

PROPOSED LOCAL DEVELOPMENT PLAN 3: DEVELOPMENT PLAN SCHEME

1.0 EXECUTIVE SUMMARY

- 1.1 The main purposes of this report are to:-
- seek Council approval of the attached Development Plan Scheme (DPS), including its associated Participation Statement and governance arrangements
 - obtain authority to publish the approved DPS and submit it to the Scottish Ministers.
- 1.2 Members will be aware we have recently adopted Local Development Plan 2 on 28th February 2024. It is now necessary to begin the early preparation stage for the next Plan (LDP3).
- 1.3 The DPS attached (Appendix A) sets out the Council's programme for preparing LDP3. The preparation of the DPS itself is a requirement under The Town and Country Planning (Scotland) Act 1997 as amended by the Planning (Scotland) Act 2019 ("The Act as amended"). There is also a statutory requirement to update the DPS at least annually.
- 1.4 This is the first DPS setting out the programme for LDP3. It sets out key milestones in the LDP3 process and how people can become engaged at those stages. It also provides a timetable that will deliver LDP3 within the required 5 year period from adoption of LDP2. An up to date DPS and up to date local development plan are key performance indicators for the Scottish Government.
- 1.5 Key issues to note are:-
- the Council's statutory duty in respect of producing the DPS;
 - the engagement proposed meets with statutory requirements and with good practice as set out in "Effective Community Engagement in Local Development Planning Guidance" (Consultation Draft May 2023);
 - the proposed timetable meets with the statutory requirements, which are linked to performance indicators;
 - the governance regime proposed should ensure LDP3 is delivered timeously in an effective and efficient manner;
 - consultations will be carried out on-line where possible to keep the financial burden to a minimum. Gatecheck, Examination and Printing

costs for the Local Development Plan are cost pressures not included in the proposed Development Policy budget.

RECOMMENDATIONS

It is recommended that Council:-

- i) note the contents of this report;
- ii) approve the proposed governance arrangements;
- iii) approve the Development Plan Scheme (DPS) attached in Appendix A of this report for publication and submission to the Scottish Ministers.

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2.0 INTRODUCTION

2.1 There is a statutory requirement to replace Local Development Plan 2 (LDP2) in no more than five years and this means preparing Local Development Plan 3 (LDP3) by March 2029. The process involves a number of statutory stages and significant engagement with communities, developers, key agencies, Councillors and other stakeholders. The **Development Plan Scheme (DPS)** (Appendix A) sets out the timetable and consultation process for LDP3 and is required to be updated annually, taking into account ongoing stakeholder feedback on the Participation Statement.

3.0 RECOMMENDATIONS

3.1 It is recommended that Council:

- i) note the contents of this report;
- ii) approve the proposed governance arrangements;
- iii) approve the Development Plan Scheme (DPS) attached in **Appendix A** of this report, for publication and submission to the Scottish Ministers.

4.0 DETAIL

Background

4.1 There is a statutory requirement to replace Local Development Plan 2 (LDP2) in no more than five years and this means preparing Local Development Plan 3 (LDP3) by March 2029. The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019 (“the Act as amended”) sets out the preparation process and procedures associated with the production of the Plan. Given the number of statutory phases, scale of Argyll and Bute and nature of the issues to be addressed, this process will take around 5 years to complete. The planning authority is measured on its performance in respect of an up to date Local Development Plan by the Scottish Government.

- 4.2 Section 20B of the Act as amended requires each Planning Authority to prepare a DPS at least annually, and sets out specific requirements for the content and process of the LDP and DPS.
- 4.3 The DPS sets out the Council's preparation process for LDP3 and an overview of what is likely to be involved at each stage. The DPS includes a Participation Statement which details with whom and how we will undertake effective engagement. In writing the Participation Statement regard was given to the statutory requirements in terms of production of an LDP as well as to good practice as set out in "Effective Community Engagement in Local Development Planning Guidance" (Consultation Draft May 2023).
- 4.4 Under 20B (4A) of the Act as amended, when preparing the DPS planning authorities must seek the views of the public on what the content of the Participation Statement should be, and have regard to any views expressed. The DPS was published online for a 4 week period with an online response form asking for any comments on the proposed Participation Statement. This was published via social media as well as via the LDP Newsletter. Emails were sent to Community Councils and colleagues in the Community Planning Partnership, the Community Development Team and Education and Youth groups. Additionally, this was subsequently picked up by the Council's Keep in the Loop service who sent out an email alert prior to the closing date.
- 4.5 33 responses were received. A summary of the main issues raised and any subsequent changes made to the DPS are as follows:-
- *Not everyone has the ability to access online engagement techniques.* No change has been made as the Participation Statement already notes that we will work with our community and education partners to reach under-represented groups.
 - *Concerns raised about information being accessible to groups such as children, those with learning difficulties or from different language/cultural backgrounds.* A sentence has been added to clarify that in order to reach all sectors, information will be clear, accessible and in plain English where possible.
 - *A number of people felt that the proposed engagement techniques were largely a one way flow of information.* Section 8.4 has been updated to clarify that this section includes information dissemination throughout all stages in addition to the full consultation stages.
 - *Respondents have requested face-to-face meetings rather than online; household surveys and high street sampling.* No change has been made as the existing provision for public and community meetings would allow for these to either be online or face-to-face depending on resources and constraints. Household surveys and high street sampling are unlikely to be effective due to the large volume of information involved within the LDP process.

