

South Ayrshire Local Development Plan (Retail and Town Centres): Development Plan Scheme

South Ayrshire Local Development Plan (Retail and Town Centres) Participation Statement

The purpose of this subject-specific LDP is to provide an early review of the policy framework relating to town centres and retailing, as contained within the adopted LDP (2014). This subject LDP is being produced in light of the persistent pressure on out-of-centre retailing policies (which limit the extent and nature of goods that can be retailed outwith town centres) that has arisen through planning applications, and consents, for out-of-centre retail proposals – particularly at the Heathfield retail park, as an identified commercial centre; and the South East Ayr strategic urban expansion.

There is a wider benefit in commencing this early review of retailing and town centre policies. While the examination of the adopted LDP (2014) concluded that all retailing and town centre policies were sufficient for inclusion in the adopted Plan – even in light of representations challenging all elements of those policies; the Council recognises that the defence of some policy elements was based on the historic success of retail policies in South Ayrshire – rather than current evidence underlining that they will continue to be successful. As such, recognising retailing pressure, and the dynamic, fast-changing nature of the retail industry, a comprehensive update of the evidence base on retailing will ensure that future LDP policies are based on the best available evidence.

It is intended to commence this subject review, early, with a view to adopting this subject LDP within 12-18 months. It is intended to progress to proposed plan stage in 2015. A full LDP review will commence later in 2015, and will, given the scope of the full review, inevitably be a longer process than the subject LDP on retailing. It is intended that the adopted LDP on retailing will be able to merge into the full LDP review process, providing an up-to-date policy framework on retailing, when the full LDP review reaches proposed plan stage.

The following provides detailed guidance on each stage of the Local Development Plan (LDP) process, including guidance on when and how strategic environmental assessment (SEA) will fit into the process; and how we will consult and engage with key stakeholders at each stage.

Summary of LDP and SEA stages:

1. Publish the Development Plan Scheme (DPS)

The Council requires to publish a DPS at the outset of the process of preparing a development plan; and update it at least annually. This is the beginning of the LDP process and it is important that people are aware of their opportunities to engage with the process to shape its outcomes.

The DPS provides a clear commentary of what will be involved at each stage in the process of preparing a new LDP and the opportunities for engagement and consultation – known as the “Participation Statement”. The DPS also includes a timetable for the progress of the Plan, as well as intended consultation dates for key consultation events.

The DPS will be available on the Council’s website, in local libraries and to view at certain Council offices. We will publish a notice in a local newspaper to highlight that the document is available to ensure that as many people as possible have an opportunity to view it.

The methods that we will be using to bring the DPS to the attention of a wide range of interest groups include:

- Publishing a notice/article in a local newspaper stating that we are undertaking a review of the adopted LDP (2014), with a focus on town centres and retailing, and that the DPS is the first stage in the process. This will also provide information on where you can view a copy of the DPS;
- Making the DPS available on the Council's website;
- Making copies available to view in local libraries and Council offices; and,
- Making all interested groups aware of the subject LDP – as part of this, all parties that made representations to retail and town centre policies through the preparation of the adopted LDP (2014) will be notified of the production of this LDP.

2. Publish the main issues report (MIR) and environmental report

The MIR is a significant stage in the process and will involve us setting out general proposals for town centre and out-of-centre retailing. The MIR will set out preferred and alternative options. The MIR will generally focus on any significant changes in direction in terms of policy, any new issues which have arisen and require to be considered within the plan. This is also the principal stage for anyone who is interested to engage early in the plan process, and we will use a wide variety of methods to involve the public in shaping the plan. In order to identify key issues relating to how we protect and promote town centre, as well encourage investment in South Ayrshire, through retailing that doesn't harm town centres, we will perform a full review of the evidence base on retailing prior to the publication of the MIR. This will be published in a Monitoring Report to accompany the MIR.

SEA process

We will prepare and submit a draft environmental report to accompany the MIR. The report will assess the environmental impact of the issues being considered at this stage. Given that there will be a number of alternatives put forward at this stage we will also be assessing their environmental impact.

