
Report To:	Environment and Regeneration Committee	Date:	7 March 2013
Report By:	Corporate Director, Environment, Regeneration and Resources	Report No:	E&R/13/03-02/ SJ/FJM
Contact Officer:	Stuart W Jamieson	Contact No:	01475 712404
Subject:	Inverclyde Local Development Plan: Development Plan Scheme and Participation Statement 2013		

1.0 PURPOSE

- 1.1 To seek the endorsement of the Committee to the annual update of the Inverclyde Local Development Plan: Development Plan Scheme (DPS) and Participation Statement (PS) for submission to The Scottish Government and subsequent publication.

2.0 SUMMARY

- 2.1 The Planning, etc. (Scotland) Act 2006 requires each planning authority to prepare a Development Plan Scheme (DPS) which will set out the authority's programme for preparing and reviewing their Local Development Plan (LDP) and what is likely to be involved at each stage. A Participation Statement (PS) must also be prepared which will state when, how and with whom consultation on the Plan will take place, and the authority's proposals for public involvement in the plan preparation process.
- 2.2 The first Inverclyde DPS and PS were prepared, approved by Committee and submitted to The Scottish Government in March 2009. Legislation requires the DPS and PS to be updated at least annually, and approval was given by Committee in March 2010, 2011 and 2012 to the updated DPS and PS. The fifth annual update is now the subject of this Committee report.
- 2.3 The main alteration in the DPS being proposed concerns the date for publication of the Proposed Plan changing from October 2012 to May 2013. This will have a knock on effect on the subsequent stages of the Plan, and while it should not impact upon the final anticipated date for adoption of the LDP in June 2014, it will be dependent upon the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA) timetable for holding an Examination. The reason for this change was the requirement to obtain Committee approval to consider representation on a reconvened Cross-Party Members Officers Group. Three meetings of this reconvened group have been held, with at least another one still to be arranged. An All Members briefing will also be programmed in advance of Committee in May 2013.

3.0 RECOMMENDATION

- 3.1 That Committee approves the publication of the updated 2013 Development Plan Scheme and Participation Statement and its submission to The Scottish Government before 31 March 2013.

Aubrey Fawcett
Corporate Director, Environment, Regeneration and Resources

4.0 BACKGROUND

4.1 The Regeneration and Planning Service has embarked upon the preparation of the first Inverclyde Local Development Plan (LDP) which will supersede the existing adopted Inverclyde Local Plan (2005). The first stage in this process was the approval of a Development Plan Scheme (DPS) and Participation Statement (PS), a statutory requirement under The Planning, etc. (Scotland) Act 2006.

Min Ref:
10/03/09,
para 18

4.2 The DPS and the PS for the Inverclyde Local Development Plan sets out the Council's intended programme for preparing and reviewing the LDP and what is to be involved at each stage. The DPS also requires a timetable, specifying the month and year in which the Council proposes to publish the various stages of the LDP and its expectations for finalising the process before adopting the Plan. The purpose of the PS is to state when, how and with whom consultation on the LDP will take place and outline the Council's proposals for public involvement in the plan preparation process. These documents require to be reviewed and submitted to the Scottish Government annually.

4.3 Inverclyde Council is one of eight planning authorities that comprise the Glasgow and the Clyde Valley Strategic Development Planning Authority (GCVSDPA). As Committee are aware, the GCV Strategic Development Plan was approved by Scottish Ministers on 29 May 2012, following an Examination of the Proposed Plan between December 2011 and March 2012.

Min Ref:
30/08/11,
para 516

5.0 PROPOSALS

5.1 The current DPS states that the Proposed Plan will be submitted to Committee for approval and published in October 2012. As Members are aware, following the local Council elections in May 2012, Committee approval was sought in August 2012 to reconvene the Cross-Party Members Officers Group to consider and debate the LDP. This was followed by three meetings throughout September, October and November, with at least another one still to be arranged.

Min Ref:
08/03/11,
para 180
Min Ref:
30/08/12,
para 461

5.2 It is now proposed to delay the submission of the Proposed Plan to Committee until May 2013 in order to allow sufficient time to convene the Members Officers Group to consider a number of outstanding issues, and to programme an All Members briefing prior to Committee. This will have an impact on the subsequent stages of the Plan, although the likely adoption date should remain as June 2014. The exact date however will be dependent upon the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA) timetable for holding an Examination.

