
Proposed Argyll and Bute Local Development Plan Next Steps

1.0 SUMMARY

- 1.1 This report concerns the representations duly made to the Proposed Argyll and Bute Local Development Plan (LDP) and goes on to outline the next stages of the process, including the examination stage, in accordance with the Planning etc. (Scotland) Act 2006.
- 1.2 Extensive consultations on the LDP have been carried out at previous stages starting with **5 visioning meetings** (1 for each area and 1 dealing with strategic issues) to determine the priorities of the plan; a **Call for Sites process** was then undertaken from January to March in 2010. **The Main Issues Report (MIR)** was published for public consultation from May to July in 2011 and an additional stage of consultation was carried out on new **Proposed Sites** from July to August 2012. The **Proposed LDP**, considered to be the settled will of the Council was published on the 4th of February 2013 to the 29th of April 2013 to allow people to make further representations which left unresolved will go forward for Examination. It should be noted that the intention of planning reform with regard to LDPs is to minimise delays in the process to enable a new plan to be approved within a 5 year cycle. Not having an up to date plan in place gives rise to legal challenge, costs to planning decisions and difficulty in the achieving the main objectives of the Council's Single Outcome Agreement (SOA).
- 1.3 **Appendix 1** contains a list of all the issues raised in terms of the content, policies and proposals with regard to the Proposed LDP. **Appendix 2** contains all the Schedule 4s that contain a summary of the representations and Council response. In addition, a summary of the main contents of the LDP is included in **Appendix 3** of this report and **Appendix 4** of this report contains the Statement of Conformity.

2.0 RECOMMENDATIONS

- 2.1 that Members note the process and next stages in progressing the Proposed Local Development Plan to the Examination Stage as set out below;
- 2.2 that Members endorse the views of the respective Area Committees with regard to the area specific representations made for their areas and further consider the strategic, general and policy representations

received to the Proposed Local Development Plan and agree the Council's recommended response to these issues raised in **Appendix 1** and detailed responses in the Schedule 4 forms in **Appendix 2**;

- 2.3 authorise Officers to submit to Scottish Ministers a request to establish the Examination process, together with all required documentation including the Schedule 4 forms; and to report back on the outcome of the Examination prior to the adoption of the Plan;
- 2.4 delegate authority to the Executive Director Development and Infrastructure to make any final checks to deal with technical accuracy of the Schedule 4 forms and respond to any information requests received from the Directorate for Planning and Environmental Appeals as part of the Examination process; and
- 2.5 approve the Statement of Conformity at **Appendix 4** for submission to Scottish Ministers prior to the Examination of the Plan.

3.0 DETAIL

- 3.1 The Planning etc. (Scotland) Act 2006 requires the Council to prepare a new Local Development Plan (LDP), which will replace the Argyll and Bute Local Plan and Structure Plan, and to review the Plan every 5 years. The previously agreed target for adopting the new Plan is October of 2014.
- 3.2 At the Council meeting on 20th December 2012 the Proposed Local Development Plan was endorsed as a basis for public consultation. The Proposed Plan and supporting Supplementary Guidance were published formally on the 4th February 2013 for 12 weeks' consultation until 5pm on 29th April 2013.
- 3.3 Consultations on the LDP have been carried out at previous stages with initially a series of visioning seminars. Next a Call for Sites process was undertaken from January to March 2010. The Main Issues Report was published for consultation from May until July 2011 and an additional stage of consultation was carried out on Proposed Sites from July until August 2012. A summary of the content of the plan can be found in **Appendix 3** of this report together with a hyper link to the plan.
- 3.4 Copies of representations in full are available on the council's web site or can be made available on request from Fergus Murray (email: fergus.murray@argyll-bute.gov.uk).

