
NORTH AYRSHIRE COUNCIL

29 September 2021

Planning Committee

Title:	Development Plan Scheme
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Purpose:	To update Members on an indicative timetable and participation strategy for preparing the next Local Development Plan (LDP3) and seek formal approval of the 2021 Development Plan Scheme.
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Recommendation:	It is recommended that the Planning Committee adopts the Development Plan Scheme.
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1. Executive Summary

- 1.1 An updated Development Plan Scheme has been prepared which sets out a programme for preparing and reviewing North Ayrshire's Local Development Plan (LDP) and a statement on when, how and with whom consultation on the plan will take place. It is intended to formally commence work on preparing LDP3 after the Scottish Government publish new regulations for development planning, expected to be in Spring/Summer 2022, with the aim of adopting a new LDP by May 2025.

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, plans for a 10-year period to 2029 and, under current planning legislation, must be replaced within five years, i.e. by November 2024.
- 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 June 2020.
- 2.3 An updated Development Plan Scheme has been prepared that looks forward to the preparation of Local Development Plan 3. The indicative programme reflects the position of the planning system in Scotland within a period of substantial transformation. The Planning (Scotland) Act 2019 makes significant changes to the format and approach to preparing local development plans; the Scottish Government are currently

working collaboratively to develop the regulations and guidance that will implement the new Act and guide the development planning system.

- 2.4 Transitional arrangements allow planning authorities to commence a local development under the 'old' legislation and regulations, however, as North Ayrshire's Local Development Plan is up-to-date it is intended to prepare our next LDP under the new arrangements, once they are laid in Parliament and published.
- 2.5 The proposed timetable for producing LDP3 set out in the Development Plan Scheme has been pushed back approximately six-months to reflect that the Scottish Government's timetable for implementing the Planning Acts has been impacted by the coronavirus pandemic. At the time of the previous Development Plan Scheme it was expected the regulations and guidance relating to LDPs would be published in the latter part of 2021. It is now anticipated, however, that these will come into force in Spring/Summer 2022.
- 2.6 When the provisions of the 2019 Act are brought into force, Scottish Government expects that the first round of 'new style' plans 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 of the development plan regulations coming into force (i.e. Spring/Summer 2027). Our ambitious timetable seeks to adopt LDP3 by May 2025. This may be subject to change once the full details of the development planning system come to light.
- 2.7 The Development Plan Scheme also includes a 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.

Next Steps

- 2.8 Once adopted, the Development Plan Scheme will be sent to Scottish Ministers and published online in accordance with the Act. A copy will also be placed in all libraries as soon as it is practicable to do so and we will distribute to all Members, Community Councils and other relevant stakeholders in the meantime.

3. Proposals

- 3.1 It is recommended that the Planning Committee adopts the Development Plan Scheme.

4. Implications/Socio-economic Duty

Financial

- 4.1 None.

Human Resources

- 4.2 None.

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 NPF4 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 Participation Statement outlines when and how consultation will be undertaken throughout the process of preparing the next Local Development Plan.
- 5.2 There is no requirement to consult on the content of Development Plan Schemes, however, it is good practice and once new planning legislation comes into force we will be required to seek the views of the public on the content of the participation statement. We published a draft Development Plan Scheme and Participation Statement on 9 March 2020 and sought comments from Key Agencies, Locality Planning Partnership, Community Councils and those on our mailing list.

RUSSELL McCUTCHEON
Executive Director (Place)

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

Background Papers

Development Plan Scheme

September 2021

Introduction

A Development Plan Scheme sets out a planning authority's programme for preparing and reviewing their development plan. As the local planning authority, we are required to prepare a Development Plan Scheme every year. Our last Development Plan Scheme was published in June 2020.

The Development Plan Scheme must also include a Participation Statement stating when, how and with whom consultation on the plan will take place.

Our Current Development Plan

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**.

LDP2 sets out how we aim to guide development and investment in North Ayrshire over the next 20 years. The policies and proposals – sites allocated for development – within LDP2 are the basis for decision-making on planning applications.

The Plan's vision is shared with the North Ayrshire Community Planning Partnership: "A Better Life" where every person in North Ayrshire is valued and has the best opportunities to live their life to their full potential.

