

15th January 2014

Proposed Argyll and Bute Local Development Plan Area Sites Representations to Examination

1.0 SUMMARY

- 1.1 The report outlines the next stages in taking forward the Proposed Argyll and Bute Local Development Plan Representations to Examination in accordance with the Planning etc (Scotland) Act 2006.

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 detailed at paragraph 3.5 in the report;
- 2.2 That Members consider the representations received to the Proposed Local Development Plan and agree the Area Committee's recommended response in the Schedule 4 forms in Appendix 1.

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. 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.

- 3.4 **Appendix 1** contains a summary of the representations grouped into issues, along with a recommended response to each issue. An electronic version of all representations has been made available to Members. Copies of representations are available on the council's web site or can be made available on request from Adrian Jackson-Stark (email: adrian.jackson-stark@argyll-bute.gov.uk)

4.0 NEXT STAGES

- 4.1 The next stage in the process of progressing the Local Development Plan 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, 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. The Planning Authority may then further modify the plan (requiring a further 6 weeks period for representations) or submit it to Ministers for Examination.

- 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 result in up to 12 months' delay in submitting the Modified Plan to Scottish Ministers 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, including in Oban, Lorn and the Isles and therefore there are no proposed notifiable modifications.

6.0. PROPOSED RESPONSE TO REPRESENTATIONS

- 6.1 Development Policy staff have collated and assessed the unresolved representations and prepared the Schedule 4 forms required by the Directorate for Planning and Environmental Appeals. From this a list of **x** issues has been identified for the Local Development Plan Examination with regard to the Oban, Lorn and the Isles area, these are shown in **Appendix 1** of this report.

- 6.2 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 notifiable modifications are considered to be necessary. The Planning Authority response does however recommend a number of minor modifications (non-notifiable) in response to representations the reasons for which are included in the Schedule 4s that can be found in **Appendix 2** of this report. It should be noted that the reporter will receive all representations made in full in addition to the schedule 4s.
- 6.3 Any representations that indicate support for aspects of the Plan are not defined as unresolved issues and are largely not therefore 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.

6.0 THE EXAMINATION (PLI)

- 6.1 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.
- 6.2 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.

7.0 TIMESCALE AFTER THE EXAMINATION

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

8.0 CONCLUSION

- 8.1 The responses to the area specific representations for Oban, Lorn and the Isles have been prepared on Schedule 4 forms for Members noting and approval. These representations together with all other area representations and policy representations 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.

5.0 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

For further information contact: Adrian Jackson-Stark

Telephone: 01631 567970