4.0 NEXT STAGES

- 4.1 The next stage in the process of the Argyll and Bute Local Development Plan (LDP) is to consider a response to the representations received and identify those objections which are likely to be unresolved and would therefore go forward for

Examination by the Scottish Government's Directorate for Planning and Environmental Appeals. At the Examination process, the unresolved representations will be examined as issues rather than each representation responded to individually. The mandatory format for this is through Schedule 4 forms issued by the Department for Planning and Environmental Appeals. One Schedule 4 form should cover each issue and contain the following:-

- A summary of the unresolved representation
- The modification sought by the objector(if indicated)
- The Planning Authority's response

5.0. MODIFICATIONS TO THE PROPOSED PLAN

- 5.1 In response to representations the Planning Authority can make non-notifiable modifications to the Local Development Plan which do not need to go through the Examination process. These include minor drafting and technical matters e.g. correcting spelling mistakes, omissions, updating references etc., in the final document.
- 5.2 In response to particular representations, very minor modifications can also be put forward in the Planning Authority's response in the Schedule 4. These may be for example to agree to an objector's suggested revised form of wording to a policy if it helps to improve its clarity and understanding. However, the Examination Reporter will still have the final say on whether these modifications come forward as recommendations to the Council following the Examination process.
- 5.3. In response to particular representations, the Planning Authority may decide to make notifiable modifications. These are modifications which remove or significantly alter any policies or any proposals set out in the Proposed Local Development Plan or introduce new policies or proposals into the Plan. In this instance, the Planning Authority is required to publish a Modified Plan and carry out further consultation for at least 6 weeks along with neighbour notification.
- 5.4 Any significant modifications to a development site allocated in the Proposed LDP - be it changes to allocated area, the density, the allocated use, or the removal or addition of a site, is considered notifiable and will require additional neighbour notification and consultation before being submitted for Examination.
- 5.5 Local Authorities are advised to avoid making pre-examination notifiable modifications. Scottish Government Circular 1/2009: Development Planning indicates: - "From the Proposed Plan stage, Scottish Ministers expect the authority's priority to be to progress to adoption as quickly as possible. Pre-examination negotiations and notifiable modifications can cause significant delay and so should not

be undertaken as a matter of course, but only where the authority is minded to make significant changes to the plan where clear alternatives have been made available and the key objectives of the plan are not undermined.

- 5.6 The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the Reporter, and leave them to make appropriate recommendations. However, if authorities wish to support a significant change to the plan, especially one that would entail further neighbour notification, this should be done by means of a pre-Examination modification. This would also open up the possibility of individuals again commenting on the whole plan.
- 5.7 A Modified plan could therefore result in up to 12 months' delay in submitting the Modified Plan to Scottish Ministers (due to dealing with the complex schedule 4) process with a subsequent delay in the adoption of the Plan which would then happen towards the end of 2015.
- 5.8 For these reasons, and to avoid holding up the entire Plan, it is proposed to proceed on the basis that no significant changes to the Plan are needed therefore there are no proposed notifiable modifications.

6.0 SUMMARY OF MAIN AREAS OF OBJECTION

- 6.1 In total 552 separate representations were received to the proposed Local Development Plan from individuals, groups, private businesses and key agencies. All representations received have been placed on the Councils web site and will be submitted to Scottish Ministers in full. The principle areas of concern relate to the identification of individual sites for housing and other forms of development. By far the biggest area of objection in terms of these sites is in the Helensburgh, Shandon and Cardross areas in relation to Green belt release. Other main issues raised concern housing supply, wording of plan policies and Supplementary Guidance (that will be dealt with by another report to Council) renewables, particularly on shore wind, and to some extent aquaculture. The Council is also required to undertake a Habitats Regulations Assessment which is currently underway.

7.0. PROPOSED RESPONSE TO REPRESENTATIONS

- 7.1 Development Policy staff have collated and assessed the unresolved representations and identified issues that require to be looked at by the Reporter. These issues have been identified in **Appendix 1** of this report. In response to these issues policy staff have prepared the Schedule 4 forms required by the Directorate for Planning and

Environmental Appeals. These can be found in **Appendix 2** of this report.

- 7.2 The Planning Authority's proposed response in the Schedule 4 forms includes where appropriate reasons for not modifying the Plan in response to the issue raised or allowing the reporter to make the decision. No modifiable modifications are considered to be necessary. The Planning Authority response does however recommend a number of minor modifications (non-modifiable) in response to representations the reasons for which are included in the Schedule 4s. It should be noted that the Reporter will receive all representations made in full in addition to the schedule 4s.
- 7.3 Any representations that indicate support for aspects of the Plan are not defined as unresolved issues and are largely not referred to in draft Schedule 4s. The exception is where a particular reason given for supporting the plan, is directly relevant to another party's reasons for objecting. In this situation, supports have been included.

