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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 20 DECEMBER 2022**

**SUBJECT: DEVELOPMENT PLAN SCHEME 2023- MORAY LOCAL DEVELOPMENT PLAN 2027**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 This report asks the Committee to consider the current timetable for the preparation of the new Local Development Plan (LDP) 2027 and to agree that the Development Plan Scheme (DPS) and Participation Statement is submitted to the Scottish Government.
- 1.2 This report is submitted to Committee in terms of Section III E (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

## **2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee agree the DPS and Participation Statement for 2023, as set out in Appendices 1 and 2 and that the Scheme is submitted to the Scottish Government.**

## **3. BACKGROUND**

- 3.1 Planning authorities have a statutory requirement to set out a timetable for the review/production of their LDP in the form of a DPS and to submit this annually to the Scottish Government.
- 3.2 The Planning (Scotland) Act 2019 introduces changes to the LDP preparation process. The most significant changes include;
  - The need to produce an Evidence Report rather than a Main Issues Report. This is to ensure that sufficient evidence is in place to justify the spatial strategy in the LDP and to justify any local policy positions.
  - The introduction of a Gate check to consider areas of dispute in the Evidence Report. This is intended to help streamline the later Examination

process by agreeing key aspects such as housing land requirements at an earlier stage.

- Regional minimum housing land requirements being set by the Scottish Government.
- The LDP will be place based, with National Planning Framework 4 (NPF4) setting national policies which will form part of the LDP and an expectation that only limited “local” policies will be included in the LDP, where the need is evidenced. NPF4 policies will have greater weight in decision making until any new local policies are adopted.
- The need to produce a Regional Spatial Strategy (RSS) either individually or collectively with adjacent authorities. The RSS and LDP will together form the long-term spatial plan to manage change.
- The need to invite and consider Local Place Plans.
- A greater focus on engagement and delivery.

3.3 Draft NPF4 and the draft LDP Regulations were reported to a meeting of this Committee on 1 March 2022 (para 9 of minute refers). The revised draft version of NPF4 was laid before Scottish Parliament on 8<sup>th</sup> November 2022 for approval. As soon as practicable after the NPF has been adopted, the Scottish Ministers are to publish it. When the NPF4 is published it triggers changes to the meaning of the development plan and commences section 13 of the Planning (Scotland) Act 2019. This will amend section 24 “Meaning of the development plan” of the 1997 Act, which will bring NPF4 in to be part of the development plan. That section is also the part that will set out that “in the event of any incompatibility between a provision of the NPF and a provision of a local development plan, whichever of them is the later in date is to prevail.

3.4 Following approval of NPF4, the Scottish Government will consider and approve the final version of the Development Plan Regulations which means that the DPS has been prepared with a degree of uncertainty as to the final content of the Regulations.

3.5 The target date for adopting new LDP’s is 5 years from the date of adoption of NPF4. The key milestones for preparing LDP2027 are;

- Development Plan Scheme and Participation Statement published December 2022
- Call for Ideas, invitation to prepare Local Place Plans and setting up self-build register January 2023
- Regional Spatial Strategy February 2023 to November 2023
- Evidence Report to Council March 2024
- Gatecheck procedure April 2024- December 2024
- Proposed Plan to Council December 2025
- Examination process May 2026- March 2027
- Adoption of new Plan September 2027

3.6 The LDP process involves extensive community and stakeholder participation throughout, moving from informal evidence gathering and support for LPP to more formal consultation, awareness raising and neighbour notification at Proposed Plan stage.

3.7 The timescales for the Gatecheck and Examination processes are difficult to predict as they are largely outwith the Council's control and managed by an independent person appointed by Scottish Ministers. However, the Council can ensure that these are carried out as timeously as possible by ensuring the Evidence Report and Examination casework are thoroughly researched, evidenced and presented.

#### **4. PROPOSALS**

4.1 The DPS for 2023 is set out in **Appendix 1** and is intended to be a project management tool.

4.2 The DPS identifies other workstreams required to inform the Evidence Report, the lead service/section, where there is a cost involved beyond staffing and when external consultancy will be required.

4.3 The Participation Statement in **Appendix 2** sets out who, when, where and how engagement will take place, including how members will be involved. A range of engagement tools will be used at different events to engage with as wide an audience as possible across the Moray LDP area.

