

# Development Plan Scheme

## Local Development Plan 2

Revised version: publication date July 2019

---



### Participation Statement

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.

### Why should I get involved in the preparation of the LDP?

The new local development plan will have an impact upon many people's lives within South Ayrshire. It will be the principle document that guides where development should and should not take place, and will promote and facilitate developments that support and enhance the communities, economy and environment of South Ayrshire. Participating in the preparation of the LDP is a chance to help shape your future surroundings. It is important therefore that everyone who wants to engage in the Plan process is able to do so. If you want to have a say in how the area develops over the next 5-10 years then the review of the current local plan is your opportunity to do so. In order to ensure we have heard from the widest range of people, and to ensure that the Plan reflects their input, the LDP process seeks to 'front-load' its engagement.

### How will we involve people at each stage of the LDP?

There are three main ways in which we will seek to involve stakeholders and the public in the preparation of the next Plan:

**Inform** – Throughout the process, we provide information on the progress made and make people aware of the next stages in the process, and how and when they can be involved.

**Engage** – In the early stages of the process, we engaged with a wide range of stakeholders, communities and the general public in order to identify the main issues to be addressed in the next Plan. This is the principle opportunity to influence the shape and direction of the Plan.

**Consult** – We will consult all stakeholders and the public on the policies, strategies and proposals set out in the published Proposed Plan. At other points in the process we also will seek stakeholders' views on specific issues and options which have been identified for discussion or consultation.

### Stages in the LDP

#### Publish the Development Plan Scheme (DPS)

The Council is required to publish a DPS at the outset of the process of preparing a development plan; and update it at least annually. The initial DPS for South Ayrshire's second LDP (LDP2) was published in July of 2015 to meet statutory requirements. It has been reviewed since that date because the scope and issues for LDP2 have widened from that originally envisaged and it was clear that expected timescales were no longer achievable. This revised DPS

has now been prepared to take account of the recent preparation of the Proposed Local Development Plan, and a review of likely timescales for the remaining stages.

The DPS provides a clear commentary of what is involved at each stage in the preparation of a new LDP and the opportunities for engagement and consultation – known as the “Participation Statement”. The DPS includes a timetable for the progress of the Plan, and 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 people know about it and 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:

- Having already publicised that we are starting to prepare a new Local Development Plan, we published a notice/article in a local newspaper stating that the DPS had been updated. It provided information on where the DPS can be viewed;
- Making the DPS available on the Council’s website;
- Making copies available to view in local libraries and Council offices; and,
- We also ‘Tweeed’ the availability of the DPS – and a post on Facebook

### **Publish the Main Issues Report (MIR)**

The MIR is a significant stage in the process and involved us setting out general proposals for future development within South Ayrshire, including information on where development should and should not take place. The MIR generally focused on significant changes in direction in terms of policy, any areas which have been significantly updated from the existing LDP and any new issues which have arisen and require to be considered within the plan. This is regarded as the principal stage for anyone who is interested to engage early in the plan process.

We published our MIR in November 2017 and through it we posed questions about a number of possible development sites and strategies the Council could consider for inclusion in the next Development Plan. Public engagement took the form of a series of public drop-in discussion events, focus group meetings, and a tailored event for the Youth Forum. Publicity took the form of statutory press notices, posters in Council Drop in Centres and libraries, notification on the council’s consultation web page, the Planning Service’s dedicated web page, the Council’s Facebook and Twitter feed and by contacting individuals on our database of interested parties. 406 people took the opportunity to comment on the Main Issues Report following the engagement events, and many more signed petitions that were also submitted as part of the process.

### **Publication of proposed plan, proposed action programme and revised environmental report, if necessary**

The proposed LDP has been formulated through considering the responses to the MIR. The Council agreed to publish the Proposed Plan at its meeting of 27<sup>th</sup> June 2019.

The Proposed Plan will be a material consideration in the determination of planning applications, though is unlikely to outweigh the adopted development plan prior to any consultation on the Proposed Plan. The Proposed Plan includes a ‘proposals map’ specifically indicating where certain types of development are considered to be acceptable and where land should be protected from development.

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, but it won't be finalised until the Development Plan is ready to be adopted.

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, focusing on specific issues e.g. housing sites; and,
- Sending out neighbour notifications to those affected by site specific proposals.

### **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

### **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.

### **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.

### **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.

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

### **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 is the 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.

## How to get involved in the process

The step-by-step guide outlined in the previous section shows how the plan is evolving from the beginning of the process to the end. This section provides details of how you can get involved, the value that it will bring to the process and how we will deal with your correspondence. In developing the participation arrangements, the Council has and will continue to make use of the best practice guidance produced by PAS (formerly Planning Aid Scotland): SP=EED (Successful Planning equals Effective Engagement and Delivery).

The publication of the DPS was the first stage in the process but one which is regularly monitored and updated, highlighting the broad timescales involved in relation to when and how you can contribute.

The methods to be used for engagement have included:

- Hold a call for sites to identify potential development sites and development proposals;
- Work with Community Planning Partners to widen the consultation base and unify consultation strategies;
- Employ innovative means of consultation – trial use of “QuestionWhere” for on-line comments with Youth Forum feedback;
- Refresh membership of the Planning Forum, to increase membership;
- Holding facilitated consultation events where appropriate i.e. in relation to specific 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 specific focus groups, based on the particular interests of Forum members;
- Increase use of social media to publicise and engage interest;
- 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;
- Sending letters out to all of those that responded to the DPS to bring the documents to their attention;
- Meeting with community groups and other interested parties where appropriate; and
- Sending copies of the documents out to the key agencies previously identified.

There are a wide range of interest groups which we will hope to reach throughout the process of preparing the new LDP. Some of the interest groups that we hope to engage in the process include the key agencies, private sector organisations, community groups and members of the public.

These interest groups include the organisation listed below:

### 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 Environment Scotland;
- Scottish Water; and
- The Scottish Government.

### Private sector (and other groups with an interest in planning):

- The development industry, including organisations that represent them, such as Homes for Scotland and Chambers of Commerce;
- Landowners;
- Housing associations;
- Environmental groups e.g. Friends of the Earth, Royal Society for the Protection of Birds;
- Farmers Community groups:
- Community councils;
- Ayr Chamber of Commerce; and
- Kyle and Carrick Civic Society.

### Local Development Plan Forum

The process of engaging and consulting with a wide range of parties is a challenging one. As the new local development plan progresses through its various stages we will require input from various parties.

In preparing the first LDP for South Ayrshire, a Planning Forum was established as a consultation vehicle to engage with members of the public. This had over 100 members. It was deemed to be particularly useful in identifying interested members of the public, and keeping those parties informed of progress on the LDP.

We intended to refresh membership of the Forum, by asking all existing members whether they wish to participate in the new process.

It was also intended that, in addition to public meetings of the forum, greater use of online consultation will be a feature of the LDP review. Particularly the use of online focus groups will be used, and members will be asked to identify particular areas of interest, so they could participate in discussion on those topics.

### Community Planning Partnership

It is intended to make greater use of the Community Planning Partnership in the LDP review. The LDP team will update the Partnership, at its Board, to feed into the Community Planning Partnership Process, and vice versa. Moreover, the consultation process, especially at main issues stage will combine Community Planning and LDP processes as part of a place-focussed engagement.

### 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 panel will be used regularly throughout the preparation of the new LDP in order to guide the process, consider various options, oversee 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.

### The wider public

It is recognised that many people do not belong to any of the interest groups previously mentioned in this section, however, our aim to reach them remains. This will involve a number of methods including placing adverts in a local

newspaper, handing out leaflets, making documents available within local libraries, public buildings and publishing information on the Council's website.

It is recognised that these methods may still exclude certain groups who do not have access to or are not aware of these methods. We will therefore consider other methods of contacting these groups throughout the consultation process.

Any facilitated sessions we hold will be held at various times throughout the day, including evenings to ensure that those who work during the day have an opportunity to air their views

In particular, we intend to make use of social media and the South Ayrshire established Youth Forum as measures for involving young people in the process, measures for involving young people in the process and following the PAS guidance of SP=EED.

### Learning from past experiences

We understand that most people do not have in-depth knowledge of the planning system, how it operates and how decisions are made. This is one of the most important obstacles that we seek to overcome throughout the consultation and engagement stages of the new LDP.

Some of the issues which we believe have prevented people from getting involved in the preparation of plans include:

- a belief that the Council do not take on board the comments/representations received;
- lack of trust towards the planning authority or Council; and
- not fully understanding the importance of a LDP and the role it will play in determining planning applications.

During the preparation of the adopted LDP, the Council worked with Plain English Campaign to ensure avoidance of technical language and jargon. We believe this was successful in creating a clearer document for members of the public. We will continue to ensure language in the Plan is as simple and jargon-free as possible.

A variety of methods will be used to publicise how we are progressing with the LDP and to provide you with opportunities to continually have an input:

- we have set aside a specific email address for queries relating to the progress of the LDP ([localdevelopmentplans@south-ayrshire.gov.uk](mailto:localdevelopmentplans@south-ayrshire.gov.uk));
- we will place all relevant documents on the Council's website relating to the LDP;
- we will provide paper copies of documents within local libraries and Council offices;

## **Other Assessments which support the LDP**

A number of other assessments will be carried out during the preparation of the LDP, to meet statutory requirements.

### **Strategic Environmental Assessment (SEA)**

The Council is required to carry out a Strategic Environmental Assessment of all policies and proposals within the LDP. The purpose is to ensure that the potential environmental effects that would arise from implementation of different elements of the Plan have been considered and assessed against alternative options.

The SEA process will run throughout the preparation of the LDP and will help to inform the options for policies, proposals and site allocations.

We prepared and submitted a draft Environmental Report to accompany the Main Issues Report. It assessed 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 assessed the possible environmental impacts of these alterations.

At the Proposed Plan stage, we amended the report to take account of any comments received. This stage of the process involved making amendments considered necessary.

Once the LDP has been formally adopted, 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.

### **Habitats Regulations Assessment**

In addition to the SEA process, Article 6(3) of the EC Directive 92/43/EEC, transposed into UK legislation through The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended), requires that the Plan be subject to an 'appropriate assessment' of its implications for European (Natura) sites in the Council's area. This overall process is termed the Habitats Regulations Appraisal (HRA).

The Local Development Plan can only be adopted after having ascertained that it will not adversely affect the integrity of the sites concerned. A report detailing the HRA process will be presented alongside the Proposed Plan.


### **Equality Impact Assessment**


The Equality Act 2010 introduces a duty on public bodies and others carrying out public functions to ensure that they consider the needs of all individuals in their day-to-day work – in shaping policy, in delivering services, and in relation to their own employees. The purpose of an EqIA is to help ensure that the Council does not discriminate in the delivery of its services or in the design of its policies and where possible the Council identifies opportunities to promote equality and good relations between individuals and groups.

At both the Main Issues Report and Proposed Plan stages of the LDP, we will provide an assessment of the implications of the alternative strategies, planning policies and proposals on the range of different groups and protected characteristics set out in the Council's EqIA process. This will be done with the involvement, support and advice of partner organisations as detailed in the LDP EqIA Report.



## LDP Timetable

Key Stage	Local Development Plan	Environmental Assessment (SEA &HRA)	Equalities Impact Assessment	Publication and Consultation Dates	Corporate Engagement
Evidence Gathering	Publish Development Plan Scheme including Participation Statement	Collate baseline environmental information including about European Sites	Prepare EqIA on MIR options  Undertake EqIA on all policies to be rolled forward from previous LDP	Early Consultation: Sept - Dec 2016	CMT Update (LDP strategy, MIR topics, development locations – corporate input): Apr 2017  CPP Update: Apr 2017
	<ul style="list-style-type: none"> <li>Engage with key agencies</li> <li>Call for Sites</li> <li>Gather evidence base and prepare Monitoring Statement</li> <li>Prepare Main Issues Report</li> </ul>	Prepare Scoping Report and Submit to SEA Gateway		Call for Sites: 5 <sup>th</sup> Dec 2016 – 27 <sup>th</sup> Jan 2017	
		Consider comments from Consultation Authorities and refine methodology			
		Environmentally appraise Main Issues Report. Screen to identify implications for European Sites and amend options where necessary in discussion with SNH.			
Main Issues Report (MIR)	Publish Main Issues Report and Monitoring Statement	<ul style="list-style-type: none"> <li>Publish Environmental Report and submit via SEA Gateway.</li> <li>Continue to consider implications for European sites for preferred options</li> </ul>	MIR Publication: Nov 2017  MIR/ER Consultation: Nov 2017 – Jan 2018 (10 weeks)	SAC Approval MIR : Oct 2017	
	Consult	Consult on Environmental Report (ER)			