6.0 IMPLICATIONS

6.1 There are no financial, legal or personnel implications arising from this report, nor any implications for other services of the Council that are not accounted for in the report.

6.2 **Finance:** financial implications – one-off costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

Financial Implications – Annually Recurring Costs/Savings

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

6.3 **Equalities:** the report has no impact on the Council's Equality policy.

7.0 CONSULTATION

7.1 **Chief Financial Officer:** no requirement to comment.

7.2 **Head of Legal and Democratic Services:** no requirement to comment.

7.3 **Head of Organisational Development, HR and Communications:** no requirement to comment.

8.0 BACKGROUND PAPERS

8.1 (1) Inverclyde Local Plan 2005 (adopted January 2006), plus
(i) Town Centres and Retail Development Alteration (January 2009)
(ii) Town Centres and Retail Development Planning Policy Position Statement (May 2008)
(iii) Greenock West End Conservation Area Amendment (August 2007) and new Article 4 Direction for the Area (May 2009)

(2) Inverclyde Local Development Plan : Development Plan Scheme (March 2012)

(3) Inverclyde Local Development Plan : Participation Statement (March 2012)

(4) Glasgow and the Clyde Valley Strategic Development Plan (May 2012)

(5) Glasgow and the Clyde Valley Strategic Development Plan : Development Plan Scheme and Participation Statement (March 2012)

[NB - updated 2013 report on the DPS/PS for the second GCV SDP (SDP2), to March 2013 meeting of the SDPA Joint Committee]

Attachments

(1) Annex 1: Inverclyde Local Development Plan – Development Plan Scheme and Participation Statement 2013

Development Plan Scheme and Participation Statement 2013

Introduction

The Planning etc. (Scotland) Act 2006 requires local planning authorities to prepare a Local Development Plan (LDP) for their area. The LDP is one of two statutory plans which make up the Development Plan in Inverclyde, the other being a Strategic Development Plan (SDP) which has been prepared by the Glasgow and the Clyde Valley Strategic Development Planning Authority (GCVSDPA).

The Development Plan for an area also has to have regard to a third national statutory plan introduced under the 2006 Act – the National Planning Framework for Scotland (NPF2) produced by the Scottish Government. It sets out in broad terms Scottish Ministers strategy for Scotland's spatial development and the priorities for that development over a twenty year time period, to 2030. This document came into force in June 2009.

The two statutory plans that comprise the Development Plan under the 2006 Act, and which came into force on the 28th February 2009 under The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 are:

Strategic Development Plans: these strategic-level plans have replaced the former Structure Plans in the four City Regions of Scotland and have been prepared by the SDPAs. The Glasgow and the Clyde Valley SDPA, which comprises of eight local planning authorities, includes Inverclyde. The GCV SDP sets out a long term (20 year) development strategy for the area, indicating the overall general scale of development required and broadly where that development should be located. The Plan has had regard to the NPF and has been approved by Scottish Ministers.

Local Development Plans: these plans are replacing the local authority Local Plans across Scotland, and will continue to set out a more detailed level of planning, through policies and proposals, to guide development in each local authority. These plans are approved by each local authority, and in the City Regions, require to accord with the approved Strategic Development Plan covering their areas.

Preparing the Local Development Plan

The preparation and the implementation of the new plans by local authorities – the SDP and LDP – have been set down in the 2006 Act in a series of stages. The first of these stages for both plans (outlined in Section 20B of the Act), is the Development Plan Scheme (DPS). The DPS for the Inverclyde Local Development Plan sets out the intended programme for preparing and reviewing the LDP, specifying the month/year the authority proposes to publish the various stages and what is likely to be involved. It requires to be reviewed annually.

Closely allied to the DPS is another new requirement of the 2006 Act, the Participation Statement (PS). The purpose of the PS is to state when, how and with whom consultation on the LDP will take place, and an outline of Inverclyde's proposals for public involvement in the plan preparation process.