4.4 There are a number of workstreams already underway with the proposed formal review process beginning in January 2023. Work already underway includes;

- Housing Need and Demand Assessment- led by Housing service
- Woodland Strategy- procurement process underway
- Business Needs Survey- procurement process underway
- Brownfield sites review- reported to Planning and Regulatory Services Committee October 2022
- Tree Preservation Order review- reported to this meeting
- Town Centre Improvement Plans- reported to Planning and Regulatory Services Committee October 2022
- Site survey work- ongoing
- Evidence report structure- ongoing
- Retail Study- complete
- Urban capacity studies- underway

#### **5. SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The LDP is a vital aspect of supporting and facilitating the Council's priority for economic growth. The Plan also aims to deliver other key objectives including the delivery of affordable housing, provision of land for employment purposes and conservation and enhancement of our high quality natural and historic environment.

The annual DPS monitors progress of the Plan and is submitted to the Scottish Government to ensure Moray has an up to date LDP, which is a key performance indicator in the Planning Performance Framework (PPF) and a statutory requirement.

**(b) Policy and Legal**

Preparation of the LDP, RSS and DPS is a statutory responsibility in the Council's role as Planning Authority. Preparation must follow statutory procedures.

**(c) Financial implications**

A budget pressure was highlighted in the report to this Committee on 23<sup>rd</sup> March 2021 (para 13 of minute refers) for critical transportation appraisals of £200,000 in the 2022/23 financial year and £50,000 in the 2023/24 financial year. These transportation studies are essential to support the LDP, meet the requirements of Transport Scotland and identify mitigation measures, which form the basis for transportation related developer obligations. Transport budgets will not be spent this year due to delays in finalising and adopting NPF4 which has resulted in many planning authorities delaying LDP reviews.

Transport budgets will therefore commence in 2023/24 financial year and continue into 2024/25 and 2025/26, likely to be split £100,000, £100,000 and £50,000. Once Transport Scotland guidance has been updated the proportions over the financial years may change.

Other costs required to inform and develop the LDP will be met from the LDP annual revenue budget.

It is unknown if the cost of the Gatecheck process is to be met by local authorities. The cost of the Examination process will result in a budget pressure in 2026/27.

**(d) Risk Implications**

A project risk register has been prepared. Key risks identified are set out below which all raise risks of delays to the LDP process or risk of not delivering the proposals within the Plan;

- Insufficient evidence collated and included within the Evidence Report- risk of delay, Reporter requests additional information and/ or re-write Evidence Report
- Inclusion of evidence indicating a local policy pathway at odds with national policy- risk of delay if local policy approach contrary to NPF4.
- Staff resources- risks associated with other competing workloads and risks associated with losing experienced members of staff which would add delay, not only within Strategic Planning and Development but other services
- Uncertainty over procedures until the new LDP regulations are adopted

- Failing to meet the governments aspirations for wide engagement in the process
- Risk of not resourcing services to deliver the plan and meet the aspirations for planners to be enablers of change

The proposed approach and timelines set out in the DPS endeavours to mitigate these risks, where possible.

**(e) Staffing Implications**

Preparing the LDP is a statutory requirement and will therefore be a priority for the Strategic Planning and Development section over the next few years. At key peaks in workload this can have an impact upon other workload commitments. The new Plan will have a strong focus on climate change and the climate change officers within Strategic Planning and Development will be involved in the Evidence Report, Regional Spatial Strategy, interpretation of NPF4 and development of the Proposed Plan.

Preparation of the LDP and its subsequent delivery involves other services, particularly Transportation, Housing, Education, Estates, Legal, Consultancy and Development Management, which impacts upon workloads and performance within these services.

**(f) Property**

None at this stage.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Climate Change and Biodiversity Implications**

The new planning system will include national and local planning policies aimed at reducing carbon emissions and addressing our nature crisis as well as concepts such as 20 minute neighbourhoods which will be key drivers in delivering change. The DPS subject of this report is a project management tool, setting out key milestones for the preparation of the next LDP and is not considered to have any direct carbon or biodiversity impacts.

As referenced in the staffing implications above, climate change officers will be involved in the LDP process.

A full Carbon and Biodiversity Assessment will be undertaken at Evidence Report stage.

**(i) Consultations**

Consultation has taken place with the Depute Chief Executive Economy, Environment and Finance, the Head of Economic Growth and Development, the Head of Education Resources and Communities, the

Legal Services Manager, the acting Housing Strategy and Development Manager, the Senior Engineer Transportation, the Equal Opportunities Officer, the Principal Climate Change Officer, the Development Management and Building Standards Manager and Deborah O'Shea (Principal Accountant) and their comments incorporated into the report.

## **5. CONCLUSION**

- 5.1 Planning authorities are required to annually review their DPS which sets out the timetable for the review/replacement of the LDP.**
- 5.2 The DPS 2023 sets out the timetable for the preparation of the next LDP and the Participation Statement sets out details of how the Council will engage throughout the process.**

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Background Papers:  
Ref: