

**DEVELOPMENT PLAN SCHEME ANNUAL UPDATE – LOCAL DEVELOPMENT
PLAN 2**

1.0 EXECUTIVE SUMMARY

1.1 The main purposes of this report are to:-

- Seek PPSL Committee approval of the attached updated Development Plan Scheme (DPS), including its associated Participation Statement. See Appendix A.
- Obtain authority to publish the approved updated DPS and submit it to the Scottish Ministers.

1.2 The first Argyll and Bute Local Development Plan was adopted in March 2015. The process of planning for its review and replacement began in January 2016 with the preparation of the first Development Plan Scheme (DPS), as agreed at [Council \(item 14\)](#). This is the timetable for preparing the replacement Local Development Plan 2 (LDP2). An annual update of the DPS is required to verify the current position in terms of preparation of the LDP2 and to make any necessary adjustments. The preparation of the DPS is a requirement under the Planning Etc. (Scotland) Act 2006.

1.3 This report presents the fourth update of the Development Plan Scheme. It sets out key milestones in the LDP2 process and how people can become engaged at those stages. It also provides a timetable that will deliver LDP2 by the third quarter of financial year 2021/22. This timetable reflects slippage in the preparation process and exceeds the 5 year period for renewal from adoption of the current Local Development Plan by 1 year and 7 months. Reasons for this are set out in para 4.1.

1.4 Key points to note are:-

- There has been reprogramming of the adoption date, however, until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains. Planning applications will be dealt with as normal;
- There is a generous and more than adequate existing housing land supply within LDP1 to last until the adoption of LDP2.
- the governance regime to ensure the LDP is delivered in an effective and efficient manner was agreed by Council, January 2016, including approval of the DPS by PPSL;
- the Council has a statutory duty in respect of producing the Development Plan Scheme every year.

1.5 It is recommended that the PPSL:-

- i) Notes the contents of this report;

- ii) Approves the updated 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 The Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare and keep up to date a Local Development Plan (LDP). This means the authority should aim to prepare a new plan within 5 years of Adoption of the current plan. Until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains, including any associated Supplementary Guidance. The current LDP was adopted in March 2015.

2.2 The LDP process involves a number of statutory stages and significant engagement with communities, developers, key agencies, councillors and other stakeholders. The **Development Plan Scheme (DPS)** sets out the timetable and consultation process for Local Development Plan 2 and is required to be updated annually to reflect changes in timescale etc. This appendix to this report contains the updated DPS.

3.0 RECOMMENDATIONS

3.1 It is recommended that the PPSL :-

- i) Notes the contents of this report;
- ii) Approves the updated **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 The Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare a Local Development Plan (LDP) at least every 5 years. The existing approved February 2019 DPS programmed the Adoption to December 2020. There has been slippage in the programme and it is now anticipated that the new Local Development Plan 2 will be adopted by the autumn of 2021 a slippage of 8 months. Issues impacting on the timetable for delivery of the plan are as follows:-

- Extended engagement process with Members summer 2019 whilst drafting PLDP2;

- Extended consultation period requested at Council to cover the 2019 festive period;
 - Large number of representations received (approx. 860 individuals and totalling approx. 1500 points of objection), possibly resulting from the longer consultation period;
 - Non-standard format representations requiring additional administration;
 - Reduced resources within the planning team from the end March 2020;
 - Reduced resources within the GIS team from the end of March 2020;
 - Previous savings offered removed the IT system for processing representations and this is now replaced by an in-house system which is slower and requires further configuration and training resource; and
 - Officer resource required for other priorities arising from the new planning legislation including, engagement in the preparation of National Planning Framework 4, Regional Spatial Strategy and Strategic Transport Projects 2 to ensure that ABC issues are raised and recognised.
- 4.2 It should be noted that until the new Local Development Plan is adopted, the current Local Development Plan's statutory status remains, including that of the associated Supplementary Guidance. The current LDPs made plans for ten years from adoption, so until 2025, and are still considered to be robust. The LDP contains an effective land supply with the latest [Housing Land Audit](#) showing an effective supply of 3738 units or 5.02 years supply as at 1 April 2019, thus taking us to 2024 well beyond the proposed adoption date of LDP2. The proposed growth areas of Tobermory – Dalmally and Helensburgh and Lomond have sufficient supply to take us beyond the adoption of LDP2. Planning applications will continue to be processed as normal during the delay period, being assessed against the Adopted plan.
- 4.3 Section 20B of the Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare a **Development Plan Scheme (DPS)** at least annually. The exact requirements for the content and process of the LDP and associated DPS are set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.
- 4.4 The DPS sets out the Council's programme for preparing and reviewing the LDP and what is likely to be involved at each stage. The DPS includes a Participation Statement which details when, how and with whom consultation on the LDP will take place, and the Council's proposals for public involvement in the plan preparation process. In drawing up the DPS regard was had to the statutory requirements in terms of production of a Local Development Plan as well as to good practice as set out in Planning Advice Note 3/2010 Community Engagement. The proposed updated Development Plan Scheme is set out in Appendix A to this report.
- 4.5 The DPS also makes reference to the associated documents in the LDP process, which accompany the Proposed Local Development Plan to the Examination for information purposes. These include:-the Strategic Environmental Assessment draft Environmental Report (helps identify how we can implement development so that it minimises harm to the environment); the Habitat Regulation Appraisal Record (assesses where the LDP may have a

