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**Proposed Argyll and Bute Local Development Plan 2: Next Steps**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report concerns the representations duly made to the Proposed Argyll and Bute Local Development Plan 2 (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 PLDP2 was approved as the Council's settled view in September 2019 and published for statutory consultation during November 2019 – January 2020. 1,400 representations were duly made during that period ([PLDP2 WEBPAGE](#)). A summary of the issues raised is included at **Appendix 1** of this report. All of the issues have been duly considered and a detailed response prepared in **Appendix 2** of this report. The detailed responses are in the form of Schedule 4s as prescribed by Scottish Government. These responses, along with the full representations made and the PLDP2 need to be submitted to the Scottish Government Directorate for Planning and Environmental Appeals (DPEA) so that a reporter can hold an examination. Following the examination the reporter will make recommendations to the Council of any proposed changes to PLDP2 that are necessary. These recommendations will largely be binding on the Council.
- 1.3 In addition the Council must submit a Statement of Conformity (**Appendix 3** of this report) which sets out the public consultation and engagement the Council has undertaken in preparing the PLDP2.

**2.0 RECOMMENDATIONS****2.1 It is recommended that Members:**

- note the process and next stages in progressing the PLDP2 to the Examination Stage as set out below;
- note the issues raised in **Appendix 1**;
- approve the detailed responses in the Schedule 4 forms in **Appendix 2**;
- authorise Officers to establish the Examination process, and to submit 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;
- delegate authority to the Executive Director with responsibility for Development and Economic Growth to make final checks and edits of the Schedule 4 forms and respond to any information requests received from the DPEA; and

- approve the Statement of Conformity at **Appendix 3** for submission to Scottish Ministers prior to the Examination of the Plan.

24<sup>th</sup> JUNE 2021

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DEVELOPMENT AND ECONOMIC GROWTH

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Proposed Argyll and Bute Local Development Plan 2: Next Steps

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### 3.0 INTRODUCTION

3.1 This report concerns the representations duly made to the Proposed Argyll and Bute Local Development Plan 2 (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.

### 4.0 RECOMMENDATIONS

#### 4.1 It is recommended that Members:

- note the process and next stages in progressing the PLDP2 to the Examination Stage as set out below;
- note the issues raised in **Appendix 1**;
- approve the detailed responses in the Schedule 4 forms in **Appendix 2**;
- authorise Officers to establish the Examination process, and to submit 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;
- delegate authority to the Executive Director with responsibility for Development and Economic Growth to make final checks and edits of the Schedule 4 forms and respond to any information requests received from the DPEA; and
- approve the Statement of Conformity at **Appendix 3** for submission to Scottish Ministers prior to the Examination of the Plan.

### 5.0 DETAIL

5.1 The Planning etc. (Scotland) Act 2006 requires the Council to prepare a new Local Development Plan 2 (PLDP2), which will replace the current Local Development Plan that is now more than 5 years old.

5.2 At the Council meeting on 26th September 2019 the Proposed Local Development Plan 2 was approved as the settled view of the Council ([PLDP2 WEBPAGE](#)). It was subsequently published for 10 weeks statutory public consultation from 14<sup>th</sup> November 2019 to 24<sup>th</sup> January 2020.

5.3 Unresolved representations received during that statutory consultation period are to be submitted to a Scottish Government Directorate for Planning and Environmental Appeals appointed reporter to hold an examination of the

issues. Along with the unresolved representations, the Council's response to those representations (known as Schedule 4s) are also submitted for consideration by the reporter. The reporter will subsequently prepare a report with recommendations for any potential changes to the PLDP2 which will largely be binding on the Council. The main purpose of this report is to seek Council's approval of the Schedule 4s. However it is also important that the Council is aware of the significant public engagement which occurred prior to production of the PLDP2 and this is outlined below:

### **Pre-Engagement**

- Call for Sites – developers and landowners given a 6 month period to submit information to support the inclusion of new sites in LDP2.
- Place Standard Tool – joint work with Community Planning to find out what communities thought about the place they live in and to start the conversation about these issues.
- Call for Ideas – stakeholders were asked more detailed questions about the place they live and asked to submit ideas for the future of their area.
- Workshops – Member & SMT workshop to agree content of the Main Issues Report (which essentially set out the main proposed changes to the current LDP and included possible changes to sites)

### **Main Issues Report**

- From the findings of this pre-engagement the Main Issues Report (MIR) was produced and then published for an 8 week consultation period in May 2018. The Main Issues Report was the first statutory consultation and was conducted on-line with communities, developers, key agencies, interest groups and other stakeholders. A number of events were also held, including a webinar for island and remote community councils.

### **Proposed Local Development Plan 2**

- 1,825 comments from 183 representees to the MIR were received and their content analysed.
- Member & SMT workshop to report public consultation response on the Main Issues Report and the proposed way forward.
- Area Business Day consultations on proposed PLDP2 site allocations.
- Member & SMT workshop to summarise forthcoming main PLDP2 strategy and policies.
- One to one sessions with Members, if required to consider individual sites.
- Key Agency meetings.
- Consideration of all the engagement outlined above, relevant site specific planning histories, all then fed in to forming a balanced planning judgement to determine the form and content of the PLDP2.
- PLDP2, was approved by Full Council 26th September as the "settled view" of the Council. This means that it is not then expected that the Council will re-formulate the plan prior to it being submitted to Scottish Government for Examination by a Reporter.