Key Stage	Local Development Plan	Environmental Assessment (SEA &HRA)	Equalities Impact Assessment	Publication and Consultation Dates	Corporate Engagement
Proposed Plan  	Consider representations	Consider responses	Re-assess any modified policies or proposals, as a result of representation	Proposed Plan Council publication: Aug 2019  Proposed Plan Consultation: Sep 2019/Oct 2019 (6 weeks)	CMT Update (MIR Consultation Outcomes; corporate technical input – evidence): July 2018  SAC Approval: Proposed Plan: Nov 2018
	Prepare Proposed Plan and Action Programme	<ul style="list-style-type: none"> <li>Environmentally appraise Proposed Plan and undertake Appropriate Assessment where required</li> <li>Amend Environmental Report if necessary (i.e. if there are significant changes between Main Issues Report and Proposed Plan).</li> </ul>			
	Committee(s)				
	Publish Proposed Plan and Proposed Action Programme	<ul style="list-style-type: none"> <li>Publish revised Environmental Report if necessary and submit via SEA Gateway.</li> <li>Prepare HRA Record to include screening (determination of likely significant effects) and if necessary, Appropriate Assessment</li> </ul>			
	<ul style="list-style-type: none"> <li>Notify neighbours</li> <li>Period for representations</li> </ul>	Consult where required			

Key Stage	Local Development Plan	Environmental Assessment (SEA &HRA)	Equalities Impact Assessment	Publication and Consultation Dates	Corporate Engagement
Submit to Scottish Ministers	<ul style="list-style-type: none"> <li>Consider representations</li> <li>Prepare Summary of unresolved issue</li> <li>Prepare Report of Conformity with Participation Statement</li> </ul>	Consider responses	No action required	Submit Proposed Plan for Examination: Mar 2020	ELT Update (Action Programme): Feb 2020
	Committee(s) – consider representations				Feb 2020
	<ul style="list-style-type: none"> <li>Submit to Scottish Ministers</li> <li>Proposed Plan</li> <li>Proposed Action Programme,</li> <li>Report of Conformity with Participation Statement, and</li> <li>Note of Representations and how taken account</li> </ul> Publicise submission of Plan	Submit HRA record to Ministers			
Examination	Examination of Proposed Plan	Reporter refers to Environmental Report	No action required	Examination: July 2020	None
	Examination Report published and submitted to planning authority.				

Key Stage	Local Development Plan	Environmental Assessment (SEA &HRA)	Equalities Impact Assessment	Publication and Consultation Dates	Corporate Engagement
Council Considers Recommendations	<ul style="list-style-type: none"> <li>• Planning authority considers recommendations</li> <li>• Proposed Plan modifications</li> <li>• Statement of Explanation for not accepting any recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>• Environmentally appraise modified Plan</li> <li>• Carry out Appropriate Assessment of modified Plan if required.</li> </ul>	<i>Update EqIA to reflect Scottish Ministers' modifications. (Note: development plan regulations do not allow modifications to be rejected on the basis of the EqIA)</i>	Re-submit modified Proposed Plan to Scottish Ministers: Nov 2020	ELT Update (LDP Examination Outcomes, Action Programme): Nov 2020  CPP Update: Nov 2019  SAC Approval: Examined LDP & modifications  Submission to Scottish Ministers, Nov 2019
	<ul style="list-style-type: none"> <li>• Publish Modifications and Proposed Plan as modified.</li> <li>• Advertise intention to adopt Plan.</li> <li>• Send Ministers the Proposed Plan as modified etc.</li> </ul>	Ministers publish revised Environmental Report (and revised HRA Record) if required			
Adoption	Planning authority adopts plan	Publish Post-Adoption SEA Statement and submit to SEA Gateway	No action required	Adopted: Dec 2020	None
Publish Action Programme	Publish Action Programme		No action required	Publication: Jan 2021	ELT Update (Agree Action Programme): Mar 2021