
NORTH AYRSHIRE COUNCIL

26 October 2022

Planning Committee

Title: Development Plan Scheme - LDP3

Purpose: To update Members on planning for the preparation of the Council's next Local Development Plan (LDP3) and seek approval of an updated Development Plan Scheme.

Recommendation: It is recommended that the Planning Committee adopts the Development Plan Scheme.

1. Executive Summary

- 1.1 An updated Development Plan Scheme has been prepared which sets out the programme for preparing and reviewing North Ayrshire's local development plan (LDP). The Development Plan Scheme also includes a Draft Participation Strategy which sets out when, how and with whom consultation on the plan will take place. It is intended to commence early engagement on LDP3 next year (2023), with the aim of adoption in Summer 2026.

2. Background

- 2.1 North Ayrshire Council adopted the current Local Development Plan (LDP2) on 28 November 2019. The Plan has a vision – aligned with the North Ayrshire Community Planning Partnership – that looks forward 20 years and plans for a 10-year period to 2029. The policies and proposals, including sites allocated for development, within LDP2 are the basis for determining planning applications, with decisions made in accordance with the Plan unless material considerations indicate otherwise.
- 2.2 As planning authority we are required to prepare a Development Plan Scheme at least annually. A Development Plan Scheme sets out an authority's programme for preparing and reviewing their local development plan, what is likely to be involved at each stage and when, how and with whom consultation on the plan will take place (a Participation Statement). Our last Development Plan Scheme was approved by the Planning Committee in September 2021.
- 2.3 An updated Development Plan Scheme (Appendix 1) has been prepared that looks forward to the preparation of our next Local Development Plan, LDP3. The Planning (Scotland) Act 2019 makes significant changes to the development planning system and the way local development plans are to be prepared, with the aim of making them more effective, with greater community involvement and more focus on delivery.

- 2.4 Since the publication of our last Development Plan Scheme, the Scottish Government has carried out consultation on the secondary legislative requirements and draft guidance on implementing the future local development plan system. These regulations for the transition to the new system will come into force after National Planning Framework 4 (NPF4) has been approved by the Scottish Parliament and adopted by Scottish Ministers, which is expected to be towards the end of 2022.
- 2.5 Following the adoption of LDP2 in November 2019, our intention to prepare our next Local Development Plan (LDP3) under the provisions of the 2019 Act, rather than commencing under the 'old' system, was set out in the 2020 and 2021 Development Plan Schemes, approved by Planning Committee in June 2020 and September 2021. The coronavirus pandemic has had an inevitable impact on the programme for implementing the 2019 Act, including the adoption of NPF4 and enactment of the provisions relating to local development plans. These secondary legislative requirements are now expected to come into force early in 2023.
- 2.6 When the provisions of the 2019 Act are brought into force, the Scottish Government expects that the first round of 'new style' plans to be brought forward in a timely fashion and envisage that every planning authority in Scotland will have a 'new style' local development plan in place within 5 years. A revised timetable for producing LDP3 is set out in the latest Development Plan Scheme which reflects the expected publication dates for NPF4 and the Local Development Planning Regulations. The timetable anticipates adoption of LDP3 in summer 2026.
- 2.7 The Development Plan Scheme also includes a Draft Participation Statement setting out when, how and with whom consultation on the plan will take place. The statement reiterates our approach, followed throughout the preparation of LDP2, to encourage everyone with an interest in North Ayrshire to get involved in the update of the Local Development Plan. The new Act places a specific focus on promoting and facilitating participation by children and young people and we will develop in more detail how this can be achieved.
- 2.8 The Participation Strategy is presented as a draft at this time due to the fact the final regulations and draft guidance are yet to be published, while statutory guidance on effective community engagement is also currently being prepared by Scottish Government. We anticipate the Participation Statement will evolve during the course of preparing LDP3 but will prepare a more detailed engagement strategy once the guidance has been published and after seeking the views of stakeholders and the public on how they can be most effectively consulted, to enable us to tailor our approach to improve its effectiveness.

