

PERTH AND KINROSS COUNCIL

Environment, Infrastructure and Economic Development Committee

1 November 2023

PERTH AND KINROSS LOCAL DEVELOPMENT PLAN (LDP3) DEVELOPMENT PLAN SCHEME

Head of Planning & Development
(Report No. 23/288)

1. PURPOSE

- 1.1 This report seeks approval for the update of the statutory Development Plan Scheme (DPS) relating to the preparation of the next Perth and Kinross Local Development Plan (LDP3). The last update was approved by the Environment, Infrastructure and Economic Development Committee on 16 November 2022 (report 22/278 refers). It was agreed that an annual progress report be submitted to committee detailing any changes to the Development Plan Scheme.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- i) agrees the proposed Perth & Kinross Council Development Plan Scheme and authorises the Executive Director (Communities) to submit the Scheme to the Scottish Ministers;
 - (ii) remits the Head of Planning & Development to submit an annual progress report to the Environment, Infrastructure and Economic Development Committee detailing any changes to the Development Plan Scheme.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background/Main Issues
- Section 5: Proposals
- Section 6: Conclusion
- Appendices

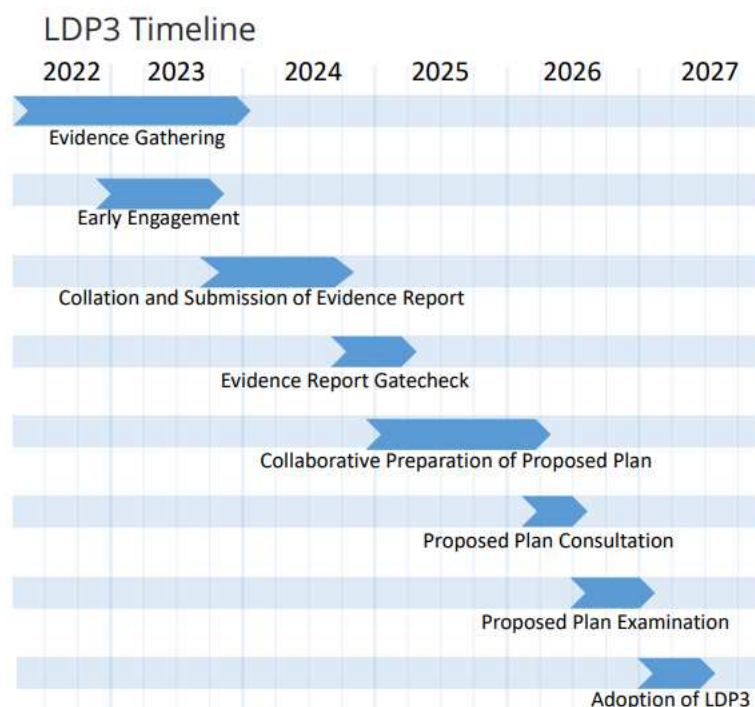
4. BACKGROUND / MAIN ISSUES

- 4.1 The Scottish Government is working to implement the significant changes the Planning (Scotland) Act 2019 made to the development planning system in Scotland. Those changes have been slower to come into effect due to the pandemic. This has delayed the publication of the National Planning Framework 4 (NPF4) and the secondary regulations needed to enact parts of the Planning Act. This, in turn, has had an impact on the LDP3 preparation timetable as explained further in paragraph 5.3.
- 4.2 NPF4 was adopted and published by the Scottish Government in February 2023. It now forms part of the statutory development plan and is used to determine planning applications. As NPF4 is the newer planning policy document, it takes precedence over the Local Development Plan (LDP) and has greater weight in the decision-making process. In the event of any incompatibility between a provision of NPF4 and a provision of a local development plan, whichever of them is the later in date is to prevail. NPF4 sets out requirements for LDPs and also includes policy wording. Future LDPs will have the opportunity to include policy wording which can focus on adding detail not provided by NPF4, or where national policy does not reflect local circumstances and local variation is therefore considered appropriate. Examples of local policy wording could include setting out expectations of future development in particular locations (linked to development briefs or masterplans), details of required developer contributions, or design policies that reflect the local context, materials and vernacular style. Work is ongoing to fully assess and understand what the implications of NPF4 are for LDP3.
- 4.3 The Development Planning Regulations came into force on 19 May 2023. The regulations support a new way of preparing LDPs that will result in new style plans that manage the use of land in the long term public interest. The LDP guidance which supports the regulations was also published in May 2023. The LDP guidance is a key document as it sets out how Local Authorities should undertake the process of preparing LDPs and what should be included in them.
- 4.4 The Play Sufficiency Assessment (PSA) Regulations also came into force on 19 May 2023. The regulations set out the provisions relating to the new duty contained in the Planning Act which requires planning authorities to assess the sufficiency of play opportunities for children in their area. The Scottish Government is still to publish PSA guidance to support the regulations, no date has been given. The PSA has to be completed in time for it to be included in the Evidence Report. The Regulations state what is required, and work is already underway in this respect. As such, it is not anticipated that any further delay to the PSA guidance will adversely affect preparation of the Local Development Plan.

