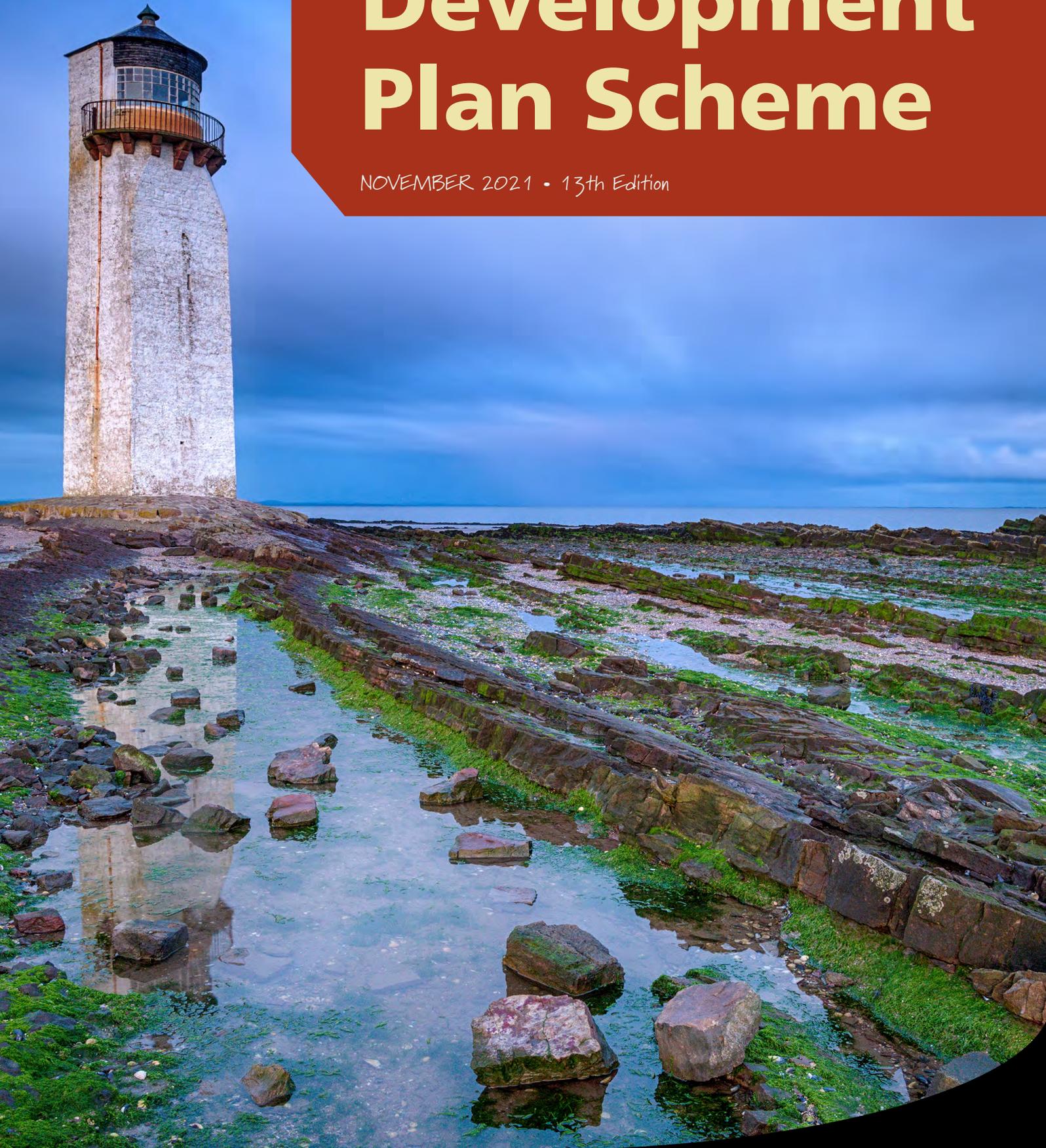


Dumfries and Galloway Council

# Development Plan Scheme

NOVEMBER 2021 • 13th Edition



# THE DEVELOPMENT PLAN SCHEME

## The Development Plan Scheme?

The Dumfries and Galloway Council 2021 Development Plan Scheme (DPS) is a requirement of The Planning etc. (Scotland) Act 2006. The DPS sets out the programme for preparing Local Development Plans (LDPs). The DPS is updated annually to let you know how the Plan is progressing and gives you more detail on the next stages and how and when you can get involved.

