

## LOCAL DEVELOPMENT PLAN PROGRESS REPORT

### 1. Reason for Report

The report provides Members with an update on the progress being made on preparing the Local Development Plan (LDP) and on the associated technical studies. It also seeks member agreement to a revised LDP programme and for additional work to be undertaken in relation to Wind Energy planning policy.

### 2. Report Summary

2.1 The significant response to the Call for Sites consultation has resulted in a delay to the timetable contained in the March 2010 Development Plan Scheme (DPS). This is because the sites require to be assessed and the relevant consultations issued to enable a planning and Strategic Environmental Assessment to be made. The majority of sites were not received until the last three weeks of the consultation process.

2.2 Scottish Government officials have agreed that the presentation and public consultation stage of Dumfries and Galloway Council's Main Issues Report (MIR) could be used to pilot innovative approaches as part of the new Planning system.

2.3 Scottish Planning Policy requires the Council to support the development of a diverse range of renewable energy technologies through its Development Plan policies. The existing Structure Plan policy on wind energy needs to be updated as a matter of priority in advance of the LDP, through the development of supplementary planning guidance.

### 3. Glossary of Terms

LDP: Local Development Plan

DPS: Development Plan Scheme

MIR: Main Issues Report

LHS: Local Housing Strategy

SHIP: Strategic Housing Investment Plan

SPP: Scottish Planning Policy

ER: Environmental Report

HNDA: Housing Need and Demand Assessment

PHES: Planning, Housing and Environment Services

SEA: Strategic Environmental Assessment

SEA Consultation authorities: Scottish Environment Protection Agency (SEPA), Historic Scotland (HS) and Scottish Natural Heritage (SNH)

### 4. Recommendations

Members are asked to agree:

4.1 the revised Development Plan Scheme timescale as set out in paragraph 11.10 for the preparation of the Local Development Plan; and for the updated Development Plan Scheme timetable to be communicated to all stakeholders involved in the process;

4.2 the principle of working with the Scottish Government on a pilot project on the presentation of the Main Issues Report and the approach to engagement for the Main Issues Report;

4.3 to prepare Supplementary Planning Guidance for Wind Energy as set out in paragraph 11.18; and

4.4 the revised Development Plan Scheme as set out at 11.10 of this report and that the Local Housing Strategy timetable previously agreed will need to be reviewed and a report taken to the Housing Sub-Committee setting out a new timetable to align the Local Housing Strategy with the Main Issues Report to comply with Scottish Government Guidance.

## **5. Plan Links and Contribution**

5.1 The LDP is a key driver towards sustainable economic development, housing provision across all tenures, including affordable housing and delivering the Single Outcome Agreement.

5.2 There are important links to the Regional Economic Strategy, the Local 4/Housing Strategy and Regional Transport Strategy and the LDP will play a key role in delivering the Council's aim of achieving an ambitious, prosperous and confident Dumfries and Galloway. On 16 July 2010 the Council also agreed the following budget priorities all of which can be linked to the LDP:-

1. We will provide a good start in life for all our children.
2. We will prepare our young people for adulthood and employment.
3. We will care for our older and vulnerable people.
4. We will support and stimulate our local economy.
5. We will maintain the safety and security of our region.
6. We will protect and sustain our environment.

5.3 The LDP is explicitly linked to the LHS process through the Scottish Government Guidance. It will become a key consideration in preparing the annual Strategic Housing investment Planning assessing the deliverability of schemes coming forward. The revision of the DPS will also limit the scope of the SHIP process as proposals beyond year one or year two carry significant uncertainty until their planning status under the LDP is clarified.

## **6. Resources and Value for Money Assessment**

The Planning etc. (Scotland) Act 2006 requires local authorities to produce an LDP. The cost of the LDP will be met from the existing Development Planning budget.

## **7. Risk Assessment**

7.1 It is good practice that if a change is needed to the DPS that this is communicated to the public and stakeholders as soon as possible.

7.2 The report is based on current resources available within the Council. However the role of Key Agencies is also important to this process and they are also having to make significant efficiency savings. Next year and 2012 will be critical years for this LDP process. Any changes to LDP resources within the Council and that of relevant parts of Key Agencies in the short term could impact on the LDP timetable.

7.3 The Scottish Government Guidance explicitly links the LDP timetable with the LHS timetable and a delay to the Main Issues report will also impact on the LHS timetable. While there is an impact on the LHS timetable, the important point in

managing the overall risk to the LHS and LDP processes is the basis of the recommendation in 4.4 to maintain the strong alignment between the LHS and MIR timetables. If this does not occur and they diverge this would lead to a less joined up approach and would not be in accordance with the Guidance and therefore have more risk associated with it.

## **8. Authorities and Legal Implications**

8.1 Planning Authorities were placed under a legal duty to prepare their LDP “as soon as practicable” after Section 2 of the Planning etc (Scotland) Act 2006 into force on 28 February 2009.