The methods to be used for engagement at this stage will include:

- Holding facilitated consultation events in relation to retail and town centres issues which are raised within the MIR. Any relevant issues raised at these sessions will be given consideration in progressing the plan;
- Use online consultation for focused consultation on retail and town centre policy options, based on the particular interests of Forum members;
- Publish the MIR, monitoring report and environmental reports available on the Council's website;
- Publish a notice/article in a local newspaper stating that the documents are available to view at certain locations and that comments on their content are welcomed and encouraged;
- Making documents available to view at Council offices and public libraries;
- Meeting with community groups and other interested parties where appropriate – this will include all parties that made representations relating to retail and town centre

issues in the adopted LDP (2014), and consultation groups that have participated in the Ayr Renaissance project, to date (including shop owners); and

- Consulting/engaging the following key agencies:
 - Transport authorities (including Transport Scotland, Network Rail, Strathclyde Partnership for Transport, Stagecoach);
 - Neighbouring Councils (Dumfries and Galloway, East Ayrshire and North Ayrshire);
 - Scottish Enterprise;
 - Scottish Natural Heritage;
 - Scottish Environmental Protection Agency (SEPA);
 - Historic Scotland;
 - Scottish Water; and
 - the Scottish Government.

3. Publication of proposed plan, proposed action programme and revised environmental report, if necessary

The proposed LDP will be formulated through considering the responses to the MIR. It is therefore anticipated that there will be some consensus on a number of issues by this stage.

The Proposed Plan will be a material consideration in the determination of planning applications following its publication, though it is unlikely to outweigh the adopted development plan prior to any consultation on the Proposed Plan. The Proposed Plan will include a 'proposals map' specifically relating to town centres and relevant out-of-centre retailing locations.

The proposed plan will be made available to view at a number of locations including on the Council's website. A consultation period of 6 weeks will be allowed for anyone wishing to submit comments on the content of the proposed plan.

We would hope that as many people as possible take the opportunity to have an input into the plan and its content. To ensure that this is possible a wide range of opportunities for people to get involved in the process will be made available.

We will also publish our proposed action programme at this stage. This will set out how we intend to implement the LDP.

SEA process

Following the publication of the ER at the previous stage, the report may require to be amended from any comments received. This stage of the process will involve making any amendments considered necessary or to assess the impact of any new issues which have emerged.

Consultation arrangements at this stage will include:

- Publishing the plan on the Council's website;
- Publishing a notice/article in a local newspaper stating that the document is available to view at certain locations and that comments on its content are welcomed and encouraged;

- Making the plan available to view at Council offices and public libraries;
- Sending a copy of the plan to each of the key agencies and having follow up discussions where required;
- Sending letters/e-mails out to all who responded or made representations following the publication of the MIR and informing them of where the plan is available for inspection;
- Hold information days with exhibition boards, in key retailing locations affected by the proposed LDP; and,
- Sending out neighbour notifications to those affected by site-specific proposals.

4. Modification of the proposed LDP, action programme and preparation of the Report of Conformity with Participation Statement

This stage will consider the representations submitted as part of the consultation process. The Plan can be modified at this stage, in light of representations; however, Scottish Government does not expect modifications to proposed plans to be undertaken as a routine part of the process; more, modifications at this stage should be rare, and only where there is an overwhelming reason for the modification.

All unresolved representations will form part of the package of documentation submitted to the Scottish Government for the examination of the Plan. We will summarise and respond to each representation that objects to part of the Plan.

Should we decide to make alterations at this stage we will seek to involve you in the process by:

- Notifying all previous respondents that alterations to the proposed plan have been made and where you will be able to view a copy of the alterations;
- Publish the alterations on the Council's website; and
- Make the alterations available to view at Council offices and within public libraries.

5. Examination of proposed plan

Prior to the commencement of the LDP examination, the appointed person (the reporter(s)) will firstly assess the Council's consultation activities with regard to consultation and the involvement of the public in respect of the preparation of the LDP. This Participation Statement will be used as a basis for undertaking this assessment.

