

To: Communities, Housing and Planning Policy Board

On: 13 September 2021

Report by: Chief Executive

Heading: Renfrewshire Local Development Plan

1. Summary

- 1.1 At the Communities, Housing and Planning Policy Board on the 14 April 2021, the Board authorised the Head of Economy & Development to modify the Proposed Renfrewshire Local Development Plan in line with all but three of the Scottish Government Reporter's recommendations set out in the Examination Report and authorised him to notify the Scottish Ministers of the Council's intention to adopt the modified Local Development Plan.
 - 1.2 Scottish Ministers have considered both the modified Plan and supporting information provided and have concluded that they do not wish to intervene in the adoption of the Plan and that the Council may proceed to adopt the Modified Proposed Renfrewshire Local Development Plan.
 - 1.3 The response from Scottish Ministers is attached at Appendix 1 with the Plan to be adopted, together with Maps A to F, set out on the Council webpages - [Local Development Plan](#).
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2. Recommendations

- 2.1 It is recommended that the Board:
 - (i) Resolves to adopt the Renfrewshire Local Development Plan (referred to on the webpage as "the Modified Proposed Renfrewshire Local Development Plan"), including Map A, Map B, Map C, Map D, Map E and Map F as set out in the webpage - [Local Development Plan](#), in

accordance with the provisions of the Town and Country Planning (Scotland) Act 1997

3. Background

- 3.1 On 14 April 2021 the Communities, Housing and Planning Policy Board authorised the Head of Economy & Development to modify the Proposed Renfrewshire Local Development Plan in line with the Scottish Government Reporter's recommendations set out in the Examination Report, except for 3 recommendations in relation to housing sites at the former Golf Driving Range, Rannoch Road in Johnstone, Thriplee Road in Bridge of Weir and Auchenlodment Road in Elderslie. The Board also authorised the Head of Economy & Development to notify the Scottish Ministers of the Council's intention to adopt the modified Local Development Plan.
- 3.2 The Council advertised the intention to adopt the Modified Proposed Renfrewshire Local Development Plan and, on the 30 April 2021, sent a copy of the modified Local Development Plan to the Scottish Ministers along with a statement explaining why 3 modifications to the Plan suggested by the Reporter were not accepted.
- 3.3 The Scottish Ministers had 28 days to reach a view on the submission, however, the Council received consecutive correspondence on 24 May, 22 June and 20 July 2021 from Ministers extending their period of consideration.
- 3.4 A letter from the Scottish Ministers was received on 17 August 2021 (Appendix 1) informing the Council that they may now proceed to adopt the Plan. There is no scope to alter the Plan at this stage in the Development Plan process.

4. Judicial Review Challenge

- 4.1 On the 17 May 2021, Renfrewshire Council was served with a petition for Judicial Review of the decision of the Communities, Housing and Planning Policy Board on the 14 April 2021.
- 4.2 Cosmopolitan Hotels Limited (the petitioner), submits that the decision of the Council (by the Board) is ultra vires, irrational and unreasonable and that the decision does not provide the Council with a justified basis to adopt the local development plan. The petitioner is seeking to have the Council's decision of the 14 April 2021 reduced.
- 4.3 The petitioner owns an area of land adjacent to the Erskine Bridge Hotel in Renfrewshire and has applied for planning permission in principle for residential development of the site at Erskine riverfront (planning application reference 19/0765/PP).

- 4.4 The Council is defending the lawfulness of the decision of 14 April 2021. The Judicial Review will be heard in the Court of Session on the 1 October 2021.
- 4.5 The Board may resolve to adopt the Renfrewshire Local Development Plan notwithstanding the ongoing Judicial Review proceedings.
5. **Next Steps**
- 5.1 The Plan and associated Maps will now be adopted as set out in the Council's webpage - [Local Development Plan](#) and the post adoption procedures will be undertaken in line with the relevant statutory procedures as set out in the Town and Country Planning (Scotland) Act 1997.
- 5.2 There is a statutory right of appeal to the Court of Session which allows a challenge to the validity of the Plan, if a person feels aggrieved by the Plan or any alteration, repeal or replacement of the Plan. The period of challenge is 6 weeks from the date the adoption advert is published.
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Implications of the Report

1. **Financial** – None.
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** –
Reshaping our place, our economy, and our future - The Development Plan is a key document in establishing a land use framework for supporting, encouraging, and delivering economic development in Renfrewshire through investment and regeneration.
4. **Legal** - The report concerns the adoption of the Renfrewshire Local Development Plan, in terms of the Town and Country Planning (Scotland) Act 1997. The adoption of the plan is subject to a statutory right to any aggrieved person to challenge the adopted plan in the Court of Session. The report also refers to a Judicial Review petition raised by Cosmopolitan Hotels Limited which challenges the decision taken at Board on 14 April 2021 and seeks to have that decision reduced.
5. **Property/Assets** – None.
6. **Information Technology** – None.
7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights.

No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – None.
9. **Procurement** – None.
10. **Risk** – None.
11. **Privacy Impact** – None.
12. **COSLA Policy Position** - None.
13. **Climate Risk** - The Proposed Local Development sets out a framework, spatial strategy and policies to ensure sustainable development and places, aiming to facilitate the transition to a low carbon economy and adaptation to climate change.

Appendix 1

Letter from Scottish Ministers 17 August 2021.

The contact officer within the service is Sharon Marklow, Place Strategy Manager, 0141 618 7835, email: sharon.marklow@renfrewshire.gov.uk



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Alasdair Morrison
Head of Economy and Development
Chief Executive's Service
Renfrewshire Council

By email:

aldasair.morrison@renfrewshire.gov.uk

Our ref: A34310944
17 August 2021

Dear Alasdair

**Town and Country Planning (Scotland) Act 1997
Notice of Intention to Adopt – Proposed Renfrewshire Local Development Plan**

I refer to your correspondence of 4 May 2021 regarding Renfrewshire Council's intention to adopt the Renfrewshire Local Development Plan. We understand that the planning authority's intention to adopt was advertised on 28 April 2021.

Scottish Ministers' decisions as to whether they will intervene at this stage of the development planning process are taken on a case by case basis and in light of the particular circumstances of each proposed plan. It is the responsibility of the planning authority to satisfy itself that they have complied with legislation, and in regard to this particular plan, compliance with section 19(10) of the Town and Country Planning (Scotland) Act 1997.

Scottish Ministers do not propose to issue a Direction in the case of this proposed plan.

Yours sincerely

Helen Wood
Assistant Chief Planner
Planning and Architecture Division