8.2 The Local Development Plans fall within the scope of the Environmental Assessment (Scotland) Act 2005 and are therefore needs to have a Strategic Environmental Assessment (SEA).

## **9. Consultations**

The Economic Regeneration and Sustainable Development, the Operations Managers for Strategic Housing, Strategic Property Services, Infrastructure and Commissioning and Head of Legal Services have been consulted and are in agreement with the terms of this report.

## **10. Background**

10.1 There have been two previous reports on the DPS to the PHES Committee in March 2009 and Dec 2009, and an LDP update report was agreed by this Committee in April 2010. The first agreed DPS was published in March 2009, the second amended DPS was published in March 2010.

10.2 The current Development Plan Scheme timetable published in March 2010 is:

1. Closing date for Call for Sites - 4 June 2010.
2. Main Issues Report -Sept 2010.
3. Proposed Plan - November 2011.
4. Any Changes to the proposed plan – March 2012.
5. Examination - June 2012.
6. Adopt Plan - May 2013.

10.3 At a development planning forum on 22 June the Scottish Government provided feedback on MIR’s published to date. The key points were:

- A range of different approaches to MIRs have been taken.
- Need for MIRs to focus on the big ideas for change, be open to alternative approaches, and to be worked up to a reasonable level of detail.
- On proposed plans, there is scope for more work around visions and use of maps to communicate the spatial strategy.
- Proposed plans likely to be much shorter than MIRs – no need for detailed context/background.
- Scottish Government is developing new procedures to comment on development plans, ensuring a single Government response back to the authority.

10.4 The first member officer working group meeting took place on 14 July 2010, this group will continue to meet throughout the process as previously agreed.

## 11. Key Issues

11.1 The response to the Call for Sites consultation has been considerable with 851 sites submitted and 270 comments received on existing policies and new issues. What was unusual and what was not anticipated was the scale of sites that arrived late in the process. The majority of these submissions were received in the last 3 weeks of the consultation process. This has meant that there has not been enough time to complete the consultations on these with Key Agencies and other Council Departments.

11.2 The sites that have been submitted need to be fully assessed and consulted on so that a planning and SEA assessment can be made for each site. The assessment will then be included in the MIR, this will give people the opportunity to fully and effectively engage early on in the process.

11.3 The current Development Plan Scheme highlights under the section titled "Is there anything which will affect the deadlines in the timetable" that there could be factors, beyond the Council's control, which may result in a delay in meeting the timetable. The large number of submissions received to the call for sites and the additional consultation work required with Key Agencies and other Council Departments necessitates a review of the previously agreed timetable. Best practice advocates that all stakeholders should be advised of any changes at the earliest opportunity.

11.4 A number of lessons in undertaking effective public engagement were learnt from the Scottish Sustainable Communities Initiative Ladyfield Charrette which was the subject of a report in September 2009 and a presentation to Committee by the Scottish Government's Chief Planner Jim McKinnon. These were discussed at a meeting on 12 July 2010 with the Scottish Government's Chief Planner to consider the potential for the Council to work with the Scottish Government on a pilot for delivering a Main Issues Report using innovative methods of engagement. This would enable the Council to investigate whether some of the public engagement methods detailed in the participation statement in the current DPS could be delivered. It could include for example planning for real, computer images, models and animation and using Planning Aid staff to assist consultation and engagement. The key will be to communicate the issues in ways that the wider public can relate to.

11.5 The Scottish Government have also issued further Guidance on the LDP Examination process which provides an opportunity to significantly streamline that process. The Guidance makes it clear that it is the Reporter that determines how issues are heard at LDP Examination; it is anticipated that the most will be heard by written submissions, marking a move away from the previous adversarial approach of Public Inquiries. These changes do provide an opportunity for the Examination to be more focused and effective than previous Local Plan Inquiries. This should enable the LDP to remain on target for adoption by May 2013 if not sooner.

11.6 There is a requirement to align and integrate development of the new LHS with the LDP process. The LHS Guidance indicates "in order to facilitate integration of local housing strategies and development plans, submission of local housing strategies will now be linked to submission dates for Local Development Plans. It will be important for the LHS and MIR of LDP to be prepared in tandem, with both informed by the outcomes of the HNDA. The Local Authority can choose to submit their LHS at any point between conclusion of

consultation on the MIR and submission of the proposed plan to Scottish Ministers.” The draft LHS therefore can be published for consultation prior to the end of the public consultation on the MIR. This will enable landowners, developers and Registered Social Landlords to make a more informed response to the MIR consultation process.

