



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 18
JANUARY 2022**

**SUBJECT: DEVELOPMENT PLAN SCHEME 2022- MORAY LOCAL
DEVELOPMENT PLAN 2025**

**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 Local Development Plan (LDP) 2025 and to agree that the Development Plan Scheme (DPS) 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;

- (i) agree the DPS for 2022, as set out in Appendix 1 and that the Scheme is submitted to the Scottish Government;**
- (ii) notes the new process for preparing local development plans and the timescales for new guidance being published by Scottish Government ;**
- (iii) notes the emerging requirements for the planning system in Scotland set out in draft National Planning Framework 4 and Development Planning Regulations will be reported to this Committee in March 2022; and**
- (iv) agree that a members briefing session is held in late February to consider draft National Planning Framework 4, the new Development Planning Regulations and the resultant implications for the Moray Local Development Plan 2025.**

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 NPF4 and its policies forming part of the LDP and therefore it is expected that only limited “local” policies will be included in the LDP, where the need is evidenced.
 - 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.
- 3.3 NPF4 draft has been published and will be subject to a separate report to a meeting of this Committee in March 2022, which will set out a detailed proposed response. The draft sets out national policies aimed at improving the planning outcomes on issues including carbon reduction, green energy production, reversing biodiversity decline, health, placemaking, town centre regeneration, re-use of vacant, derelict and under used land and rural regeneration. The draft promotes the concept of 20 minute neighbourhoods which will be embedded within the new LDP, although this is more applicable in urban areas and the need for an infrastructure first approach.
- 3.4 Development Planning Regulations and detailed guidance on Local Place Plans (LPP) are anticipated to be published setting out further detail on the process for preparing LDP’s and LPP’s and these will also be subject to separate reports to a meeting of this Committee in March 2022.
- 3.5 It is important to recognise that the new LDP’s in Scotland will be place based, looking at areas of new growth, but also looking at what needs to change within existing neighbourhoods.

4. PROPOSALS

- 4.1 The DPS for 2022 is set out in **Appendix 1** and is intended to be a project management tool to ensure that the LDP is replaced within the statutory 5 year period which is a key performance marker in the Planning Performance Framework (PPF) which is subject to a separate report to this Committee. The Moray LDP2020 was approved on 27 July 2020. Once the 2020 Plan is replaced, the timescale in the new legislation is for 10 year replacement of LDP's, however it is anticipated that Plans will be updated/replaced before then, with more officer time spent on the delivery of Plans.
- 4.2 The DPS also identifies other workstreams required to provide the Evidence Base, the lead service/section and where budget will be required. It also outlines development plan related consultation/engagement proposals planned for the next 12 month period.
- 4.3 To help inform members and the Council's subsequent response to the consultations on NPF4, Development Planning Regulations and LPP's, a members briefing workshop is proposed in late February 2022. A revised Development Plan Scheme may be published in summer 2022 once all the implications of the new regulations are known.

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 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).

(b) Policy and Legal

Preparation of the LDP 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 23rd 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 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.

(d) Risk Implications

If the LDP is not replaced within 5 years, this will be identified as a “red” outstanding action in the annual PPF and there will be a reputational risk. There is also a risk that there will be a shortage of effective housing and employment land, limited promotion of regeneration opportunities and delayed engagement with communities over their aspirations, all having a knock on negative effect upon the local economy and delivery of community planning partners’ objectives.

(e) Staffing Implications

Preparing the LDP is a statutory requirement and therefore a priority for the Strategic Planning and Development section. At key peaks in workload this can have an impact upon other workload commitments.

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.

A budget pressure has been identified for a Senior Planning Officer. The full staffing implications across all services arising from the new Planning (Scotland) Act 2019 will not be known until all regulations and guidance have been published.

(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.

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 Senior Engineer Transportation, the Equal Opportunities Officer, the Principal Climate Change Officer, the Development Management and Building Standards Manager and Paul Connor (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 2022 DPS sets out the timetable for the preparation of the next Moray LDP with the target date of approving the new LDP by end July 2025.

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Background Papers:
Ref: