

Sybil Johnson
Senior Planning and Strategies Officer
Argyll & Bute Council

By email:

Our ref: A10056474

22 March 2016

Dear Ms Johnson

**PLANNING ETC. (SCOTLAND) ACT 2006
TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING) (SCOTLAND)
REGULATIONS 2008**

**Notice of Intention to Adopt
Argyll and Bute Local Development Plan - Supplementary Guidance**

I refer to your correspondence of 26 January 2016 indicating your Council's intention to adopt supplementary guidance in association with Argyll and Bute Local Development Plan.

I confirm that Scottish Ministers do not propose to issue a Direction for the guidance set out in Annex A.

You will however, be aware of the letter issued by the Chief Planner in January 2015 regarding supplementary guidance. This set out a number of concerns about planning authorities approach to using supplementary guidance, which I would like to reaffirm.

For guidance to be statutory and afforded the weight of the development plan in decision making, it must meet the requirements of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. It is the responsibility of the planning authority to satisfy itself that the matters dealt with in supplementary guidance are those provided for within the express statement in the local development plan.

The Chief Planner's letter also referred to concern over the high level of reliance on supplementary guidance and the potential impact on the transparency of the planning system. The volume and range of topics of the guidance notified in this instance is not what was envisaged under the modernising agenda. We would therefore hope that any future review of the local development plan will take this into consideration.

When submitting copies of supplementary guidance to Scottish Ministers, planning authorities are required to provide a statement describing publicity measures, representations received and how those representations were taken into account. Having reviewed the information provided you will wish to ensure that all the amendments that the statement indicates will be made, have been made to the relevant guidance.

In addition to meeting the requirements of planning legislation, planning authorities should also ensure that the requirements of other relevant Directives and legislation are met. With regard to the various guidance documents notified, these could include:

- the Seveso III Directive 2012/18/EU;
- the Environmental Assessment (Scotland) Act 2005;
- those set out on pages 45 and 46 of Scottish Planning Policy (SPP, 2014) relating to nature conservation;
- the new legislative context for the historic environment, information on which is set out in 'Historic Environment – Circular 1' and which can be found at the following link - <http://www.historic-scotland.gov.uk/historic-environment-circular-1.pdf>

Extension of Scottish Ministers Consideration

For those guidance documents bulleted below, Scottish Ministers have decided to extend the period of their consideration for an additional 56 days. The Scottish Ministers hereby direct under Section 22 (7) of the Town and Country Planning (Scotland) Act 1997 that section 22 (6) of that Act is to apply, with the substitution of the period of 112 days for the period of 28 days mentioned in that section. In terms of this direction, section 22 (6) provides (subject to any further direction under section 22 (7)) that your authority may not adopt the supplementary guidance before 17 May 2016.

- SG LDP ENV 9 Development Impact on Areas of Wild Land
- SG LDP CC 1 Climate Change and Sustainable Buildings
- Woodland and Forestry Strategy

Yours sincerely

Carrie Thomson

Principal Planner

ANNEX A

NATURAL ENVIRONMENT

- SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity
- SG LDP ENV 2 Development Impact on European Sites
- SG LDP ENV 4 Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
- SG LDP ENV 5 Development Impact on Local Nature Conservation Sites (LNCS)
- SG LDP ENV 6 Development Impact on Trees / Woodland
- SG LDP ENV 7 Water Quality and the Environment
- SG LDP ENV 8 Green Networks
- SG LDP ENV 10 Geodiversity
- SG LDP ENV 11 Protection of Soil and Peat Resources

LANDSCAPE AND DESIGN

- SG LDP ENV 12 Development Impact on National Scenic Areas (NSAs)
- SG LDP ENV 13 Development Impact on Areas of Panoramic Quality (APQs)
- SG LDP ENV 14 Landscape
- SG LDP ACE 1 Area Capacity Evaluation

HISTORIC ENVIRONMENT AND ARCHAEOLOGY

- SG LDP ENV 15 Development Impact on Historic Gardens and Designed Landscapes
- SG LDP ENV 16(a) Development Impact on Listed Buildings
- SG LDP ENV 16(b) Demolition of Listed Buildings
- SG LDP ENV 17 Development in Conservation Areas and Special Built Environment Areas
- SG LDP ENV 18 Demolition in Conservation Areas
- SG LDP ENV 19 Development Impact on Scheduled Ancient Monuments
- SG LDP ENV 20 Development Impact on Sites of Archaeological Importance
- SG LDP ENV 21 Protection and Enhancement of Buildings