11.7 Discussions have taken place with Strategic Housing Services as to how the revised LDP timetable will impact on the LHS timetable and whether the latter can be finalised and submitted in advance of the completion of the public consultation on the Main Issues report. The Scottish Government’s Housing and Investment Division has been asked for officer advice about whether the Council can diverge from both the Planning and Housing Guidance published in 2008, and summarised at 11.6. The Scottish Government advice is that for the LHS to be as robust as possible, it is preferable to maintain clear and effective links with the MIR and LDP.

11.8 Any proposal to finalise the LHS in advance of the Main Issues Report would clearly represent a break in this link. If the Council submitted the LHS earlier than the end of the public consultation on the Main Issues Report there is a risk that the Council would have to re-draft the LHS to take account of material change in the MIR. This is likely to generate confusion and duplication of work and contrary to the national policy principle of aligning these two key strategies. A detailed report will be prepared for the next Housing Sub-Committee setting out the revised LHS timetable given the revisions to the DPS. If the recommendations in this report are agreed, this means that the LHS will not be finalised until April 2011.

11.9 It is now proposed that the PHES committee consider the MIR in Jan 2011 and that the public consultation takes place in Feb/Mar 2011.

#### 11.10 Revised LDP Timetable

1. Main Issues Report – PHES Committee Jan 2011
2. Public Consultation Feb / March 2011
3. Proposed Plan public consultation – Feb / Mar 2012
4. Examination - June 2012
5. Adopt Plan - May 2013 (or sooner depending on Examination outcome)

#### 11.11 Update on Technical Studies

Good progress is being made on two studies which are required to underpin the development of a new policy approach to renewable energy. These studies will be reported to PHES Committee when they are complete later this year. The Landscape Capacity study is considering the capacity of the landscape to accommodate further windfarm and turbine development of a variety of scales. The Renewable potential study is considering possible opportunities and constraints for a range of Renewable Energy sources within Dumfries and Galloway.

#### 11.12 Open Space Audits

The initial contractors Pmpgenesis went into administration on 14 Jul 2010. Following advice from the Council procurement team Knight Kavanah & Page are now undertaking the Open Space Audits as agreed by the Resources Committee. No fees had been paid to the first contractor so the Audits will be delivered within the original budget in Jan/Feb 2011. Open Space Audits are important for the evidence base to enable the development of new policy and asset management and to comply with the requirements set out in Scottish Planning Policy.

11.13 A framework to assess the transportation implications of the LDP in particular sustainable transport aspects of proposed developments, has been established. This has included meetings between Transport Scotland, Transport colleagues and LDP staff to ensure that the approach to assessing accessibility and sustainability of sites reflects best practice. This assessment work has commenced and will be important at the Proposed Plan stage where the Council is selecting the sites to go into the Proposed Plan and also at the LDP Examination stage.

#### 11.14 HNDA

The Housing Needs and Demand Assessment study has been completed and is being assessed by the Scottish Government. Work is ongoing between Strategic Housing and Development Planning to take forward the HNDA into the LHS and MIR in accordance with national guidance.

#### 11.15 Forestry and Woodland Strategy

Work is progressing on the Forestry and Woodland Strategy as outlined in the overview document attached to April PHES report. The draft strategy document will be prepared by Spring 2011 and reported to PHES before a public consultation takes place.

11.16 In terms of Flood Risk the SEPA Flood Risk Maps and the Council's Strategic Flood Risk Appraisal (2007) will form the basis for assessing flood risks associated with proposed sites.

#### 11.17 Wind energy supplementary planning guidance

Scottish Planning Policy requires the Council to support the development of a diverse range of renewable technologies, guide development to appropriate locations and provide clarity on the specific issues that will be taken into account when specific proposals are assessed. Given the current pressure for wind energy developments and the changes that have occurred within the renewables industry and Government policy (for example the introduction of the Feed In Tariff) the Council needs to produce supplementary planning guidance which will incorporate all the available information arising from current work. It is proposed that the SPG will be a supplementary update to the existing Structure Plan policy for wind farms until this is eventually replaced by the new LDP and associated SPGs. Members need to be aware that this is a significant undertaking as the Structure Plan wind energy strategy generated more representation than any other Structure Plan topic when this work was previously done. It is likely to generate significant consultation responses which could impact on the LDP process. However given the current level of pressures it is one of the biggest current challenges facing the planning service and needs to be addressed.

#### 11.18 Supplementary Planning Guidance timeline

The timeline proposed for the SPG is:

1. Complete technical studies - Nov 2010.
2. Engage the Industry and Stakeholders – Nov 2010.
3. Prepare other baseline information Nov 2010.
4. Draft SPG And SEA.
5. Draft SPG and seek PHES Committee approval to consult – Feb/Mar PHES.
6. Undertake 6 week public consultation April/May 2011.
7. Report back to PHES in Sept 2011 and agree to adopt subject the SPG subject to notifying the Scottish Government and allowing 28 days for a response (as required by Regulations).

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