
Paper for decision

Summary

Submitted By:	Director of Rural Development & Planning
Subject:	2019 Development Plan Scheme and timescales for preparing the next Local Development Plan
Lead Officer:	Derek Manson, Development Planner and Susan Brooks Development Planning and Communities Manager

1. Introduction

- 1.1 This paper presents Members with a revised Development Plan Scheme for 2019, which details the updated anticipated timetable for preparing the next Local Development Plan for the National Park. The Development Plan Scheme is contained within Appendix One of this report.
- 1.2 This paper also includes commentary for Members consideration regarding the timescales identified in the Development Plan Scheme for preparing the next Local Development Plan. These are largely informed by the progression of the current Planning (Scotland) Bill through Parliament and the subsequent changes that this is anticipated to introduce. This has implications for the process in which the Local Development Plan is prepared and adopted, and for the Park Authority in terms of its requirement to have an up to date Local Development Plan.

2. Recommendation

- 2.1 Members are asked to:
- a) **Consider and Approve** the updated timescales to prepare the next Local Development Plan that are set out in the Local Development Plan Development Plan Scheme (Appendix One) and
 - b) **Delegate any final minor changes or corrections** to the Development Planning and Communities Manager.

3. Background

Current Local Development Plan and Development Plan Scheme

- 3.1 The Local Development Plan (the Plan) shows what development is needed in the National Park and where this will be supported. It is a statutory document and a key tool for the Park Authority to help deliver on important national outcomes and

priorities identified in our National Park Partnership Plan such as sustainability, climate change, design and place making. It is a statutory requirement and is reviewed and updated every five years following a cyclical process which largely involves the following five key steps:

1. Monitoring and evidence gathering – of the changes to the characteristics of the area (physical, economic, social and environmental) and of the impact of the Plan's policies and proposals.

2. Main Issues Report – to be informed by the evidence base (Step 1) and the key stage for engagement in preparing the new Plan. This report is for consultation and should focus only on the key issues and changes since the current Plan was adopted and any new big ideas for future development.

3. Proposed Plan – Following consultation at Main Issues Report stage the Proposed Plan represents the planning authority's final settled view on what the content of the new Plan should be, setting out timescales and programming for actions to deliver the Plan in an Action Programme. The Proposed Plan is also published for consultation following which representations are considered and, subject to criterion, may require an examination to consider any unresolved representations.

4. Examination – an independent examination by a reporter appointed by the Scottish Ministers of the unresolved issues arising from representations to the Proposed Plan.

5. Adoption of the Local Development Plan.

3.2 Our Plan is two years old and, since adoption, significant effort has been put into monitoring and evidence gathering to measure the achievement of it's the long term vision and development strategy (Stage 1 in Paragraph 3.1 above) and also support towards development delivery (not mentioned above and discussed in paragraph 3.11 below). It has been a very successful Plan to date, helping to generate and support an unprecedented level of development delivery on the ground and in the pipeline which is supporting place making in action in key strategic locations such as Callander, Balloch and Arrochar, as well as a raft of development activity throughout the smaller villages and rural area where there has been significant investment in affordable housing, small scale tourism and renewables development. A high level summary of this is also contained on [Page Four of the March 2019 Action Programme](#).

3.3 Our timelines for preparing the new Plan are set out in our current [Development Plan Scheme](#) for 2018/19. The Town and Country Planning (Scotland) Act 1997 (as amended) requires this to be updated at least annually and to set out our programme for preparing and reviewing the Local Development Plan. In accordance

with the current Development Plan Scheme, work should be commencing now on a new Plan via the preparation of a Main Issues Report (Stage 2 in Paragraph 3.1 above) – the first step in the review of the Plan process and formal point of consultation in the beginning of preparation of a new plan.

- 3.4 However, upon reviewing the current Development Plan Scheme timescales we have identified that there are risks in progressing with the current work programme. This is due to forthcoming changes that are anticipated to be introduced by new legislation in the form of the new Planning (Scotland) Bill.
- 3.5 By way of background, in mid-2016, the Scottish Government commenced a review of the planning system and at the end of 2017 a new Planning Bill was published. It is currently anticipated that in June 2019 the Planning Bill should receive Royal assent. There will then be a new Planning Act with secondary regulations and circulars to follow.
- 3.6 For the Local Development Plan process, a number of key changes are introduced by the Bill, these include:
- The National Planning Framework and Scottish Planning Policy will become one document and have strengthened status in the Local Development Plan process.
 - The Local Development Plan will be reviewed every 10 years or when required (currently a five year plan cycle).
 - A new review process will be introduced to front load the system (and prevent lengthy and costly examinations towards the end of the Plan making process).
 - The Main Issues Report will be replaced by a Draft Plan that will undergo public consultation.
 - There will be no statutory Supplementary Guidance.
 - Action Programmes will become Delivery Programmes that will focus on delivering development allocations.
 - Communities will be able to produce 'Local Place Plans'.
- 3.7 If we follow the existing timescales in the Development Plan Scheme the risks are that progressing with the current work programme would result in the new Plan being prepared in advance of anticipated national regulations and guidance (in the form of new Scottish Planning Policy and National Planning Framework 4) being issued. This could mean we have to halt further work to the Plan and not progress it through to adoption and instead move to prepare a new Local Development Plan under the new legislation.