Next Steps

- 2.9 If approved for adoption by Members, the Development Plan Scheme will be sent to Scottish Ministers, published online and placed in all libraries in accordance with the planning legislation.

3. Proposals

- 3.1 It is recommended that the Planning Committee adopts the Development Plan Scheme attached to this report.

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 It is envisaged that the programme for preparing and reviewing North Ayrshire's local development plan (LDP) will be undertaken from within existing staff resources and within existing budgetary provision.

Legal

4.3 The preparation of a Development Plan Scheme at least every year is a requirement of planning legislation. The Planning (Scotland) Act 2019 introduces a new legislative framework for preparing a local development plan. The Act will be implemented through the preparation of new regulations and guidance, which are still to be published.

Equality/Socio-economic

4.4 Once commenced, the preparation of a new Local Development Plan for North Ayrshire will be required to be subject of a full equalities impact assessment and assessment on the impact of the plan on children.

Environmental and Sustainability

4.5 Once commenced, the preparation of a new Local Development Plan for North Ayrshire will be required to be subject of a Strategic Environmental Assessment.

Key Priorities

4.6 LDP3 will align with wider national priorities, programmes and strategies, including on infrastructure and economic investment. These align with many the Council's key priorities, including a sustainable environment; affordable, modern and well-designed homes; and effective infrastructure.

Community Wealth Building

4.7 There is significant scope within the plan making process to explore how the Local Development Plan can support Community Wealth Building, for example around its approach to land owned by 'anchor' organisations within the local economy.

5. Consultation

5.1 The Draft Participation Statement outlines how, when and with who we will undertake consultation throughout the process of preparing the next Local Development Plan.

5.2 There is no current requirement to consult on the content of development plan schemes, however, once new planning legislation does come into force we will be required to seek the views of the public on the content of the participation statement. We intend to seek these views on consultation early during the engagement period.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Alistair Gemmell, Strategic Planning Manager**, on **01294 324021**.

Background Papers

0

Development Plan Scheme September 2022

Introduction

This is North Ayrshire Council's Development Plan Scheme.

As a local planning authority, we are required by planning law to prepare a Development Plan Scheme at least annually. Our previous Development Plan Scheme was published in September 2021.

A Development Plan Scheme sets out the timetable for preparing and reviewing the Local Development Plan and what is likely to be involved at each stage. It also includes a Participation Statement outlining when, how and with whom consultation on the plan will take place.

Our Current Development Plan (LDP2)

The development plan for North Ayrshire comprises a single plan – the adopted Local Development Plan. This is North Ayrshire's second Local Development Plan and was adopted on **28 November 2019**.

Planning is a 'plan-led' system, meaning decisions are made in accordance with the Development Plan, unless material considerations indicate otherwise. The policies and proposals – sites allocated for development – within LDP2 are therefore the basis for decision-making on planning applications.

Our **Action Programme**, published in February 2020, supports LDP2 by outlining how and when we intend to deliver the policies and proposals of LDP2. The Action Programme is an important part of the framework for how we monitor and measure LDP2 and is central to the preparation of our next local development plan. We will update the Action Programme before the end of 2022.

You can view the Local Development Plan, including interactive mapping, Action Programme and other supporting documents online: www.north-ayrshire.gov.uk/ldp

Our Next Development Plan (LDP3)

The context for preparing our next Local Development Plan – LDP3 – has changed.

Following an independent review, the Scottish Government has embarked on a programme of change to simplify and strengthen the planning system. Wide engagement and collaboration following the review led to a number of legislative changes to the planning system, as contained within the Planning (Scotland) Act 2019 which was passed by the Scottish Parliament in June 2019.

The Act introduces significant changes to the development planning system and the way local development plans are prepared with the aim of making them more effective, with greater community involvement and more focus on delivery.

Since the publication of our last Development Plan Scheme, the Scottish Government has carried out consultation on [secondary legislative requirements and the draft guidance](#) on implementing the future local development plan system. These regulations for the transition to the new local development planning system will come into force after National Planning Framework 4 (NPF4) has been approved by the Scottish Parliament and adopted by Scottish Ministers, expected to be towards the end of 2022.