The LDP examination will consist of an independent reporter(s) being appointed by the Scottish Government to scrutinise the LDP, in light of representation received and in respect of the consultation on the LDP. The reporter(s) will conclude the examination by publishing an examination report, which will set out recommendations on any modifications to be made to the Plan.

The examination will be conducted mainly on the basis of the examination documentation submitted to the reporter(s) by the Council. The reporter(s) can seek additional information from any party, at their discretion and will generally conclude the examination of issues through written documentation, but can conduct a hearing session into any issue, and invite those parties that made representations, as appropriate. The examination can include a public inquiry session, however, this is rare.

The Scottish Government conduct the examination, so will notify all representees, as and when they are required to further participate in the process. The Scottish Government also notifies all representees of the publication of the examination report, to clarify how their representation has been concluded.

To ensure that interested parties are aware of the impending examination we will:

- Advertise that the Plan has been submitted for examination within a local newspaper, within public libraries and on the Council's website; and
- Notify all of those who submitted representations that the Plan has been submitted for examination.

6. Consider reporter's conclusions/recommendations and make modifications if required

In general, where reporter(s) recommend a modification to the LDP, that recommendation is binding, and the Council must modify the Plan accordingly, unless there are specified exceptional circumstances. These are set out in Scottish Government Circular 6/2013.

Where modifications require to be made, the Council will also update the SEA, as appropriate.

7. Adoption of the LDP, action programme and SEA post adoption statement

Following any modifications as a result of the examination of the plan we will publicise our intention to adopt the LDP and its associated documents. Following the publication of this notice we must allow for a 28-day period before the plan can be formally adopted. During this period the Scottish Ministers have an opportunity to consider the proposed final content of the plan and to raise any issues of concern.

SEA process

Once the adoption process has been completed we are required to undertake what is known as a 'post adoption statement'. This sets out how we have considered the issues raised within the environmental report and how we will monitor the effects of the LDP on the environment. The statement will be made available for all interested parties to view, including the key consultation authorities.

In summary this stage will involve:

- Placing a copy of the plan within each of the public libraries within South Ayrshire;
- Making an electronic version of the plan available on the Council's website; and
- Publishing a notice/article in a local newspaper stating that the plan has been adopted and where it can be viewed.

8. Implementation, monitoring and reviewing the LDP

Prior to reaching this stage the LDP has gone through a number of processes to ensure that the final plan is reflective of the majority of the community and to ensure that its potential impacts upon the environment have been minimised. It is therefore important for us to monitor how successful these processes have been.

We will monitor the effects of the LDP in terms of assessing whether the policies are delivering their intended outcomes and whether the predicted impacts upon the environment were correct. This will help to inform and refine the process in the future.

The next stage in the process will be a review of the LDP and to begin work towards the production of a new plan. The Scottish Government requires that LDPs are updated every five years to ensure that they are up-to-date, reflective of local circumstances and to ensure that there is a maintained level of certainty in the planning process.

Project Management

Local Development Plan Project Board

The Local Development Plan Project Board was set up to oversee the project-management of the South Ayrshire LDP, and to allow elected members to guide key issues, including policies and land allocations. The Panel is an elected members/officer working group, without decision-making powers. It comprises representation from 8 Councillors with roles relative to planning (such as relevant portfolio holders and chairs or vice chairs of other Committees (panels) of the Council.

The Board will be used regularly throughout the preparation of the new retail and town centre LDP in order to guide the process, consider various options, oversee the project management of the process and to ensure that the interests of the wider community are represented. The papers put forward at each of the panel meetings will be made available on the Council's website.