There are a number of changes taking place at the national level that will impact on when work will begin on preparing the next Plan (LDP3) and what that Plan will look like. The Covid-19 pandemic has also impacted the timetables of numerous plans and strategies. This edition of the Development Plan Scheme (DPS) primarily focuses on the planning reforms, what happens next and how you can get involved.

## Dumfries and Galloway Local Development Plan 2

The Dumfries and Galloway Local Development Plan 2 (LDP2) was adopted on 3rd October 2019 and replaces the previous LDP. LDP2 provides policies and proposals to help guide development and to ensure that the right development takes place in the right locations. LDP2 is supported by supplementary guidance, planning guidance, technical papers and land use audits which provide background information and an evidence base to the policies and strategies contained in the Plan.

Strategic Environmental Assessment, Habitat Regulations Appraisal and Equality Impact Assessment have assessed the social and environmental impact of LDP2 and Supplementary Guidance during their preparation.

An Action Programme has been prepared and lists the actions needed to deliver the policies and proposals contained in LDP2, when they are expected to be delivered and who will take the lead in delivering them.

All the above documents are available on our website: [www.dumgal.gov.uk/LDP2](http://www.dumgal.gov.uk/LDP2)

## What happens now LDP2 is adopted?

### Reforming the Planning System

The Scottish Government has stated that a high-quality planning system is essential to creating quality places. It is seeking to improve Scotland's planning system to strengthen the contribution planning can make to inclusive growth, to delivering housing and infrastructure, to addressing climate change and to sustaining, supporting, and empowering communities.



The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in July 2019 and introduces a number of significant changes to the Development Planning system in Scotland and the way local development plans are prepared. The reform is ongoing and will affect the future preparation and timescale of all future local development plans in Scotland over the next few years. The detail of how the new Act's provisions will work in practice, will be contained within forthcoming secondary legislation and further guidance which the Scottish Government is currently working on. More information is available on the Scottish Government's transforming planning webpage - <https://www.transformingplanning.scot>

## Impact Planning Reform Will Have on Local Development Plans (LDPs)

The key changes to note, which will directly affect the preparation of LDPs are as follows:

- LDPs are to be replaced every 10 years, as opposed to the current 5 year timescale. However, because LDP2 was adopted under the current system we will be required to adopt LDP3 within the current 5 year timescale.
- There will be greater scope to amend LDPs once they are adopted (with local authorities able to voluntarily amend the LDP at any time, or as directed to by Scottish Ministers).
- All policy detail will be included within future development plans and statutory supplementary planning guidance will be removed.
- Planning applications will be considered against the 'development plan' which will consist of the National Planning Framework (NPF4) and the relevant local authority's local development plan.
- Local Place Plans will be prepared to allow community bodies to set out proposals for the development or use of land in particular areas. Local Place Plans will not form part of the LDP, however, they must be taken into account when an LDP is being prepared.
- There will be a new requirement for local authorities to prepare an 'Open Space Strategy' to look at the development, maintenance and use of green infrastructure in their area.
- Simplified Planning Zones will be replaced by Masterplan Consent Areas with local authorities having the scope to authorise the type of development within a particular area, subject to conditions.

## LDP Process

The key changes which will directly affect the process of preparing LDP's are as follows:

### LDP Content

Evidence - An Evidence Report, rather than a Main Issues Report, is to be prepared. The Evidence Report must set out the planning authority's view on land use in the area and include a statement on the steps taken by the planning authority to seek the views of the public at large, including the views of disabled persons, Gypsies and Travellers, children and young people and community councils. It must also explain the extent to which these views have been taken into account.