## Proposed Local Development Plan 2 Consultation

- Statutory process with prescribed format.
- On consultation Nov 2019-Jan 2020. 4 weeks longer than the statutory requirement at 10 weeks.
- Statutory newspaper notice & internet;
- Key agencies informed;
- Community Councils informed;
- Neighbouring planning authorities informed;
- Hard deposit copies at Council offices and public libraries;
- Publication on the internet using Storymap;
- Notification for all sites specifically proposed in the PLDP2;
- Social media, E-newsletter;
- Emails to registered customers;
- Community consultation events;
- Web based community events for community councils.

## Process Post PLDP2 Consultation

- 5.4 Over 1,400 representations were made during the statutory consultation period. The unresolved representations have been grouped into issues, a list of these is included at **Appendix 1**. (Copies of the representations in full will be published on the Council's website when PLDP2, the representations and the Schedule 4s have been submitted for Examination.) All of these have been considered in detail. Some of these were supporting representations, and for a small number minor clarifications of detail, including non notifiable modifications, have been sufficient to remove the representations or objections.
- 5.5 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.
- 5.6 The representations / objections apply to a wide range of issues including proposals for new sites, objections to proposed sites, alterations to policy wording, renewables policy, housing land supply and the new simplified, more flexible settlement and countryside policies.
- 5.7 For the remaining outstanding unresolved representations it is necessary for the Council to prepare Schedule 4s, which, once approved by Council will 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 the 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

5.8 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. The Planning Authority responses have recommended a number of minor modifications in response to representations the reasons for which are included in the Schedule 4s.

5.9 The proposed Schedule 4s are included in Appendix 2 (abbreviated versions will have further technical background information added but all recommendations are complete in Appendix 2) and it is recommended these are approved by the Council for submission to the Scottish Governments Directorate for Planning and Environmental Appeals along with the PLDP2 as approved by Council on 26<sup>th</sup> September 2019 and all the representations received in full.

5.10 Should the Council not wish to approve any of the Schedule 4s, the following options are available:

- Include recommendations or suggestions within the Schedule 4s for changes to the Plan which the Council would be content for the Reporter to make. 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.
- Instead of submitting the Schedule 4 to the DPEA, choose to make a notifiable modification to the PLDP2. These are modifications which remove or significantly alter any policies or any proposals set out in the PLDP2 or introduce new policies or proposals into the Plan. In this instance, the Planning Authority is required to publish a Modified PLDP2 and carry out further consultation on the WHOLE PLDP2 as modified (not just the area of change) for at least 6 weeks along with a modification specific notification. This would mean that new objections could be received on any matter within any part of the PLDP2. These would then all need to be considered and dealt with alongside the original objections and Schedule 4s prepared for all representations during both consultations. It is not inconceivable that need for further modifications might arise. It is estimated that modifying the plan will create at least a 12 month delay in progress towards adoption. For this reason Scottish Government advises Local Authorities to avoid making pre-examination notifiable modifications (Scottish Government Circular 1/2009).

- 5.11 This report is not recommending any modifications to the PLDP2, although as described above, certain Schedule 4s do suggest to the reporter that he/she might wish to consider certain minor changes.

### **The Examination**

- 5.12 All the following documents require to be submitted to the Directorate for Planning and Environmental Appeals:-
- 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, Strategic Environmental Assessment environmental report; Participation Statement within Development Plan Scheme and Statement of Conformity.
- 5.13 Given the complex nature of the Schedule 4s, with cross referencing to other documents, additional checks and technical information will be necessary to ensure that all the representations are correctly referenced and any technical errors are picked up before they are submitted to the DPEA. 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 and technical information to deal with technical accuracy, and responding to Reporter's information requests to provide additional clarity, is delegated to the Executive Director with responsibility for Development and Economic Growth.
- 5.14 Scottish Ministers estimate the process from appointment of the Reporter to reporting back to the Council, to take 6 - 9 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.

### **Timescale after Examination**

- 5.15 The current estimated date of adoption for the Local Development Plan 2 should be by October 2022.

### **Statement of Conformity**

- 5.16 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 3** of this report.

## **6.0 CONCLUSION**

6.1 The responses to Proposed Local Development Plan 2 have been processed, grouped in issues and placed in Schedule 4 forms as required by the Scottish Government. The Schedule 4 forms 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 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 2.

## **7.0 IMPLICATIONS**

7.1 Policy – none at this stage. When PLDP2 is adopted it will replace the current LDP.

7.2 Financial – An estimated budget has been identified for the Examination of £70K

7.3 Legal – none.

7.4 HR - none

7.5 Fairer Scotland Duty: none

7.5.1 Equalities - protected characteristics - none

7.5.2 Socio-economic Duty - none

7.5.3 Islands – none

Note an Equalities and Socio Economic Impact Assessment which covers 7.5, 7.5.1 – 7.5.3 was prepared for PLDP2 and will be updated when the LDP2 is amended for Adoption.

7.6. Risk –. The DPEA Examination estimate of 6 months may be optimistic. Any amendment to PLDP2 will increase costs in terms of further advertising and engagement, delay to other work required by the Development Policy Team, and force reliance on an increasingly out of date LDP.

7.7 Customer Service - none

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



## **Policy Lead David Kinniburgh**

12<sup>th</sup> May 2021

### **For further information contact:**

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APPENDIX 1 (Summary of Issues)

APPENDIX 2 (Schedule 4s)

APPENDIX 3 (Statement of Conformity)