The spatial strategy of the LDP is an overarching policy for land-use and development that supports the aspirations of the Community Planning Partnership, as set out in the Local Outcomes Improvement Plan. This strategy is based on the principle that we want to direct the right development to the right place, principally our towns, villages and developed coast where we have infrastructure capacity, where there is access to existing services and where we have opportunities to re-use and redevelop brownfield land.

Our **Action Programme**, published in February 2020, supports LDP2 by outlining how and when we intend to deliver the policies and proposals of LDP2.

We will continue to liaise with internal and external stakeholders and developers to discuss the proposed delivery and phasing of development, provision of infrastructure and any potential issues and update the Action Programme to reflect major progress and changing circumstances. We will also more closely align the document with our annual [Housing Land Audit](#), given the focus of LDP2 on housing delivery.

The Action Programme is an important part of the framework for how we monitor and measure LDP2. Monitoring the performance of LDP2 will be central to the preparation of our next local development plan.

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

The context for preparing our next Local Development Plan – LDP3 – has changed significantly. The Planning System in Scotland is undergoing a substantial transformation. Following an independent

review carried out in 2015, the Scottish Government has embarked on a programme of change to simplify and strengthen the planning system, guided by the following six outcomes:

- ▶ Strong and flexible development plans
- ▶ The delivery of more high-quality homes
- ▶ An infrastructure first approach to planning and development
- ▶ Efficient and transparent development management
- ▶ Stronger leadership, smarter resourcing and sharing of skills
- ▶ Collaboration rather than conflict – inclusion and empowerment

Wide engagement and collaboration following the review led to the Planning (Scotland) Act 2019, passed by the Scottish Parliament in June 2019. Work is ongoing to implement the Act and wider planning reforms; with focus remaining on these six key outcomes. For more information on the changes to the planning system, visit: <https://www.transformingplanning.scot/>

With regards to development planning, The Act introduces Regional Spatial Strategies and makes significant changes to the approach to preparing local development plans, with the aim of making them more effective, with greater community involvement and more focus on delivery. It introduces a requirement to produce evidence reports, along with an early 'gatecheck' to ensure the evidence is sufficient; new requirements for participation and engagement of communities and particular groups; and a range of issues which must be considered in the plan. The Act also removes the provisions relating to main issues reports and statutory supplementary guidance and moves LDPs onto a 10-year cycle from the current 5-year period.

Rather than commencing a new plan under the 'old' system, we will wait and prepare our next local development plan – LDP3 – under the new arrangements, once they are published.

The Scottish Government are currently working collaboratively to develop the regulations and guidance that will implement this new development planning system. At the time of the previous Development Plan Scheme, it was expected the regulations and guidance relating to LDPs would be published in the latter part of 2021. It is now anticipated, however, that the regulations and guidance relating to local development plans will come into force in Spring/Summer 2022, in line with the publication of National Planning Framework (NPF) 4.

LDP2 has a vision that looks forward 20 years and plans for a 10-year period to 2029. Current planning legislation requires local development plans to be replaced at intervals of no more than 5 years. This requirement will remain in place until the provisions of the 2019 Act are enacted, at which point local development plans will be required to be reviewed at intervals of no more than 10 years.

After the provisions of the 2019 Act are brought into force, 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 of the development plan regulations coming into force (i.e. Spring/Summer 2027).

Proposed Timetable

Our proposed timetable for producing LDP3 is set out below. Due to the delay in the regulations and guidance relating to local development plans to come into force, the milestones and expected date

of adoption have been pushed back six months compared to last year's Development Plan Scheme. This proposed timetable remains indicative and subject to change as the full details of the development planning system are not yet known.

Evidence Report

Once the guidance for preparing Local Development Plans is published and regulations have come into force, we will move quickly to prepare an Evidence Report. A key part of this will be engaging with key agencies, local communities and children and young people.

The Evidence Report will be the first formal stage of preparing **LDP3**. Under the new legislation, the Evidence Report will be submitted to Scottish Ministers who will assess whether the report contains sufficient information to enable us to prepare LDP3. This stage has been called a 'gate check'.