The Evidence Report is to be approved by the Planning Authority and sent to Scottish Ministers.

A representative (DPEA Reporter) of the Scottish Ministers will assess whether the Evidence Report contains sufficient information to enable the planning authority to prepare the LDP. If not, the Evidence Report is to be revised and resubmitted to Scottish Ministers. Gateway Check by a DPEA Reporter to ensure that evidence is sufficient, key matters have been considered and engagement and consultation requirements have been met.

Plan - The Proposed Plan is to be prepared, approved and published alongside the Evidence Report.

The Proposed Plan will be subject to consultation (this process is largely unchanged).

Examination - There will be an Examination with a new provision that if the person appointed (DPEA Reporter) to undertake the Examination is not satisfied that the amount of land allocated for housing is sufficient they may give notice to the planning authority that another Plan is to be prepared.

**DELIVERY**



**The key changes which will directly affect the content of LDPs are as follows. LDPs must consider:**

- housing needs (including the needs of students, older people and disabled people), housing land (including for older and disabled people) and a list of persons seeking land for self-build.
- health and education needs / capacities and the likely effect of development on those needs / capacities.
- any local outcome improvement plan.
- maintaining an appropriate number and range of cultural venues and facilities.
- the desirability of preserving disused rail lines for future public transport needs.
- the supply of water and energy facilities.
- assessment of the sufficiency of play opportunities.
- the land available for development and the use of facilities for renewable sources of energy.

**In addition, the LDP should include:**

- a statement of the planning authority's policies and proposals as to the provision of public conveniences and water refill stations.
- a list of people with registered interest in acquiring land for self-build housing.

**<https://www.gov.scot/policies/planning-architecture/reforming-planning-system/>**



## **National Planning Framework 4 and Regional Spatial Strategies**

The National Planning Framework (NPF) is a long-term strategy for Scotland. It is the spatial expression of the Government's Economic Strategy. It plans for development and investment in infrastructure identifying national developments and other strategically important opportunities in Scotland.

NPF3 was published in 2014 and will remain in place until NPF4 is adopted by Scottish Ministers. Work has commenced on NPF4 and this will cover the period from its adoption to 2050 with a 10 year review. NPF4 will for the first time incorporate Scottish Planning Policy (SPP) and will therefore contain both spatial and thematic planning policies in one document. When published, NPF4 will be part of the Development Plan hierarchy, setting out the national policy position for land use planning. This is a change to the current position and will mean that the policies in NPF4 will have a stronger role in daily decision making.

The final timing of NPF4 is dependent on the Scottish Parliament's approval of the Framework, however the publication of the draft has faced delays due to the Covid-19 pandemic. The Scottish Government expects to provide a draft version of NPF4 in Scottish Parliament towards the end of 2021. The publication of an interim position statement on NPF4 in November 2020 outlined the Scottish Government's thinking on its broad aims and provided the basis for further early engagement throughout 2021. Subject to Parliament timetables, the Scottish Government anticipates adopting NPF4 by the Summer 2022.

The Act also includes a new duty for planning authorities to prepare and adopt Regional Spatial Strategies (RSS). These strategies will identify the outcomes, needs, priorities and proposed locations of strategic development and will help inform NPF4.

Dumfries and Galloway Council, working with Scottish Borders Council, published a joint Interim Regional Spatial Strategy for the South of Scotland. An indicative RSS was submitted to Scottish Government in September 2020 in order to inform the review of the NPF which was followed by a request from the Government for an updated position which was submitted in April 2021. This has allowed both authorities to work together to identify the strategic development priorities we wish to see taken forward with enhanced status in planning and investment decision making within the South of Scotland; and input into the development of NPF4, at a national level.