Our 2020 Development Plan Scheme approved by Planning Committee in June 2020 set out the intention to prepare the next Local Development (LDP3) under the provisions of the 2019 Act, once enacted, rather than commencing under the 'old' system. At that time, it was expected that these would come into force at the end of 2021.

[Transitional Guidance](#) published by the Scottish Government in November 2020 states that when the changes to local development planning are brought into force the first round of 'new style' plans should be brought forward in a timely fashion. It is expected that planning authorities will have a new local development plan in place within 5 years of the development plan regulations being enacted.

Proposed Timetable

With new local development planning regulations now expected to come into force at the beginning of 2023 we intend to commence preparation of LDP3. This will allow for a new plan to be prepared that reflects national planning policy, the Council's priorities and align with relevant Council plans, strategies and policies. The proposed timetable also seeks to limit the gap between the adoption of LDP2 and LDP3, ensuring our development plan remains up-to-date.

Our proposed timetable for producing LDP3 is set out below:

Stage	Key Milestone	Target Date
Evidence Report	Early Engagement	Q4 2022 to Q4 2023
	Approval of Evidence Report at Full Council & Submission to Scottish Government	Q1 2024
Gatecheck		Q2 2024
Proposed Plan	Call for Ideas	Q2 2024
	Approval of Proposed Plan at Full Council	Q4 2024
	Consultation on Proposed Plan	Q1 2025
Examination	Submission to Scottish Government & Examination	Q3 2025 to Q1 2026
Adoption		Q2 2026

Draft regulations state the timetabling must state the month of expected publication of the Evidence Report, Proposed Plan and submission of the proposed LDP to the Scottish Ministers. These dates are set out below alongside a description of the main stages in the preparation of LDP3:

Evidence Report

Under the new system for local development planning, the first stage of preparing an LDP is an Evidence Report. This is a new stage, replacing the 'Main Issues Report'. The Evidence Report aims to clearly inform *what* to plan for before the Proposed Plan looks at *where* development should take place. The Evidence Report therefore will not consider specific sites but instead provide a summary of the baseline data and information needed to inform a deliverable, place-based and people-focused LDP.

We will undertake early and proactive engagement with all stakeholders throughout 2023 to ensure collaborative and transparent evidence gathering and so the Evidence Report is informed by the views of those who live, work and have an interest in North Ayrshire and may be affected by the plan or involved in its implementation. Further detail will be set out in our Participation Strategy.

There are legislative requirements to seek the views of key agencies (e.g. SEPA, NatureScot), children and young people, disabled people, Gypsies and Travellers, Community Councils and 'the public at large' in the preparation of the Evidence Report to enable it to include proportionate information about the lived experience of those who live and work here and what the needs and aspirations are for places in North Ayrshire over the next 10-20 years.

To support engagement and inform the Evidence Report, we intend to prepare 'Place Profiles' for each locality in North Ayrshire setting out key baseline information, summarise early engagement to that point and reflect on the outcomes of other recent and current community engagement initiatives such as Charrettes, Local Place Frameworks and Island Plans.

The Evidence Report must be approved by the full Council before it is submitted to the Scottish Ministers. We will aim to publish the Evidence Report following Council approval by **March 2024**.

Gate Check

Once the Evidence Report has been considered and approved by full Council, it will be submitted to the Scottish Ministers. This is also a new stage in the process for preparing a local development plan and is principally the responsibility of the person appointed by Scottish Ministers, expected to be a Reporter from the Directorate for Planning and Environmental Appeals (DPEA). The appointed person will provide an independent assessment as to whether the report contains sufficient information.

The Reporter will either decide there is sufficient information, and we may then move to prepare and publish a Proposed Plan or, where they are not satisfied that there is sufficient information, prepare an 'assessment report' setting out the reasons for not being satisfied and recommendations for improving the Evidence Report.