8.0 NEXT STEPS

- 8.1 The Area specific representations have been presented to the four area committees in the January cycle for them to approve. The full Council is asked to then endorse the views of the Area Committees and approve all schedule 4s relating to strategic and policy issues. The plan will then be submitted to the Scottish Government 6 weeks from final Council approval together with the schedule 4s and all other documentation including full copies of representations made.

9.0 THE EXAMINATION (PLI)

- 9.1 The Examination is intended as the principal means of independently testing the issues arising from representations and has two main purposes:-
- § To assess whether or not the Planning Authority has conformed with its published Participation Statement (set out within the latest approved Development Plan Scheme); and
 - § To consider unresolved representations to the Proposed Local Development Plan.
- 9.2 Scottish Ministers expect the process from appointment of the Reporter to reporting back to the Council, to take 6 months. Their report will set out and give reasons for all their conclusions and recommendations on the issues, not on each individual representation, and also set out their assessment of the Planning Authority's conformity with its Participation Statement. Any recommendations requiring the Council to

make changes to the Plan as a result of the Examination will be binding.

- 9.3 All the following documents require to be submitted to the Directorate for Planning and Environmental Appeals:-
- 9.4 The completed Schedule 4 forms; Complete set of Core Documents
Copies of all representations received in the prescribed period of consultation
Copies of the Proposed Plan, Proposed Draft Action Programme, Monitoring Statement and all relevant Supplementary Guidance
Strategic Environmental Assessment environmental report; Participation Statement within Development Plan Scheme and Statement of Conformity. It should be noted that representations made and proposed changes to the Supplementary Guidance elements of the plan will be reported back to the Council in March 2014.
- 9.5 Given the complex nature of the Schedule 4's, with cross referencing to other documents, additional checks may be necessary to ensure that all the representations are correctly referenced and any technical errors are picked up before they are submitted to Scottish Ministers. This will include a list of core documents for the Examination process. There is no opportunity to add or amend the Schedule 4's once they are submitted. It is recommended therefore that the final checks to deal with technical accuracy, and responding to Reporter's information requests to provide additional clarity, is delegated to the Executive Director of Development and Infrastructure.
- 9.6 Scottish Ministers expect the process from appointment of the Reporter to reporting back to the Council, to take 6 months. Their report will set out and give reasons for all their conclusions and recommendations on the issues, not on each individual representation, and also set out their assessment of the Planning Authority's conformity with its Participation Statement. Any recommendations requiring the Council to make changes to the Plan as a result of the Examination will be binding.

10.0 TIMESCALE AFTER THE EXAMINATION

- 10.1 If the Council proceeds directly to Examination, the intended date of adoption for the Local Development Plan should be by October 2014.

11.0 STATEMENT OF CONFORMITY

- 11.1 In line with the Planning etc. (Scotland) Act 2006 Part 2 section 18 (4)(a) (i), the Council is required to submit a report to Scottish Ministers demonstrating that the Council has conformed to legislative requirements in relation to engagement. This report is submitted prior to the Examination to ensure the Reporter is satisfied that the arrangements for engagement with stakeholders, including the public following the publication of the Proposed Local Development Plan, are in accordance with the legislation and the Council's current Participation Statement. This is known as a Statement of Conformity and a copy is contained in **Appendix 4** of this report.

12.0 CONCLUSION

- 12.1 The responses to Proposed Local Development Plan have been processed, grouped in issues and placed in Schedule 4 forms as required by the Scottish Government. The Schedule 4 forms concerning strategic, general and policy issues are included in **Appendix 2** of the Report for Members' noting and approval. Following approval by the Council these forms together with all other required documents and information will be considered by the Council prior to being submitted to the Scottish Ministers with a request to establish the Examination process into all unresolved objections to the Argyll and Bute Local Development Plan.

13.0 IMPLICATIONS

Policy: The Proposed LDP once adopted will be the principal material consideration in the determination of submitted planning applications

Financial: The Council is required to pay for the Examination process based on the current unresolved issues a budget of up to £90k has been identified as an expected cost pressure for 2014/15 cost.