Board Composition

The Board is comprised of the following Council positions:

- Portfolio holder for Economic Development, Tourism and Leisure (Chair);
- Portfolio holder for Sustainability and the Environment;
- Portfolio holder for Housing and Customer First;
- Portfolio holder for Social Services
- Chair and vice chair of Regulatory Panel;
- Chair of Service and Performance Panel; and,
- Chair of Partnerships Panel

Key Stage	TOWN CENTRES AND RETAILING LOCAL DEVELOPMENT PLAN	Environmental Assessment (SEA & HRA)	Equalities Impact Assessment	Publication and Consultation Dates
Evidence Gathering	<ul style="list-style-type: none"> Publish Development Plan Scheme including Participation Statement 	<ul style="list-style-type: none"> Collate baseline environmental information 	<ul style="list-style-type: none"> Prepare EqlA on MIR options 	MIR Publication: May 2015 MIR/ER Consultation: June – July 2015 (6 weeks)
	<ul style="list-style-type: none"> Engage with key agencies Gather evidence base and Prepare Monitoring Statement Prepare Main Issues Report 	<ul style="list-style-type: none"> Prepare Scoping Report and Submit to SEA Gateway Consider comments from Consultation Authorities and refine methodology Environmentally appraise Main Issues Report. 		
	<ul style="list-style-type: none"> Publish Main Issues Report and Monitoring Statement Consult 	<ul style="list-style-type: none"> Publish Environmental Report and submit via SEA Gateway. Consult on Environmental Report (ER) 		
Proposed Plan	<ul style="list-style-type: none"> Consider representations Prepare Proposed Plan and Action Programme 	<ul style="list-style-type: none"> Consider responses Environmentally appraise Proposed Plan. Amend Environmental Report if necessary (i.e. if there are significant changes between Main Issues Report and Proposed Plan). 	<ul style="list-style-type: none"> Re-assess any modified policies or proposals, as a result of representation 	Proposed Plan Council publication: August 2015 Proposed Plan Consultation: September – October (6 weeks)
	<ul style="list-style-type: none"> Committee(s) Publish Proposed Plan and Proposed Action Programme 	<ul style="list-style-type: none"> Publish revised Environmental Report if necessary and submit via SEA Gateway. 		
	<ul style="list-style-type: none"> Notify neighbours. Period for representations 	<ul style="list-style-type: none"> Consult where required 		
Submit to Scottish Ministers	<ul style="list-style-type: none"> Consider representations Prepare Summary of unresolved issues Prepare Report of Conformity with Participation Statement Committee(s) 	<ul style="list-style-type: none"> Consider responses 	<ul style="list-style-type: none"> No action required 	Submit Proposed Plan for Examination: December 2015
	<ul style="list-style-type: none"> Submit to Scottish Ministers Proposed Plan, Proposed Action Programme, Report of Conformity with Participation Statement Publicise submission of Plan 	<ul style="list-style-type: none"> Submit HRA record to Ministers 		
Examination	<ul style="list-style-type: none"> Examination of Proposed Plan 	<ul style="list-style-type: none"> Reporter refers to Environmental Report 	<ul style="list-style-type: none"> No action required 	Examination: January 2016 – June 2016
	<ul style="list-style-type: none"> Examination Report published and submitted to planning authority. 	<ul style="list-style-type: none"> 		
Council Considers Representations	<ul style="list-style-type: none"> Planning authority considers recommendations Proposed Plan modifications Statement of Explanation for not accepting any recommendations. 	<ul style="list-style-type: none"> Environmentally appraise modified Plan 	<ul style="list-style-type: none"> Update EqlA to reflect Scottish Ministers' modifications. (<i>Note: development plan regulations do not allow modifications to be rejected on the basis of the EqlA</i>) 	Re-submit modified Proposed Plan to Scottish Ministers: August 2016
	<ul style="list-style-type: none"> Publish Modifications and Proposed Plan as modified. Advertise intention to adopt Plan. Send Ministers the Proposed Plan as modified etc. 	<ul style="list-style-type: none"> Ministers publish revised Environmental Report (and revised HRA Record) if required 		
Adoption	<ul style="list-style-type: none"> Planning authority adopts plan 	<ul style="list-style-type: none"> Publish Post-Adoption SEA Statement and submit to SEA Gateway 	<ul style="list-style-type: none"> No action required 	Adopted: August 2016
Publish Action Programme	<ul style="list-style-type: none"> Publish Action Programme 		<ul style="list-style-type: none"> No action required 	Publication: November 2016

