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**ARGYLL AND BUTE COUNCIL**

**PLANNING, PROTECTIVE SERVICES  
AND LICENSING COMMITTEE**

**DEVELOPMENT AND ECONOMIC GROWTH**

**23rd April 2025**

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## **Development Plan Scheme Annual Update – Local Development Plan 3**

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### **1.0 EXECUTIVE SUMMARY**

1.1 The main purpose of this report is to seek PPSL Committee approval of the attached Development Plan Scheme (DPS), including its associated Participation Statement. See Appendix A.

1.2 Argyll and Bute Local Development Plan 2 (LDP2) was adopted in February 2024. The process of planning for its review and replacement began with the preparation of the first Development Plan Scheme (DPS), as agreed at Council on 24<sup>th</sup> April 2024. The DPS sets out the timetable for, and key milestones in, the LDP3 process and how people can become engaged at those stages. Annual updates of the DPS are a statutory requirement to verify the current position in terms of preparation of the LDP3 and to make any necessary adjustments.

1.3 This report presents the first annual update of the DPS. The key point to note is there has been a reprogramming to give an amended adoption date of June 2029 (previously March 2029). This re-scheduling has been made in order to accommodate the Oban and Helensburgh Strategic Development Framework (SDF) and Housing Needs and Demand Assessment (HNDA) processes.

#### **1.4 Recommendations**

It is recommended that PPSL:

- i) note the contents of this report and approve the Development Plan Scheme (DPS) attached in Appendix A 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 revised **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 PPSL:

i) note the contents of this report and approve the Development Plan Scheme (DPS) attached in **Appendix A**, 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 original 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. Minor changes were made to the DPS in 2024 on the basis of the comments received, and prior to Council approval.
- 4.5 The DPS notes (at Section 8.8) that we remain "open for views" on the Participation Statement via email. No further comments have been received in this regard so no changes have been made to the Participation Statement in the revised DPS.
- 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 the revised 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.

- 4.8 Since the approval of the DPS in April 2024 the following key actions have been completed in the LDP3 process:
- DPS published (April 2024)
  - Invitation sent to communities to prepare Local Place Plans (June 2024)
  - Delivery Programme adopted and published (September 2024)
  - Consultants appointed to take forwards Strategic Development Frameworks for the Oban and Helensburgh areas (December 2024)
- 4.9 There has been reprogramming of the Evidence Report and Gatecheck stages by 7 months, and of subsequent stages by 3 months, giving an amended adoption date of June 2029 (previously March 2029). These scheduling decisions have been made in order to accommodate the Oban and Helensburgh Strategic Development Framework (SDF) and Housing Needs and Demand Assessment (HNDA) processes. The SDF and HNDA work are being carried out by consultants and the reprogramming allows these pieces of work to integrate more fully in the LDP3 process.

### **Governance**

- 4.10 The timeous preparation of development plans requires rigorous and carefully planned project management. The governance arrangements that support the delivery of LDP3 were approved by Council in April 2024 and are set out below:-
- 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.

### **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. 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 FQ2 2026/27, and 70% in FQ4 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 FQ2 2026/27, and 70% in FQ4 2028/29. 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 2025