Personnel: None arising from this report

Equal Opportunities:

Equality Impact Assessment screening and Strategic Environmental Assessment has been undertaken on the Proposed Local Development Plan. A draft Habitats Regulations

Appraisal is being undertaken on the Proposed Local Development Plan.

Legal: None arising from this report

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Appendix 3

Argyll and Bute Local Development Plan

Land use spatial plan for the Council that replaces the current development Plan (Structure Plan and Local Plan);

1. The 2006 Planning Etc.(Scotland) Act requires the Development Plan to be up to date (renewed every five years);
2. In Argyll and Bute there is only a requirement for a Local Development Plan (LDP);
3. Has to ensure that there is a five year supply of effective housing land and ten years for business land;
4. Has to contain a clear settlement/spatial strategy;
5. Has to mitigate and address the impacts of climate change;
6. Has to be supported by all of the key agencies;
7. Has to be deliverable and realistic;
8. Has to be fully funded;

The Local development Plan is required to be:

- **Efficient** – up to date, responsive to change, providing certainty, identifying development opportunities;
- **Inclusive** – involvement of local people on local issues;
- **Integrated** – provides spatial dimension to national and local strategies, action plans including EDAP, REAP, Housing Strategy;
- **Fit for purpose** – supports high quality outcomes on the ground and addresses our area's issues in a challenging environment;
- **Sustainable** – fully supports sustainable economic growth;
- **Deliverable** – realistic and accompanied by an agreed action programme with our partners.

Local development Plan Vision

The overall vision for Argyll and Bute is one of an economically successful, outward looking and highly adaptable area, which enjoys an outstanding natural and historic environment, where all people, working together, are able to meet their full potential and essential needs, locally as far as practicable, without prejudicing the quality of life of future generations.

KEY OBJECTIVE A

To make Argyll and Bute's Main Towns and Key Settlements increasingly attractive places where people want to live, work and invest;

KEY OBJECTIVE B

To secure the economic and social regeneration of our smaller rural communities;

KEY OBJECTIVE C

To work in partnership with local communities in a way that recognises their particular needs to deliver successful and sustainable local regeneration;

KEY OBJECTIVE D

To support the continued diversification and sustainable growth of Argyll and Bute's economy with a particular focus on our sustainable assets in terms of renewables, tourism, forestry, food and drink, including agriculture, fishing, aquaculture and whisky production;

KEY OBJECTIVE E

To ensure the outstanding quality of the natural, historic and cultural environment is protected, conserved and enhanced;

KEY OBJECTIVE F

To meet our future housing needs, including affordable, throughout Argyll and Bute;

KEY OBJECTIVE G

To continue to improve Argyll and Bute's connectivity, transport infrastructure and associated networks;

KEY OBJECTIVE H

To optimise the use of our scarce resources, including our existing infrastructure, vacant and derelict land and reduce consumption;

KEY OBJECTIVE I

To address the impacts of climate change in everything we do and reduce our carbon footprint;

These Key Objectives in turn inform the key themes of the plan that contain the 11 core policies

- Protecting, conserving and enhancing our outstanding environment together
- Strengthening Our Communities Together
- Creating a sustainable and growing economy together
- Maximising our resources and reducing consumption together
- Improving our Connectivity Together

The plan also contains a settlement and spatial strategy that helps determine future housing and business development takes place in Argyll and Bute. Each of the Council's Administrative areas has its own spatial strategy and set of criteria to achieve. The plan is intended to help stimulate new business and housing activity within Argyll and Bute helping to grow our economy in a sustainable manner and our population in line with the overarching key objective of the Single Outcome Agreement. The plan can be found here on the Council's web site:-

<http://www.argyll-bute.gov.uk/ldp>

Appendix 4:

Argyll and Bute Local Development Plan (LDP)

Statement of Conformity with the Participation Statement; January 2014.