Submit to Scottish Ministers – February 2023

Gatecheck – March 2023 to May 2023

Draft Plan

When our Evidence Report has been confirmed as sufficient, we will then prepare a Draft Local Development Plan. The new Planning Act removes the requirement for a main issues report and, in its place, a draft LDP will be published and widely consulted on. Responses to the draft plan could guide changes to the LDP, with any changes explained in feedback to those who have been involved.

Publish for Consultation – August 2023

Proposed Plan

Our Proposed Plan will be our settled view on the policies and proposals that will make up LDP3. We will publish the Proposed Plan to allow representations which will seek changes to the plan. Following the close of the period for representations on the Proposed Plan, we may make modifications, but only to take account of representations, consultation responses or minor drafting and technical matters. When we reach the point where there are 'unresolved representations' we will republish the Proposed Plan and submit it to Scottish Ministers, who will examine these unresolved representations.

Publish – April 2024

Submit to Scottish Ministers – October 2024

Examination – October to March 2025

Adoption

Following receipt of the Examination Report from Scottish Ministers – and subject to the recommendations of the Reporter on the unresolved representations – we will progress to adopt LDP3, further modified as required.

Adopt LDP3 – May 2025

National Planning Framework and Regional Spatial Strategy

Preparing LDP3 as a 'new style' plan under the forthcoming development plan regulations and guidance will enable the Plan to emerge within the context of National Planning Framework 4, and its wider coverage of planning policies.

The National Planning Framework (NPF) is the long-term plan for Scotland that sets out where development and infrastructure is needed to support sustainable and inclusive growth. The current National Planning Framework (NPF3) was published in 2014 and will remain in place until a fourth NPF is adopted by Scottish Ministers.

The Scottish Government has begun the process of reviewing NPF3. During the early engagement phase, Government was working towards submitting a draft NPF4 to the Scottish Parliament in September 2020 and carrying out formal public consultation at that point. To reflect the different environment and pressures that we are now working in, it is now expected draft NPF4 will be laid in Parliament in Autumn 2021. In November 2020, a [Position Statement](#) was published, setting out current thinking on the issues that will need to be addressed when preparing Scotland's fourth National Planning Framework.

NPF4 will incorporate Scottish Planning Policy (SPP) which contains detailed national policy on a number of planning topics and, unlike NPF3, will have the status of the development plan for planning purposes. This will mean that its policies will have a stronger role in informing day to day decision-making. Adoption of NPF4 is now anticipated in Spring/Summer 2022, alongside the development planning regulations and guidance

The new Planning Act also introduces a requirement to prepare and adopt a regional spatial strategy: a long-term spatial strategy in respect of the strategic development of an area which identifies the need for strategic development; the outcomes to which that strategic development will contribute; priorities for delivery and the proposed locations for strategic development.

Last year, North Ayrshire Council worked with East Ayrshire Council and South Ayrshire Council to prepare an indicative Ayrshire Regional Spatial Strategy. The key purpose of the indicative Regional Spatial Strategy was to inform the preparation of NPF4.

Like with local development plans, the regulations and guidance for preparing these new style Regional Spatial Strategies is not expected to be published until next year. Our third LDP will need to align with NPF4 and have regard to an Ayrshire Regional Spatial Strategy. Over the next twelve months we will consider, with East and South Ayrshire, the governance and resourcing requirements to bring forward a Regional Spatial Strategy for Ayrshire.

Participation Statement

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 this approach into LDP3.

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

- ▶ North Ayrshire residents
- ▶ Children and Young People

- ▶ Community Bodies, including Community Councils
- ▶ Locality Partnerships
- ▶ Other Community and Interest Groups
- ▶ Landowners and Developers
- ▶ Business and Industry
- ▶ Public Bodies
- ▶ Internal Consultees and Councillors

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. We will update our proposed timetable and participation statement when the development planning regulations are published and there is more detail on the process.

To be informed of key updates on the preparation of LDP3 please email ldp@north-ayrshire.gov.uk and ask to be added to our mailing list.

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.

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 on a number of innovate 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 also 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.

Consultation on proposals for regulations on the content, preparation, submission and registration of LPPs took place earlier in 2021 and it is expected that this secondary legislation to govern the implementation of LPPs will come into force at the end of this year, allowing community bodies to formally begin preparation of such plans.

We want to support and work with community bodies who wish to develop Local Place Plans to maximise their potential to inform the next LDP and have