Proposed Plan

Draft guidance for local development planning states planning authorities should aim to move quickly from successfully completing the gate check to preparation of the Proposed Plan. To support this process, we will carry out a '**Call for Ideas**'. This will be open to

everyone to propose ideas for any aspect of the new local development plan, not limited specifically to suggestions for development sites or types of development e.g. housing.

The Proposed Plan will be our settled view on the policies and proposals that will make up LDP3, including where new development should take place and where it should not. It will require the approval of the full Council. Once Council has had the opportunity to consider and approves the Proposed Plan, it will be published to allow any representations from stakeholders, including the general public, which seek to make changes to the plan, for a period of at least 12 weeks.

Following the close of the period for representations on the Proposed Plan, we may make modifications to the plan to take account of representations, consultation responses or correct minor drafting and technical matters. A Modification Report will set out any modifications made and explain the reasons for making them and for not making changes where matters have been raised in significant numbers.

We will then republish the Proposed Plan and submit it to Scottish Ministers, who will examine any unresolved representations via an Examination.

We will aim to publish the Proposed Plan for consultation in **January 2025** and submit to Scottish Ministers in **July 2025**.

Examination

The examination is the opportunity for independent consideration of any issues raised during the formal consultation on the Proposed Plan that have not been resolved through modifications. Scottish Ministers will appoint a person, known as a Reporter, to examine the Proposed Plan, starting with whether the consultation and involvement of the public in the preparation of the plan meets or exceeds the requirements of the Participation Statement.

The scope of the examination is limited only to issues raised in unresolved representations. These issues will be set out in the summary of issues prepared by the planning authority and it is the Reporter who will determine the form the Examination will take. Only where the Reporter feels they do not have all the information they need to make a proper assessment of an issue will they request further information from any person.

The Reporter will provide conclusions and recommendations for each of the unresolved issues identified at the start of the Examination process.

Adoption

Following receipt of the examination report from the Reporter – and subject to the recommendations of the Reporter on the unresolved representations – we will progress to adopt LDP3, further modified as required. Based on the timescales for LDP2, we would expect the examination to take around 9 months in total, with a 3-month post-examination period leading up to the adoption of the new Local Development Plan.

We therefore anticipate adopting LDP3 in Summer **2026**.

Current planning legislation states that an LDP should be replaced with 5 years, so in the case of LDP2 by November 2024. However, with that period extending to 10 years under the 2019 Act, changes to Scottish Planning Policy and the adoption of NPF4 this year which will

form part of the development plan, it is not considered the unavoidable situation of having an LDP that is older than 5 years old will be a significant issue for North Ayrshire.

Draft Participation Statement

Local Development Plans (LDPs) set out how our local places will change into the future, including where development should and should not happen. It is a legal requirement for planning authorities to prepare LDPs. They form part of the statutory 'development plan' and will, alongside the National Planning Framework, be the main basis for all decisions on planning applications.

Our Participation Statement is presented as a draft at this time in advance of the final local development plan regulations and guidance being published, plus statutory guidance on effective community engagement being prepared by the Scottish Government. We will also seek the views of stakeholders and the public on how they can be most effectively consulted as part of our early engagement activities, to enable us to tailor our approach to improve its effectiveness. We anticipate the Participation Statement will evolve during the course of preparing LDP3 and will prepare a more detailed engagement strategy once the guidance has been published.

In preparing LDP2 we encouraged everyone with an interest in North Ayrshire to get involved in the update of the Local Development Plan. Consultation and engagement are important to us; the LDP can affect where people live, work, shop, play and travel in North Ayrshire plus local people and organisations have useful knowledge which can help us understand potential issues in North Ayrshire and build a better plan.

We will continue and develop this approach into LDP3.

WHO? We will engage with the following groups in the preparation of LDP3:

- ▶ North Ayrshire residents
- ▶ Elected Members
- ▶ Children and young people
- ▶ Community Bodies, including Community Councils
- ▶ Locality Planning Partnerships
- ▶ Other Community and Interest Groups, including the Third Sector
- ▶ Landowners and Developers
- ▶ Business and Industry
- ▶ Public Bodies
- ▶ Infrastructure providers
- ▶ North Ayrshire Council Departments

The new Planning act states we must promote and facilitate participation by children and young people (aged 25 or under) in the preparation of the local development plan, including by working with schools, youth councils and youth parliament representatives within our area.