## **Delivering LDP2**

The Town and Country Planning (Scotland) Act 1997 requires the planning authority to prepare an Action Programme. An Action Programme for LDP2 was published in May 2020 and will be kept under review. One of the changes from the review of the planning system is a change in this title from Action Programme to Delivery Programme.



The Delivery Programme identifies the actions which will be required to deliver the policies and proposals contained in the Plan. It identifies who the responsible lead officer or organisation is for delivering the action along with the other participants needed to deliver it. It also contains a timescale for carrying out each of the identified actions and the progress that has been made in delivering it.

It is still the intention to create an infrastructure delivery working group to deliver and implement LDP2 and the Delivery Programme. Creation of the group has been delayed because of the Covid-19 pandemic. The group will include officers from key internal and external departments who will regularly meet to discuss the progress of regional projects and site developments and the issues facing their delivery.

## **Monitoring LDP2**

The Council is in the process of monitoring the effects of the policies and proposals in LDP2 with a view to inform work on the next Plan. Monitoring includes the assessment of policies used in planning decisions to see if they are having the intended effect or if there are any issues or problems with certain policies. We will continue to update both the housing and business & industry land use audits on an annual basis.

## **Consultation and Engagement**

The 2019 Planning Act has set a clear direction towards enhancing empowerment and engagement in helping communities inform and influence change in their neighbourhoods and places. We will be taking a fresh look at our consultation methods for LDP3 to ensure we reach as many people as possible.

The regulations relating to Local Place Plans (LPP) were published in October 2021 and will come into force in January 2022. LPPs are a new tool by which communities can engage in the production of the LDP by producing a plan for their locality which must be taken into consideration by the planning authority when preparing the next LDP. While the regulations set out the legislative process, they leave scope for different approaches to consultation and production. It is expected that this process will be supplemented by further guidance and will likely evolve as different approaches are explored.

Until there are further details, the guidance prepared by the Scottish Government regarding engagement during the Covid-19 pandemic will continue to inform our arrangements. As we are in the process of exploring different options for consultation, we would welcome any comments or views that you may have.

We will seek to:

- focus heavily on early and meaningful engagement;
- adopt and apply innovative consultation and engagement methods;
- learn from best practice examples that are applicable at each key stage in the process;
- work with the Community Planning Partnership to explore ways of engaging with partners and people with an interest to establish a rich mix of local priorities and direction from communities; and
- actively involve all stakeholders in the preparation of LDP3.

## Work Programme for 2022

The impact the Covid-19 pandemic has had on the Scottish Government's work programme for implementing the 2019 Planning Act means it is difficult to provide a detailed timetable for the stages in the preparation of LDP3 in this edition of the DPS. It is anticipated the 14th edition of the DPS will contain a timetable for the preparation of LDP3.

Actions for 2022 include

- Prepare and consult on the following strategies and pieces of supplementary guidance – Open Space Strategy and Audit, Open Space and New Development Supplementary Guidance, Marchfield Area Development Framework, Forestry and Woodland Strategy and Conservation Area Character Appraisals and Management Plans.
- Continue engagement with stakeholders on the South of Scotland Indicative Regional Spatial Strategy with a view to production of the final document.
- Take a fresh look at our consultation methods for LDP3 as set out above.
- Update the housing land audit and the business and industry land audit.
- Continue our evidence gathering.
- Monitor LDP2.

## Feedback

We welcome your feedback on the DPS, including the type of consultation methods that we expect to use in the future. A form can be completed online on our LDP2 webpage **[www.dumgal.gov.uk/LDP2](http://www.dumgal.gov.uk/LDP2)**

If you have any questions about this DPS, would like to be added to our mailing list or have any other general queries about the LDP2, please get in touch by e-mailing **[ldp@dumgal.gov.uk](mailto:ldp@dumgal.gov.uk)**

You can contact us by telephone on **030 33 33 3000** and ask to speak to a member of the **Development Planning** team.

Further information can be found on our website: **[www.dumgal.gov.uk/LDP2](http://www.dumgal.gov.uk/LDP2)**