Strategic Environmental Assessment

An important consideration of the 2006 Act, under Section 3E, requires planning authorities to carry out their development planning functions with the objective of contributing to sustainable development. In doing so they must have regard to any guidance Scottish Ministers issue for this purpose.

Central to the new development planning system is the requirement, under The Environmental Assessment (Scotland) Act 2005, to undertake a Strategic Environmental Assessment (SEA) of both LDPs and SDPs. Inverclyde Council published an Interim Environmental Report alongside the Main Issues Report in May 2011 with an Addendum to the Environmental Report published in November 2011, to reflect the Post MIR publication. An Environmental Report will also be published alongside the Proposed Plan.

In addition to the SEA, there is also a requirement to undertake a Habitats Regulations Appraisal under The Conservation (Natural Habitats, etc) Regulations 1994 as amended, with the aim of ensuring the protection of designated international environmental resources, at the time of the publication of the Proposed Plan.

Development Plan Scheme (DPS)

The Main Stages

The main stages following the publication of the DPS and PS are:

1. Early engagement with all stakeholders regarding the main issues that require to be addressed in the LDP.
2. Publication of the Main Issues Report (MIR) and the SEA Environmental Report.
3. Publication of a Monitoring Statement which evaluates the changes in the physical, economic, social and environmental characteristics of the area, and the impact the policies and proposals of the existing Local Plan have had.
4. Publish the Proposed Plan (PP), SEA Environmental Report and proposed Action Programme (AP), advertise and seek representations.
5. Examination of the Proposed Plan if there are outstanding representations to be resolved.
6. Report of Examination published and to be considered by the Local Authority.
7. Modify Proposed Plan, publish and advertise intention to adopt LDP.
8. Planning Authority adopts LDP.
9. Publish Action Programme (to be adopted also within 3 months of LDP).
10. Publish Post-Adoption SEA Statement and submit to SEA Gateway.

The Inverclyde LDP

Since Committee approval of the first Inverclyde Council Development Plan Scheme and Participation Statement on 10 March 2009, several other stages that are required for the production of a new LDP have been approved by Committee, and are available on the Council's website, as follows:

- 5 May 2009 – Monitoring and Update Report 2009

- 9 March 2010 – Pre-Main Issues Report Engagement and Consultation (incorporating the 2010 Development Plan Scheme and Participation Statement)
- 8 March 2011 – Development Plan Scheme and Participation Statement 2011
- 3 May 2011 – Main Issues Report
- 25 October 2011 – Main Issues Report – Representations Received and authorisation for additional public consultation
- 6 March 2012 - Development Plan Scheme and Participation Statement 2012
- 6 March 2012 – Post Main Issues Report – Representations Received
- 30 August 2012 – Update on Progress and Recommendations for Finalising the Proposed Plan

The Glasgow and the Clyde Valley SDP

The Glasgow and the Clyde Valley SDP was approved by Scottish Ministers on 29 May 2012. Details are available on the GCV SDPA's website at <http://www.gcvsdpa.gov.uk> . An updated GCV SDPA Development Plan Scheme and Participation Statement outlining a revised timetable is expected to be approved at the March 2013 SDPA Joint Committee, and will be made available on their website.

Timetable for Inverclyde Local Development Plan Production

The timetable for the preparation and production of the Inverclyde Local Development Plan is set out below.

Date	Stage	Components
Annually since March 2009	Development Plan Scheme (DPS) and Participation Statement (PS)	The DPS sets out the intended programme for preparing and reviewing the LDP and what is required at each stage. Reviewed annually. The PP sets out when, how and with whom consultation on the LDP will take place and an outline of the authority's proposals for public involvement. Reviewed annually.
Summer 2009 – May 2011	Early Engagement	Engage with all stakeholders, including the public and private sectors, community groups, the voluntary sector and any other interested parties to establish what should be included within the MIR.
May 2011	Main Issues Report, SEA Environmental Report and Monitoring Statement	Sets out the Planning Authority's general proposals for development in its area and in particular to where development should and should not occur. It also contains one or more reasonable alternative sets of proposals and draws attention to the ways in which the favoured and alternative proposals differ from the spatial strategy of the existing (adopted) Plan. Each alternative is covered in the SEA Environmental Report.
October 2011	Publish and consider representations on Main Issues Report	Identifies and considers all representations made on the MIR, and assists in informing the preparation of the Proposed Plan.
Nov 2011	Post Main Issues Report and SEA Environmental Report	Sets out the assessment of the additional suggested development sites that were first received during the MIR consultation.
Mar 2012	Publish and consider representations on Post MIR	Identifies and considers all representations made on the Post MIR, and assists in informing the preparation of the Proposed Plan.

