

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

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**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 \(item 14\)](#). The DPS is the timetable for preparing the replacement Local Development Plan 2 (LDP2), which advises how and when stakeholders and the public can become engaged in the process.

1.3 There has been slippage in the LDP2 programme over the last 6 months and therefore a revised DPS has been prepared. This will ensure that the Scottish Government, stakeholders and the public are kept fully informed of the revised timetable for LDP2 preparation. The reasons for the slippage are detailed in 4.1. Regulations require at least an annual update of the DPS to verify the current position in terms of preparation of the LDP2 and to make any necessary adjustments. Where there is a substantive variation anticipated from this timetable it is good practice to revise the DPS before the annual review to ensure that everyone involved in the LDP2 process is kept informed.

1.4 Key points to note are:-

- There has been reprogramming of the adoption date to February 2022, 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 at least every year.
- The Scottish Government has acknowledged there may be delays in the preparation of Local Development Plans. An Act has been passed and interim guidance issued to amend and support the LDP procedures to take account of Covid-19 related challenges.

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 at least annually to reflect changes in timescale etc. This appendix to this report contains the updated DPS, which has been revised earlier than anticipated due to slippage in the programme.

**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 March 2020 DPS programmed the Adoption to October 2021. There has been slippage in the programme and it is now anticipated that the new Local Development Plan 2 will be adopted by the spring of 2022 a slippage of 5 months. There has been no other substantive change to the DPS other than the time revision, as the main consultation phases are complete. Issues impacting on the timetable for delivery of the plan are as follows:-

- Impact of Covid 19
  - Responsibilities of team related to childcare – reducing hours
  - Responsibilities of some team members related to Covid 19 issues.
- Indicative Regional Spatial Strategy (RSS) - New work stream
  - Regulations for RSS are not due until Sept '21. But all authorities have now been asked by the Scottish Government to prepare an indicative RSS in advance of the RSS to support the preparation of National Planning Framework 4.
- Diminished staff resource
  - E-Planning Technical Officer has retired. Recruitment is underway but this leaves a significant gap in a reduced team for about a 4 month period and process takes officer time.
  - Planning Officer – redundancy in team. Work redistribution in particular during Covid19 has caused delays.
  - Redistribution capacity reduced – GIS team has had a reduction in capacity and are involved in additional Covid-19 and iRSS work and so are less able to pick up LDP2 work.
  - Staff absence.
- Schedule 4 process
  - Highly administrative and needing engagement with DPEA throughout. Covid-19 working arrangements impede the efficient handling of this stage.
  - Site visits have been on hold due to Covid-19 but are now able to resume.

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 and the Coronavirus (Scotland) Act 2020.

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. The proposed updated Development Plan Scheme is set out in Appendix A to this report and apart from the timescale revision all other aspects remain the same as in the March update.

- 4.5 Once the updated DPS has been approved by PPSL it is required to be published electronically and 2 copies submitted to the Scottish Ministers. The Scottish Government has acknowledged the impact on Local Development Plan preparation and through the Coronavirus (Scotland) Act 2020 makes provision for the DPS documents to be made available for inspection by electronic means rather than at an office or library. Therefore, in addition to publication on line a Newsletter will be sent electronically to LDP2 contacts to advise of the revision. There is no requirement to consult on the content of the DPS.
- 4.6 Since the last update of the DPS the following actions have been undertaken in the LDP2 process:-
- Published the updated DPS March 2020
  - Uploaded consultation responses into bespoke in-house system
  - Trained staff in Examination process
  - Started preparation of Schedule 4s and other Examination materials.

#### **Governance**

- 4.7 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.

### **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 at least 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 February 2022. 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.

**Executive Director with responsibility for Development and Economic Growth :  
Kirsty Flanagan**

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24/08/2020

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## **APPENDICES**

Appendix A : Development Plan Scheme : Local Development Plan 2