- 3.8 We have contacted several other planning authorities to understand their approach in light of the anticipated new Planning legislation and learn how they are approaching it. We have noted that Orkney, who adopted their Local Development Plan four months after us has decided to await the publication of the Planning Act and the secondary legislation before progressing with any consultation on a Main Issues Report or Proposed Plan. Similarly, some other planning authorities are carrying on with 'business as usual' but have advised that their future Development Plan Schemes could have amended timetables delaying their process depending on the outcome and timescales of the Planning Act and subsequent guidance.
- 3.9 As well as the legislative benefits there are practical reasons for considering a delay in preparing the next Plan. Through the findings of our ongoing monitoring and evidence work we consider that the existing Plan strategy and policies are relevant, robust and performing very well and the Plan is working to support delivery on the ground in accordance with the agreed long term vision (20 years) and development strategy (for the next 10 years).
- 3.10 As highlighted in Paragraph 3.1 above, a Main Issues Report should focus only on the key issues and changes since the current Plan was adopted and any new big ideas for future development. Our monitoring and evidence base work is showing that there aren't currently major key issues with the Local Development Plan strategy and policies, or newly arising issues which require fresh consideration and consultation via a Main Issues Report. Furthermore, it is considered that to consult communities formally on a Main Issues Report at this point would not secure high levels of engagement and could result in consultation fatigue.
- 3.11 Instead, resources could be used to continue to focus on delivering the Plan, supporting delivery of the placemaking priorities identified in the Plan within the three strategic growth areas, five place making priority villages and the two areas covered by Rural Development Frameworks. This would also enable the team to undertake further work with the National Park communities to pilot and develop their own Place Plans and new Rural Development Frameworks. This will help deliver strongly on National Park Partnership Plan priorities to support empowered communities and create stronger place making within the National Park, aligned with land use and management plans. The other benefit of this approach is that it allows for some informal engagement with communities to identify key issues that communities raise with the current Plan and we can consider these ahead of the forthcoming formal process for the next Plan.
- 3.12 This approach, involving a greater focus on enabling and supporting development delivery, has been highlighted by the Scottish Government as a key aspiration of the review of the Planning System. To deliver this aspiration, the Scottish

Government have proposed in the Planning Bill that future Local Development Plans will require to be updated within a 10-year review cycle rather than a current 5-year cycle (see in Paragraph 3.5) and Action Programmes will become Delivery Programmes that will focus on delivering development allocations.

4 Local Development Plan Scheme Timescales

- 4.1 Based on the timing and changes proposed by the Planning Bill we have undertaken a benefit and risks exercise of proceeding with the current plan timescales and compared this with the benefits and risks of delaying consulting on a draft Local Development Plan until 2021 and aiming to adopt in 2023. This is two years later than the current Development Plan Scheme timescale.
- 4.2 From this analysis, the key benefits of delaying consulting on a new draft Local Development Plan until 2021 will be as follows:
- i. Ensure that the new Plan aligns with the national planning strategy and guidance within the next National Planning Framework 4 and new Scottish Planning Policy,
 - ii. Reduce risk of the uncertainty or changes in statutory requirements during the Plan making process,
 - iii. Be in a style and format that aligns with any new published guidance,
 - iv. Allow staff in the Development Planning and Communities team more time to pro-actively deliver the current Plan and undertake further work with some of the Park's communities to develop Place Plans, Rural Development Frameworks and undertake early stakeholder engagement.
- 4.3 The main risks of this approach are that the timescales to prepare the next plan will result in the current adopted plan extending beyond the current five year lifespan. Section 16 of the Town and Country (Scotland) Act 1997 requires Local Development Plans to be replaced at least every five years and this is one of the Scottish Governments National Headline Indicators that we report in for the Planning Performance Framework. Therefore, we are likely to be marked down on this indicator in the next Planning Performance Framework review if our Plan is not going to be replaced by a new Plan by the end of its five year life span.
- 4.4 There is also arguably a higher risk of proposals coming forward on sites that are not identified in the current Plan with a risk that the Park Authority's decision to refuse these, should it determine to, not being upheld at appeal should the reporter consider the Plan's age as detrimental to providing a clear and robust development strategy for the area. However, the risk of this is considered to be low as the current

development strategy provides for a range of sites and the policies have flexibility built in to also enable unidentified sites to be considered within the longer term vision (20 years) and development strategy (10 years). The key area of concern is in relation to housing land supply and upon review of this there is no shortfall in effective land for housing predicted for the next seven years. Finally, it is considered that any new issues that arise can be addressed via the preparation of additional Planning Guidance as required.

5 Conclusion

- 5.1 In light of the timetable for the implementation of the new Planning Act and subsequent guidance we have amended the anticipated timetable for the preparation of the new Local Development Plan for the National Park. The revised timescale would see the expected adoption of the next Local Development Plan move from the end of 2021 until 2023 – a delay of two years. These new timescales and likely key processes are set out in the revised Development Plan Scheme shown in Appendix One.
- 5.2 The current Plan is considered to be operating very well with no major issues identified. Besides the issue of having a Plan which will be older than 5 years old, which can be monitored closely through ongoing evidence and monitoring work, there are no immediate major issues currently identified that need to be consulted on through a Main Issues Report. Instead resources can be spent on gathering and reviewing the evidence base and supporting the delivery of the current Plan.

6 List of Appendices

Appendix One: Development Plan Scheme 2019/2020