significant effect on a European sites); the proposed Action Programme (contains the likely timescale and sequence of development and also actions required to deliver the plan).

- 4.6 Once the updated DPS has been approved by PPSL 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. There is no requirement to consult on the content of the DPS.
- 4.7 Since the last update of the DPS the following actions have been undertaken in the LDP2 process:-
- Published the updated DPS Feb 2019
 - Prepared Proposed Local Development Plan 2 (PLDP2)
 - PLDP2 agreed as the “*settled view*” of the Council and published for consultation
 - Prepared and published the supporting documents
 - Strategic Environmental Assessment
 - Equality and Socio-Economic Impact
 - Habitat Regulation Appraisal Record
 - Draft Action Programme
- 4.8 It should be noted that the Planning (Scotland) Act received Royal Assent on 25th July 2019. This introduced a number of significant changes to the Development Planning system in Scotland and the way local development plans are prepared. Interim guidance is in place which states “*where a Planning Authority has reached the Proposed Plan consultation stage for their emerging plan by Q4 2021 they will be able to proceed to adoption as per the existing provisions and procedures on the 1997 Act (introduced by the 2006 Act)*”. Proposed Local Development Plan 2 has already been consulted on and so will proceed under the existing procedures.
- 4.9 In addition, under the new Act, National Planning Framework 4 (NPF4) is being prepared with an anticipated publication date of Q3 2021. This will incorporate Scottish Planning Policy and will be part of the Development Plan hierarchy, setting out the national policy position for land use planning. After the Argyll and Bute LDP2 has been through examination there may be discrepancies between it and the new NPF4. It should be noted that Scottish Ministers have powers to remedy any significant discrepancies between NPF4 and LDP2 by directing modification of LDP2.

Governance

- 4.10 The timeous preparation of development plans requires rigorous and carefully planned project management. The governance arrangements, that support the delivery of LDP2 are set out in the DPS and were approved by Council in January 2016.
- The key stages of i) the submission of the plan for Examination (this includes the Council’s response to any outstanding objections); and ii) decision to Adopt, can go directly to full Council;
 - Preparatory and sub stages such as subsequent Development Plan Scheme revisions go to Planning, Protective Services and Licensing

Committee only.

Delivery

- 4.11 The general costs associated with the preparation of LDP2 are met from within the Development Policy budget. The original DPS was based on available resource following the Service Choices process. This was noted as placing a much stronger reliance on the use of e-planning services with some consultation stages conducted online only with assistance in libraries and at service points for those with no online facilities/capability. The reduction in resources has also meant reducing some elements of the process to the statutory minimum, for example in terms of deposit locations, and adverts. This is continued in the current updated DPS. The Examination is conducted by Scottish Government appointed reporter(s) and administered through the Planning and Environmental Appeals Division of the Scottish Government. This was identified as a cost pressure and a separate budget is set aside for the Examination.

5.0 CONCLUSION

- 5.1 Engagement in the preparation of the LDP2 is an important part of the Development Plan process. The updated DPS continues to set out a clear agenda for the LDP2 process and the associated public 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 the new Local Development Plan 2 that will replace the current Argyll and Bute Local Development Plan, adopted March 2015 in due course.

6.2 Financial

The cost for preparation of the DPS is contained within the Development Policy budget.

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 – See below

6.5.1 Equalities – Protected characteristics – See below

6.5.2 Socio-economic Duty – See below

6.5.3 Islands

The Development Plan Scheme shows how the Local Development Plan consultation process will be handled to meet with statutory requirements and encourage engagement from all. An Equality and Socio-Economic Impact Assessment (EqSEIA) has been prepared as part of the LDP2 process.

6.6 Risk

The LDP2 process is now programmed up to October 2021. Any further reduction in resource levels would impact further on the timetable set out in the DPS for delivery of the LDP2. Similarly any increased demand on the service over and above that committed in the DPS could also result in the failure to meet with the new anticipated Adoption date shown in the DPS.

6.7 Customer Service

The Development Plan Scheme sets out how our customers can get involved in the Local Development Plan process.

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26/02/2020

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APPENDICES

Appendix A : Development Plan Scheme : Local Development Plan 2