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Our ref: A22673473
23 November 2018

Dear Antony McGuinness,

West Dunbartonshire Council – Local Development Plan 2 – Proposed Plan

I refer to your correspondence of 11th October 2018, inviting comments on the above document. Please see below representations from the Scottish Government.

1. Policy BE1 – Scheduled Monuments and Archeological Sites

Proposed change – Amend the first sentence of the policy to read: ‘Where Development adversely affects the integrity of the setting of a Scheduled Monument, permission would only be granted where there are exceptional circumstances’.

Reason – To align with paragraph 145 of Scottish Planning Policy (SPP) and because the planning authority only have a remit over unscheduled archaeology and the setting of scheduled monuments as this is a material consideration in the assessment of planning applications.

2. Policy BE2 – Listed Buildings

Proposed change – Delete the first sentence of paragraph 1 on page 89 and replace with: ‘Scheduled Monument Consent (SMC) is required from Historic Environment Scotland (HES) for any works that would directly affect a Scheduled Monument.’

Reason - Planning authorities have no remit over direct impacts on scheduled monuments as HES are the consenting authority for SMC.



3. Policy CON5 – Communications Infrastructure

Proposed change - Update Policy CON5 so it more fully reflects the options and matters outlined within paragraphs 295 and 296 of SPP.

Reason - The details of Policy CON5 do not fully apply the criteria set out within paragraphs 295 and 296 of SPP.

4. Policy RE2 – Spatial Framework for Wind Energy

Proposed change – The policy should be amended so it does not require a proposal to be acceptable in terms of all of the development management criteria contained within paragraph 169 of SPP in every case.

Reason - Scottish Planning Policy 169 is clear that the list of criteria is not exhaustive and that considerations will vary relative to the scale of the proposal and area characteristics. It does not require that all decisions should be assessed against all of the considerations listed.

5. Policy RE3 – Wind Energy Proposals out with the Spatial Framework

Proposed change - The policy should be clarified to make clear that the policy only refers to applications within the local authority area.

Reason – For clarity. We understand that Policy RE2 – Spatial framework for Wind Energy applies to all wind energy proposals over 50 metres in height or proposals containing 3 or more turbines, where one of the turbines is over 30 metres in height. As written, proposed policy RE3 is not clear that it applies to wind turbine proposals which don't trigger application of the spatial framework.

6. Policy RE4 – Heat Generation

Proposed change – Amend sentence 2 of paragraph 3 to read: 'All proposals will require to meet with the relevant development management criteria set out in paragraph 169 of SPP'.

Reason - Scottish Planning Policy 169 is clear that the list of criteria is not exhaustive and that considerations will vary relative to the scale of the proposal and area characteristics. It does not require that decisions should always be assessed against all of the considerations listed.

7. Policy MIN1 – Minerals and aggregate extraction

Proposed change – Reference should be made to the need to safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development.

Reason – To align with paragraph 237 of SPP.

8. Policy MIN3 – Coal Extraction

Proposed change - Amend policy to include a reference to the presumption of a buffer zone for surface coal mines site boundaries within 500 metres of the edge of settlements, unless there are benefits that outweigh the likely impacts from development.

Reason – To protect communities near to potential extraction sites from any adverse extraction impacts and to align with paragraph 243 of SPP.

9. National and Regional Marine Plans

Proposed change - Reference should be made within the plan to integration with the National Marine Plan and the subsequent Clyde Regional Marine Plan.

Reason – Clydeplan (2017) states that 'land use development plans will require to be aligned with the National Marine Plan and subsequent regional marine plan'. The importance of alignment between marine and terrestrial plans is reflected in legislation both through the Marine Acts and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, which require that marine plans and development plans have regard to each other.

10. Decision Making - National and Regional Marine Plans

Proposed change – The plan should be amended to acknowledge that planning decisions which affect the Scottish Marine Area must be taken in accordance with the National Marine Plan and any subsequent regional marine plan once adopted, unless relevant considerations indicate otherwise.

Reason – To comply with Section 15 of the Marine (Scotland) Act 2010.

11. Active Travel Exemplar

Proposed change - The development plan should identify at least one exemplar walking and cycling friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting our vision for increased cycling.

Reason - To accord with paragraph 5.14 of National Planning Framework 3.

12. Consideration of Freight

Proposed change - A consideration of freight should be included in the plan.

Reason – The proposed plan contains no reference to freight as required by Paragraph 282 of SPP.

Yours sincerely
Rebecca Young
Senior Planner