4.6 The DPS also makes reference to work which will support the LDP3. These include:-

- the Strategic Environmental Assessment (SEA) draft Environmental Report, which will identify and assess the environmental effects of proposed strategies, plans and programmes;
- the Habitat Regulation Appraisal (HRA), which will assess potential impacts of LDP3 on European sites;
- The Equality and Socio-Economic Impact Assessment (EqSEIA), which will take into account the 9 protected characteristics covered by the Equality Act 2010, and also the Public Sector Equality Act; the Fairer Scotland Duty; and the Islands (Scotland) Act 2018;
- the proposed Delivery Programme, which will demonstrate a clear route to delivery for sites and proposals in LDP3.

4.7 Once this DPS has been approved for adoption by Members it is required to be published, copies placed in all public libraries within the planning authority area and 2 copies submitted to the Scottish Ministers.

Governance

4.8 The timeous preparation of development plans requires rigorous and carefully planned project management, not least because of the diverse range of issues and interests involved. Planning authorities are advised by the Scottish Government to use appropriate project management techniques to avoid slippage and ensure the plan is produced on track. The governance of LDP3 process is fundamental to achieving this.

4.9 The DPS sets out the proposed governance arrangements, which will support the delivery of LDP3. The Council, as the planning authority, controls the overarching corporate management of the LDP. This is dealt with at key stages through the Council's committee procedures and at Strategic Management Team meetings. Councillors will be engaged throughout the process through engagement sessions in addition to committees. In order for LDP3 to progress efficiently and timeously through the Committee processes it is proposed that:-

- The following key stages go directly to full Council:-
 - i) the Evidence Report, as required by Section 16B (5) and (6) of the Act as amended;
 - ii) the Proposed Plan and proposed Delivery Programme, as required by Section 18 (1B) and (1C) and Section 21 (4), (4B) and (4C) of the Act as amended;
 - iii) submission for Examination (including Council prepared Modification Report);
 - iv) the decision to Adopt including Examination Modifications;
 - v) adoption of the Delivery Programme.
- The following preparatory and sub stages go to Planning, Protective Services and Licensing Committee only:-

- i) subsequent DPS revisions;
- ii) Delivery Programme revisions.

4.10 Given the need for integration with other Council services to deliver an effective plan a Project Board is proposed to be responsible for providing overall direction to the delivery of LDP3. This is proposed to consist of the Development and Infrastructure Management Team, chaired by Executive Director with responsibility for Economic Development and Growth. The project manager (LDP Team Senior Planning and Strategies Officer) is responsible for the day to day management of the delivery of the plan and team.

Delivery

4.11 The general costs associated with the preparation of LDP3 are met from within the Development Policy budget. To reflect available resources, utilise the efficiencies and potential wider reach, and to keep costs to a minimum meeting statutory requirements, consultation stages will be conducted online only with assistance in libraries and at service points for those with no online facilities/capability. Elements of the process will generally be kept to the statutory minimum, for example deposit locations and adverts. The LDP3 process runs across a 5 year period and therefore there is a risk that the proposal of any additional resource reductions in the future could impact adversely on the delivery of LDP3 in line with the DPS, statutory requirements and performance indicators.

4.12 The costs for the DPEA Gatecheck and Examination are not covered by this budget. These are a cost pressure which will be fed in to the budget planning process. Based on previous experience of the existing system these are likely to be in the order of £70-£100k. 30% of this cost would be anticipated in FQ3 2025/26, and 70% in FQ3 2028/29. Statutory printing requirements for the various stages, and printing the final LDP3 is not contained within this budget and would be estimated at £3-5k.

5.0 CONCLUSION

5.1 Engagement in the preparation of LDP3 is a vital component in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019 (“the Act as amended”) The DPS sets out a clear agenda for the LDP3 process and the associated public engagement and consultation as it progresses.

6.0 IMPLICATIONS

- 6.1 Policy - The Development Plan Scheme sets out the timetable and consultation process for the production of Local Development Plan 3 that will replace Local Development Plan 2, adopted 28th February 2024 in due course.
- 6.2 Financial - The cost for preparation of the DPS is contained within the Development Policy budget. The costs for Gatecheck and Examination are not covered by this budget. These are a cost pressure. Based on previous experience of the existing system these are likely to be in the order of £70-£100k. 30% of this cost would be anticipated in FQ3 2025, and 70% in FQ3 2028. Statutory printing requirements for the various stages, and printing the final LDP3 is not contained within this budget and is estimated at £3-5K.
- 6.3 Legal - There is a statutory duty to approve annually, publish and submit to the Scottish Ministers a Development Plan Scheme.
- 6.4 HR - None
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities - protected characteristics - The DPS shows how the LDP3 process will be handled to encourage engagement with all. An Equalities Impact Assessment will be undertaken as part of the LDP3 process.
 - 6.5.2 Socio-economic Duty – The DPS shows how the LDP3 process will be handled to encourage engagement with all. An Equalities Impact Assessment will be undertaken as part of the LDP3 process.
 - 6.5.3 Islands – The DPS shows how the LDP3 process will be handled to encourage engagement with all. An Equalities Impact Assessment will be undertaken as part of the LDP3 process.
- 6.6 Climate Change – LDP3 will provide an up-to-date position in terms of land use development and climate change impacts against which to assess planning applications. A Strategic Environmental Assessment (SEA) will be carried out as part of the LDP3 process.
- 6.7 Risk - The preparation of LDP3 will run over 5 years and therefore there is an uncertainty regarding resource levels. Further reduction in resource levels would impact on delivery of LDP3 and could result in failure to meet legislative requirements and Scottish Government performance targets.
- 6.8 Customer Service - The DPS sets out how our customers can get involved in the Local Development Plan process.
- 6.9 The Rights of the Child (UNCRC) – LDP Preparation Guidance requires that Local Authorities make provision for including the youth and younger elements of population within the preparation of LDPs, and that plans to do this are demonstrated within the Development Plan Scheme.

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APPENDICES

Appendix A: Development Plan Scheme: Local Development Plan 3