May 2013	Committee report on Proposed Plan, SEA Environmental Report and Action Programme	The Proposed Plan represents the Planning Authority's final considered view as to the future development plan for its area, having taken account of the representations received on the MIR and the SEA Environmental Report.
May-July 2013	Publish Proposed Plan, SEA Environmental Report and Action Programme	Publish the Proposed Plan for consultation for 8 weeks.
Aug-Sept 2013	Consideration of representations, and include any pre-examination (non-notifiable) modifications	Identifies all representations made on the Proposed Plan, with consideration given to proposed (non-notifiable) modifications to the Proposed Plan, prior to formal Examination.
Oct 2013	Committee report on modifications and notify Scottish Ministers of unresolved representations to be considered at Examination	Committee approval for modifications and submission of Proposed Plan to Scottish Ministers for the appointment of a Reporter to examine unresolved representations.
April 2014 *	Report of Examination	The appointed Reporter sets out and gives reasons for their conclusions and recommendations on the Examination, submits it to the Planning Authority and publishes it. Examination reports are largely binding on Planning Authorities (Regulation 2 of the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009).
May 2014	Committee report to publish modifications to Proposed Plan	Modifications to Proposed Plan published in accordance with the appointed Reporter's recommendations, and a Statement of Explanation for not accepting any recommendations.
June 2014	Adopt LDP and SEA Environmental Report	The Planning Authority can adopt the Plan if Scottish Ministers are satisfied that all due process has been satisfactorily undertaken.
Autumn 2014	Publish Action Programme	Sets out how the Planning Authority intends to implement the Proposed Plan.

* assuming a maximum of 6 months for an Examination

Participation Statement (PS)

Aims of Participation Strategy

Inverclyde Council is fully committed to encouraging interest and wide stakeholder and public involvement in the preparation of the first Inverclyde LDP. Taking its lead from the Scottish Government's Planning Advice Note (PAN) 81 on 'Community Engagement: Planning with People' (2007), the Council will seek to ensure that:

- arrangements are put in place for participation to be as inclusive, open and transparent as possible
- information is provided as early as possible and in a form that allows for full consideration
- communication is provided through a range of formats and at a range of locations, particularly utilising electronic means, especially through the Council website and a dedicated local development plan e-mail address
- representations are considered and reported to the Council at the appropriate stages and in good time.

Public Participation

Public participation will seek to involve as wide a range of parties as is practicable, including the following:

- public sector (relevant government departments and agencies)
- private sector (business, housing and retail interests)
- community groups, including Community Councils
- voluntary sector organisations
- single interest organisations (eg. environmental groups).

Early Consultation and Engagement on the first Inverclyde LDP

An extensive Pre-Main Issues Report engagement exercise was undertaken, with the aim of giving all interested parties an opportunity to identify the issues that they considered to be of most importance for the new LDP. Over 150 organisations were contacted, including local, regional and national partners, key agencies of the Scottish Government, private companies, community and voluntary groups and individuals, who have expressed an interest in the Plan. In addition, all Council services were contacted to establish what the relationships should be between their plans, proposals and programmes and the emerging LDP. All issues that were raised throughout this process were recorded and included within the Pre-MIR Engagement Report, which was approved at Committee in March 2010.

The Main Issues Report and Post Main Issues Report

Following early engagement, a Main Issues Report was published for an 8 week period between 27 May 2011 and 22 July 2011. Publication was by way of a public notice being placed in the Greenock Telegraph, letters sent to all stakeholders, leaflets, posters and banners distributed and documents deposited in libraries and the main Council offices. The MIR was accompanied by an SEA Environmental Report, outlining the different environmental impacts of different spatial strategies, as well as a Monitoring Statement

which evaluated the changes in the physical, economic, social and environmental characteristics of the area, and the impact the policies and proposals of the existing plan have had. Sixty-two representations were received to the MIR, each of which were given full consideration in the preparation of the Proposed Plan. This was reported to Committee on 25 October 2011.