This Statement of Conformity has been prepared to meet Section 18 (4)(a)(i) of The Planning etc. (Scotland) Act 2006, which requires Planning Authorities to submit a report on the extent to which the authority has consulted and involved the wider public and how the authority has conformed with its current Participation Statement. In establishing the procedures for the Examination, Section 19(4) of the same Act requires the appointed person to firstly examine that the authority has conformed with the Participation Statement in respect of the Proposed Local Development Plan. Its purpose is to set out the steps taken by the Council as a Planning Authority to ensure all relevant parties were aware of, were consulted on, and had adequate opportunity to reply to documents published as part of the consultation process for the Proposed Local Development Plan and the Strategic Environmental Assessment Environmental Report.

The current Participation Statement within the latest Development Plan Scheme (dated March 2013), sets out when consultation will take place, who will be consulted and how this consultation will happen in the preparation of the Argyll and Bute Proposed Local Development Plan.

The Scheme outlines the current timetable and the statutory assessments undertaken on the Plan. It also contains an update on what engagement was carried out and the activities undertaken on the previous stages in preparing the Plan (Call for Sites and Comments, Main Issues Report, Further Consultation on Sites to be included in the Proposed Local Development Plan).

Table 1: Proposed Local Development Plan Consultation and Engagement Activities

What we said we would do	What we did, when we did it, and who we consulted
Newsletter - making newsletters available and utilising web- based social networking sites to disseminate information.	We published a newsletter during the consultation period of the Proposed LDP and used the Council's twitter account on a weekly basis to raise awareness of the consultation. Another newsletter was prepared and published on the Council's web site to explain the next steps in the plan process including the presentation of the schedule 4s to the Area Committees and Council in January 2014.
Press releases	We prepared various press releases for media outlets within Argyll and Bute.
Providing feedback forms online and in hard copies	We provided feedback forms on line to be downloaded, filled in and returned by

	<p>email (through a dedicated LDP mail box) or by post. We also prepared an on-line survey for people to fill in directly (185 replies) and send back directly through the Council's web site. We also made available paper copies of the feedback form for people to hand directly to planners at open meetings or post back to us.</p> <p>All submissions were acknowledged with a letter and a unique reference number created to aid tracking of the representation.</p>
Providing the scheme and documents online and in Council libraries.	We provided all documents online and placed paper copies in Council libraries and Council office buildings:
Published the Development Plan Scheme (DPS) (to include community groups, main agencies and consultation authorities, business groups, and so on). Giving information to Community Councils.	We advertised the DPS and wrote to Community Councils
Online versions of all phases of LDP documents provided. CD versions have been made available on request.	We have all phases of the LDP placed on the Council's web site at :- www.argyll-bute.gov.uk/ldp .
Public 'drop in' meetings where elements of the LDP can be discussed	We conducted a 3 month public consultation period starting on the 4 th February and ending on the 29 th April at 5 pm. We held 9 drop in days in venues around Argyll and Bute including Cardross; Lochgilphead; Oban; Dunoon; Campbeltown; Helensburgh; Rothesay; Tobermory and Bowmore between the dates of the 18 th and 25 th February;
Invited audience meetings / events where elements of the LDP can be discussed.	An additional 18 meetings with organisations such as community councils who made specific requests for planners to attend.
Sending e-mails to people who are on our database as interested parties in the LDP and utilise web based social networking forums.	We sent out 1,335 emails and letters to people on our LDP database; we sent out 2,616 letters to adjacent neighbours on development sites included within the LDP.
Publish the Proposed Local Development Plan and the Strategic Environmental Assessment Supplementary Report for public consultation.	The Proposed Local Development Plan went out for public consultation on the 4 th of February 2013 for a period of 3 months until 29 th April 2013.

<p>Notify the following groups:</p> <ul style="list-style-type: none"> • Members of the public • Community Councils and other Groups • Private and public sector • Key consultation agencies • Scottish Ministers 	<p>A copy of the plan was sent to:</p> <ul style="list-style-type: none"> • 49 Community Councils • 7 neighbouring Planning Authorities and the Loch Lomond and Trossachs National Park and 2 Strategic Joint Planning Committees. • 8 Key agencies and Scottish Ministers
<p>Carry out appropriate Neighbour notification though the notification of owners, occupiers and neighbours within 20 metres of sites which the proposed plan specifically proposes to be developed.</p>	<p>A total of 2,616 neighbour notification letters were sent to neighbours of proposed development sites in the plan.</p>