5. PROPOSALS

Development Plan Scheme (DPS)

- 5.1 The Planning Authority is required to prepare a Development Plan Scheme (DPS) which provides an outline for the preparation of the LDP, as well as detailing the Council's commitment to consultation and engagement. The DPS is updated at least annually. It is part of the wider project management of the LDP3 preparation process, as it helps measure performance and informs people of progress.
- 5.2 The Development Plan Scheme in Appendix 1 sets out an update on progress towards LDP3. It details what has been achieved so far and what is programmed for the following years. It also includes a Participation Statement which sets out the "when, who, how and why" of consultation/engagement at each stage of the Plan preparation.
- 5.3 The previous report to this Committee advised that the timetable for preparing LDP3 was based on the assumption that the finalised regulations and guidance were to be received before the end of 2022. However, as noted above in paragraph 4.3, these were not received until May 2023. The DPS timetable has been updated to take account of the revised publication of NPF4 and secondary regulations and guidance for the LDP and PSA. As outlined above, these are key documents required to inform preparation of LDP3 and bring with them a significant number of new requirements for the development planning process. As a result, it is proposed to submit the Evidence Report for assessment ('Gate Check') 3 months later than the previous DPS stated. That is now proposed for September 2024, rather than June 2024 as previously outlined. Publication of the adopted LDP3 remains the same as previously stated at late 2027.



Progress to date

- 5.4 As part of the evidence gathering work, a significant programme of engagement “The Big Place Conversation” was undertaken from January to August 2023. The engagement took a number of forms including drop in sessions, online engagement, surveys and a rolling programme of face-to-face sessions across localities using the Place Standard tool. A total of 118 events were held and 1500 people got involved including local communities, Community Councils and Partnerships, businesses, older people, school pupils, youth groups, care experienced young people, gypsy travellers, disabled and LGBTQ+ groups. A short video show casing this work has been submitted for consideration at the Scottish Planning Innovation Awards <https://youtu.be/iwGLKpNfPWM>.
- 5.5 Internal awareness raising was also undertaken, with colleagues from Community Planning & Policy and the Health and Social Care Partnership being involved in workshops on how to use the Place Standard tool to engage communities. The Big Place Conversation events were co-ordinated with other engagement activities, including the proposed Mobility Strategy, and the information gathered is being shared across Council services. It supports the Community Plan and the Corporate Plan and, in doing so, assists communities wishing to prepare their own Local Place Plans.
- 5.6 In addition to the Big Place Conversation, other areas of evidence gathering have been progressed to support the preparation of the Local Development Plan, including: housing needs and demands, retail space, employment land requirements, play sufficiency assessment and open space audit. Alongside this, the Strategic Environmental Assessment (SEA) Baseline Report has been finalised and the Scoping Report is currently being progressed.

6. CONCLUSION

- 6.1 The Development Plan Scheme has been drafted to update the Committee on the preparation of the new Perth and Kinross Local Development Plan. It revises the proposed timetable previously proposed in 2022 and sets out a participation statement outlining the key stages of plan preparation and when engagement is planned to take place.

Author

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Approved

Name	Designation	Date
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APPENDICES

- Appendix 1 – Perth & Kinross Development Plan Scheme 2022

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	None
Risk	None
Consultation	
Internal	No
External	No
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan/Single Outcome Agreement

1.1 The Development Plan Scheme contributes to the following Perth & Kinross Community Plan / Single Outcome Agreement priorities:

- (ii) *Developing educated, responsible and informed citizens*
- (iii) *Promoting a prosperous, inclusive and sustainable economy*
- (iv) *Supporting people to lead independent, healthy and active lives*
- (v) *Creating a safe and sustainable place for future generations*

Corporate Plan

1.2 The Development Plan contributes to the achievement of the following Council's Corporate Plan Priorities:

- (ii) *Developing educated, responsible and informed citizens;*
- (iii) *Promoting a prosperous, inclusive and sustainable economy;*
- (iv) *Supporting people to lead independent, healthy and active lives; and*
- (v) *Creating a safe and sustainable place for future generations.*

2. Resource Implications

Financial

2.1 None.

Workforce

2.2 None.

Asset Management (land, property, IT)

2.3 None.

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.2 The Development Plan Scheme was considered under the Council's Integrated Appraisal Toolkit. No impacts on equality were identified and so a full Equality Impact Assessment was not required.

Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and in relation to the Local Development Plan, referred to in the Development Plan Scheme, further action is required.

3.5 Due to the nature of the plan there are likely to be significant environmental effects, as a consequence, an environmental assessment of the Local Development Plan is compulsory under the Act. The Local Development Plan is considered to be a 'qualifying' plan under the Act so it does not require screening.

3.6 The next stage is to prepare a scoping report as part of the Local Development plan process. This will determine the scope of the environmental assessment and will be submitted to the Consultation Authorities for comment.

Sustainability

- 3.7 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
 - in the way best calculated to deliver any statutory adaptation programmes; and
 - in a way that it considers most sustainable.
- 3.8 The Development Plan Scheme was considered under the Council's Integrated Appraisal Toolkit. The Development Plan Scheme is a vehicle for establishing the LDP process and as such no impacts on sustainability will arise from the Programme itself.

Legal and Governance

- 3.9 None.

Risk

- 3.10 None.

4. Consultation

Internal

- 4.1 We have consulted with colleagues in Community Planning & Policy and the Housing and Social Care Partnership in the development of the proposals and they agree that using the Place Standard tool to engage with communities on a locality basis is appropriate.

External

- 4.2 None.

5. Communication

- 5.1 None.

2. BACKGROUND PAPERS

2.1 The following background papers were referred to during the preparation of this report:

- Perth & Kinross Council Local Development Plan 2
- www.gov.scot/policies/planning-architecture/reforming-planning-system/