facilitate development that adapts to current and future impacts of climate change.

6.7 Risk: Failure to approve Technical Notes as a non-statutory material consideration could result in lack of clarity in interpreting statutory planning policy.

6.8 Customer Service: None

Executive Director with responsibility for Development and Economic Growth:

Kirsty Flanagan

Policy Lead: Kieron Green

18th October 2023

For further information contact:

Kim de Buitel ir – Design and Conservation Officer

Fergus Murray – Head of Economic Development and Strategic Transport,
Development and Infrastructure Services

APPENDICES

Appendix 1: *TN06 Sustainability Technical Note and Checklist*

Appendix 2: *TN21 VII and LVIA (Light) Technical Note*

Appendix 3: *TN21 Appendix 1 Sample Visualisations for VII and LVIA (Light)*

Appendix 4: *TN21 Appendix 2 VII Template*

Appendix 5: *TN21 Appendix 3 LVIA (Light) Template*

Appendix 6: *TN07 Sustainable Buildings Technical Note and Checklist*