SUPPORT FOR BUSINESS AND INDUSTRY: GENERAL

- SG LDP BUS 1 Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas
- SG LDP BUS 2 Business and Industry Proposals in the Countryside Development Management Zones
- SG LDP BUS 3 Safeguarding Existing Business and Industry Sites
- SG LDP BUS 4 Strategic Industrial and Business Locations
- SG LDP BUS 5 Economically Fragile Areas

SUPPORT FOR INDUSTRY AND BUSINESS - MAIN POTENTIAL GROWTH SECTOR: TOURISM

- SG LDP TOUR 1 Tourist Facilities and Accommodation, including Static and Touring Caravans
- SG LDP TOUR 2 Safeguarding Valued Tourist Areas Vulnerable to Change of Use
- SG LDP TOUR 3 Promoting Tourism Development Areas

RETAIL DEVELOPMENTS (INCLUDING CHANGES OF USE TO AND FROM SHOPS)

- SG LDP RET 1 Retail Development in the Main Towns and Key Settlements – The Sequential Approach
- SG LDP RET 2 Change of Use to and from Use Class 1 (Shops) in the Core Shopping Areas of the Main Town Centres
- SG LDP RET 3 Retail Development in the Key Rural Settlements, Villages and Minor Settlements
- SG LDP RET 4 Retail Development within Countryside Development Management Zones
- SG LDP RET 5 Change of Use of Shops outwith Designated Town Centres

GENERAL HOUSING DEVELOPMENT

- SG LDP HOU 1 General Housing Development Including Affordable Housing Provision
- SG LDP HOU 2 Special Needs Access Provision in Housing Developments

HOUSING GREENSPACE

- SG LDP HOU 3 Housing Green-Space

RESIDENTIAL CARAVANS AND SITES

- SG LDP HOU 4 Residential Caravans and Sites (for Permanent Homes)

SPORT, LEISURE, RECREATION AND OPEN SPACE

- SG LDP REC/COM 1 Sport, Recreation and Community Facilities
- SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas

KEY RURAL SERVICES

- SG LDP REC/COM 3 Safeguarding Key Rural Services

COMMUNITY PLANS AND NEW OR EXTENDED CROFTING TOWNSHIPS

- SG LDP COM 2 Community Plans and New/Extended Crofting Townships

PLANNING GAIN

- SG LDP PG 1 Planning Gain

ENFORCEMENT ACTION

- SG LDP ENF Enforcement Action

DEPARTURES FROM THE LOCAL DEVELOPMENT PLAN

- SG LDP DEP Departures to the Local Development Plan

BAD NEIGHBOUR DEVELOPMENT

- SG LDP BAD 1 Bad Neighbour Development
- SG LDP BAD 2 Bad Neighbour Development in Reverse

SHOPFRONT AND ADVERTISING DESIGN PRINCIPLES

- SG LDP ADV 1 Advertisements
- SG LDP Shop front Shop front/Advertising Design Principles

SUSTAINABLE SITING AND DESIGN

- SG LDP Sustainable Sustainable Siting and Design Principles

RESOURCES AND CONSUMPTION

- SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
- SG LDP SERV 2 Incorporation of Natural Features / Sustainable Drainage Systems (SuDS)
- SG LDP SERV 3 Drainage Impact Assessment
- SG LDP SERV 4 Contaminated Land
- SG LDP SERV 5 Waste Related Development and Waste Management
- SG LDP SERV 5(b) Provision of Waste Storage and Collection Facilities within New Development
- SG LDP SERV 5(c) Safeguarding Existing Waste Management Sites
- SG LDP SERV 6 Private Water Supplies and Waste Conservation
- SG LDP SERV 8 Development in the Vicinity of Notifiable Installations
- SG LDP SERV 9 Safeguarding Better Quality Agricultural Land

ADDRESSING CLIMATE CHANGE

- SG LDP SERV 7 Flooding and Land Erosion – The Risk Framework for Development
- SG LDP Sust Check Sustainability Checklist

MINERALS

- SG LDP MIN 1 Safeguarding of Mineral Resources
- SG LDP MIN 2 Mineral Extraction

TRANSPORT (INCLUDING CORE PATHS)

- SG LDP TRAN 1 Access to the Outdoors
- SG LDP TRAN 2 Development and Public Transport Accessibility
- SG LDP TRAN 3 Special Needs Access Provision
- SG LDP TRAN 4 New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 5 Off-site Highway Improvements
- SG LDP TRAN 6 Vehicle Parking Provision
- SG LDP TRAN 7 Safeguarding of Airports

TELECOMMUNICATIONS

- SG LDP TEL 1 Telecommunications

LIST OF SETTLEMENTS

- List of Settlements