A Post Main Issues Report was subsequently published for a six week period (4 November 2011 – 16 December 2011), following several new Suggested Development Sites being identified for inclusion in the LDP. This document was accompanied by an addendum to the SEA Environmental Report. A total of 101 representations were received and these were reported to the 6 March 2012 Committee.

The Proposed Plan

The Council's preferred plan is the Proposed Plan. The Proposed Plan is subject to further consultation and it is at this stage that representations on the LDP should be made to the Council. Support for the Plan would also be welcomed. Following public consultation on the Proposed Plan, the Council will include any pre-examination modifications it wishes to make in response to representations made in advance of the examination process on the LDP.

Submission of Plan to Scottish Ministers, Examination and Adoption of the Plan

Local authorities are required to submit their finalised Proposed Plan to Scottish Ministers, in advance of a request that a Reporter be appointed to examine the Plan, if there are unresolved representations. At this stage, the local authority should also submit its proposed Action Programme and a Report of Conformity with the Participation Statement, for examination by the appointed Reporter for them to determine whether the Authority has consulted on the Plan and involved the public in the way they said they would in their Participation Statement.

The report on the examination will be largely binding on local authorities (refer to The Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009). If any further modifications are to be made, the authority should advertise these along with the Proposed Plan they wish to have adopted, within three months of the receipt of the Examination report. The Authority may then adopt the Plan after 28 days so long as the Scottish Ministers are satisfied that all due process has been satisfactorily undertaken.

Court of Session Challenge

The final stage in the process, if acted on by any aggrieved party, is the provision in The Planning etc. (Scotland) Act 2006, to challenge the Scottish Ministers' decision to direct that the Plan should be adopted by the planning authority.

Any such persons so aggrieved can apply, within 6 weeks of the date of the first notice of adoption of the Plan, to the Court of Session, to have the Court quash the decision. If it can be shown, in law, that it was not within the powers of the Act to do so, or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act, the Court has the powers under the 2006 Act to quash the Plan.

Components of Participation and Engagement

	Participation Method	Participation Specifics	Frequency
1	Website	Information on the Council's website www.inverclyde.gov.uk since 2009.	Continually updated
2	Published dedicated email address	Dedicated email address: ldp@inverclyde.gov.uk	Ongoing
3	Published telephone and address details	Telephone: 01475 712406 Address: Regeneration and Planning Service Inverclyde Council Cathcart House 6 Cathcart Square Greenock PA15 1LS	Ongoing
4	Correspondence	Letters sent at key stages to regularly updated database of interested parties.	Ongoing and continually updated
5	Citizens Panel	The Citizen's Panel, of some 1,000 households resident in the Authority, were consulted to help to inform the MIR.	At pre-MIR stage only
6	'In View' Magazine	Article inserted prior to MIR and propose to publish prior to publication of Proposed Plan.	At pre-MIR stage and at Proposed Plan stage
7	Press adverts	At all key stages.	Ongoing
8	Depositing documents in all libraries and Council offices	At all key stages.	Ongoing
9	Banners, posters and leaflets in libraries and Council offices	At all key stages.	Ongoing
10	Regular reports to	At all key stages.	Ongoing

	Committee		
11	Meetings and correspondence with community groups	Meetings and correspondence since 2009.	Ongoing
12	Meetings and correspondence with other local and national stakeholders	Meetings and correspondence since 2009.	Ongoing
13	Meetings and correspondence with Key Agencies	Meetings and correspondence since 2009.	Ongoing
14	Meetings and correspondence with landowners/ developers/ agents	Meetings and correspondence since 2009.	Ongoing
15	Meetings with internal Council Services	Meetings and correspondence since 2009.	Ongoing
16	Members Officers Working Group	Meetings since June 2009. Eleven meetings have been held (up to Nov 2012)	Ongoing
17	All Members Briefings	Prior to approval of published documents.	At pre-MIR stage and at Proposed Plan stage

Accessing Documents

For further information, the Planning Policy Team can be contacted at:

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