WHEN? We will engage and consult with these groups throughout the preparation of LDP. The key stages are highlighted in our proposed timetable and include:

Early Engagement – *throughout 2023*

To ensure the Evidence Report is informed by the views of those who live, work and have an interest in North Ayrshire and may be affected by the plan or involved in its implementation,

we will undertake early and proactive engagement with all stakeholders throughout 2023 to ensure collaborative and transparent evidence gathering. Further detail will be set out in our Participation Strategy. Our aim is to gather proportionate information about the lived experience of those who live and work in North Ayrshire and what the needs and aspirations are for places in North Ayrshire over the next 10-20 years.

To support this early engagement we intend to prepare and consult on 'Place Profiles' for each locality in North Ayrshire setting out key baseline information, summarise early engagement to that point and reflect on the outcomes of other recent and current community engagement initiatives such as Charrettes, Local Place Frameworks and Island Plans.

Call for Ideas – Spring 2024

To support the preparation of a Proposed Plan, we will carry out a '**Call for Ideas**'. This will be an invitation open to everyone to propose ideas for any aspect of the new local development plan.

Proposed Plan Consultation – January to April 2025

Once Council has had the opportunity to consider and approves the Proposed Plan, it will be published to allow any representations from stakeholders, including the general public, which seek to make changes to the plan, for a period of at least 12 weeks.

HOW? We want to make it as easy as possible for everyone with an interest to engage in the preparation of LDP3. For LDP2, we encouraged public involvement in several different ways:

- Publicising opportunities to get involved in the process, using a wide range of media, including: adverts and press releases in local newspapers; statutory notices; the Council's website; posters; via our mailing list.
- Providing copies of consultation documents on our website, at libraries and Council offices.
- By working closely with colleagues in Community Planning including the Locality Planning Partnerships and other Council services and volunteer groups to encourage people to get involved in planning.
- Public events, at convenient times and locations.
- Keeping everyone up-to-date of progress, including the use of social media.
- Regular meetings with key agencies and by making ourselves available – where possible – to attend the meetings of community groups and interest groups.
- Engaging with children and young people, include through schools.

Ahead of the new provisions for development planning being enacted next year, we will develop a detailed Participation Strategy, setting out in detail how we will engage all stakeholders in the preparation of LDP3. This will take account of guidance on effective community engagement guidance to be issued by Scottish Ministers under Section 16C of

the Planning Act and reflect the potential of a number of innovative new approaches that have used during the coronavirus pandemic, when traditional forms of face-to-face engagement has not been possible.

Local Place Plans

The Planning (Scotland) Act 2019 introduces a new right for communities to produce Local Place Plans (LPPs). The aim of LPPs is to enhance engagement in development planning by empowering communities to play a proactive role in defining the future of their places by setting out their proposals for the use and development of land. In preparing a Local Development Plan, planning authorities must take into account registered Local Place Plans.

Secondary legislation to govern the implementation of LPPs came into force in January 2022 and [Planning circular 1/2022](#) provides further guidance on their preparation.

We want to support and work with community bodies who wish to develop Local Place Plans to maximise their potential to inform LDP3. This is alongside existing initiatives such as Local Place Frameworks being prepared in Largs, Kilwinning and Saltcoats and Islands Plans for Arran and Cumbrae.

We anticipate publishing the invitation to prepare Local Place Plans in January 2023 alongside further detail on the assistance available to support their development and that Local Place plans should be completed by summer 2024 in order that they can be taken into account when preparing the Proposed Plan.

If you are a community council or community body interested in preparing a Local Place Plan please get in touch with the Strategic Planning Team:

Email: ldp@north-ayrshire.gov.uk

Telephone: 01294 324021