

South Ayrshire Council

**Report by Executive Director – Economy, Neighbourhood and
Environment to Leadership Panel
of 17th March 2015**

Subject: South Ayrshire Local Development Plan Review

1. Purpose

- 1.1 This report seeks approval (1) to commence the preparation of a replacement Local Development Plan (LDP) for the Council's adopted LDP; (2) to commence the preparation of a single topic-based LDP focussing only on town centres and retail planning policies, to be adopted significantly in advance of the conclusion of the wider LDP review; and (3) to continue the Elected Member/Officer Local Development Plan Project Board as the mechanism to oversee the management of the work associated with the review of the LDP.

2. Recommendation

It is recommended that the Leadership Panel:

- 2.1 **approves the commencement of the preparation of a replacement Local Development Plan for South Ayrshire;**
- 2.2 **approves the commencement of the preparation of a single-subject Local Development Plan on town centre and retail planning policies, in accordance with the Development Plan Scheme ([Appendix 1](#)) to ensure the early adoption of this LDP; and**
- 2.3 **approves the continuation of the Elected Member/Officer Local Development Plan Project Board with its current membership, with responsibility for:**
- a) providing guidance and comment on policy development;**
 - b) providing guidance and comment on community engagement approaches; and**
 - c) overseeing the project management of the preparation of the LDP, including the publication of development plan schemes for all LDPs.**

3. Background

- 3.1 The South Ayrshire LDP was adopted on 23rd September 2014. The Planning etc (Scotland) Act, 2006, sets out that LDPs should be kept under review to ensure that an LDP is never more than 5 years old. This means that the Council must be in a position to adopt a new LDP no later than 2019.
- 3.2 Scottish Government Circular 6/2013 states that LDP reviews should not focus on the full content of the adopted LDP, but should identify key economic, social or environmental changes for South Ayrshire, which have emerged since the adoption of the previous LDP. The key areas of change will be informed by a monitoring exercise, carried out early in the review process. Given the very recent adoption of the LDP, it is anticipated that there will be few areas where a change in approach is required. In accordance with Scottish Government guidance, where policies or proposals in an adopted development plan do not require to be changed, they should be rolled forward into the replacement development plan, with minimal consultation.
- 3.3 The LDP policies on retailing and town centres seek to protect town centres by limiting out of town centre retailing. Since the adoption of the LDP, these policies have been consistently tested by planning applications for unrestricted out of town centre retail developments. While Scottish Ministers fully supported the LDP retail position through the LDP examination, the policy position in the LDP was based on past evidence of success of retail policies. As such, some of the evidence base that supports the retail policies in the LDP would benefit from a full and early review of evidence and consideration of changes in retailing patterns and trends. A review of retail policy at this time would also take account of emerging corporate strategic issues to be supported by the LDP by providing a clear vision and strategy for the regeneration of Ayr Town Centre, including modelling of traffic and the development work of Ayr Renaissance.
- 3.4 The Council project-managed the preparation of the Council's adopted LDP between 2009 and 2014 through the establishment of an LDP Project Board. The LDP Project Board was constituted at the point of commencement of the adopted LDP (in March 2009), by approval of full Council. The Project Board is a non-decision-making working group, with the following membership: -
 - Portfolio holder for Economic Development, Tourism and Leisure (Chair);
 - Portfolio holder for Sustainability and Environment;
 - Portfolio holder for Housing and Customer Services;
 - Chair and vice chair of Regulatory Panel;
 - Chair of Service and Performance Panel; and,
 - Chair of Partnerships Panel.
- 3.5 Throughout 2014, members of the LDP Project Board reviewed its operation in terms of merit and value. Board members concluded that it was a useful mechanism for the management of the LDP, and created an opportunity for elected members to both shape the LDP, and monitor progress.

4. Proposals

LDP Review

- 4.1 In order to meet the terms of Section 16 of the Planning etc (Scotland) Act, 2006 it is recommended that the Leadership Panel approves the commencement of a full review of the Council's adopted LDP. This full review would commence during summer/autumn 2015, following the approval of the draft housing needs and demands assessment, which is required to inform whether further housing land should be allocated. The housing needs and demands assessment is prepared by the Council's Housing Service, which estimates the draft assessment being available during summer 2015. At the point of commencement of the full LDP review, the LDP Project Board will oversee the publication of a development plan scheme to provide a full timetable for the production of the LDP.

Review of Town Centre and Retailing Policies

- 4.2 Section 16 of the Planning etc (Scotland) Act, 2006, creates the provision for local authority areas to be covered by more than one LDP. The changing retail and town centre environments set out in paragraph 3.3 means that there is a need to undertake a comprehensive review of retail/town centre policies within a much shorter timeframe than a full LDP review. It is therefore recommended that Leadership Panel approves the commencement of work on an LDP relating only to town centre and retailing policies. It is recommended that this be undertaken in line with the Development Plan Scheme (DPS) attached to this report as Appendix 1. The Council is required, by development planning regulations, to publish a DPS to provide a timetable for the preparation of any LDP it intends to prepare and adopt, and to set out intended consultation arrangements for that LDP.
- 4.3 The DPS for the preparation of the retail and town centre LDP proposes to publish a Proposed Plan in August 2015, at which point the emerging LDP becomes a material consideration in determining planning applications. In the meantime, the current LDP provides the basis for determining applications for retail proposals.

LDP Project Board

- 4.4 It is proposed to continue the LDP Project Board to oversee the review of the LDP, with the Board membership as set out in paragraph 3.4.

5. Resource Implications

5.1 *Financial*

The cost associated with the examination of the town centres and retailing planning policies will be met from within existing resources in 2015/16 and 2016/17. The cost associated with examination of the full LDP review is expected to be required in 2017 and will be considered in due course.

5.2 *Legal*

None arising directly from this report.

5.3 Human Resources

None arising directly from this report.

6. Risk

- **Risk Implications of adopting the recommendations**

There are no associated risks.

- **Risk Implications of rejecting the recommendations**

Rejecting recommendations in this report will result in failure to comply with Scottish Government regulations on development plans, in that the Council may fail to produce a replacement LDP by 2019.

7. Equalities

- 7.1 The proposals in this report have been assessed through the Equalities Impact Assessment Scoping process, and there are no significant positive or negative equality impacts of agreeing the recommendations, therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 2](#).

8. Sustainable Development Implications

- 8.1 This report and the DPS do not constitute plans, policies or strategies, and do not require to be the subject of strategic environmental assessment. The LDP will be subject to a strategic environmental assessment, and this assessment will be undertaken alongside the preparation of the LDP.

9. Options Appraisal

- 9.1 An options appraisal has not been carried out in relation to the subject matter of this report.

10. Link to Council Plan

- 10.1 The Proposed Local Development Plan is recognised as a key action that will assist to deliver the Council Plan's (April 2014 - March 2017) strategic objectives of maximising the potential of our local economy, maximising the potential of our communities and maximising the potential of our environment.

11. Results of Consultation

- (1) Consultation took place with the Local Development Plan Project Board at its meetings on 11th June 2014, 19th November 2014, and 20th January 2015. The Board considered the timescale, consultation arrangements and management arrangement for the review and replacement of the adopted LDP.
- (2) The Portfolio Carrier for Economic Development, Tourism and Leisure has been consulted and is satisfied with the recommendations.

Background Papers

Planning etc. (Scotland) Act 2006 [here](#)

Town and Country Planning (Development Planning) (Scotland) Regulations 2008 [here](#)

Scottish Government Circular 6/2013 [here](#)

South Ayrshire Council Proposed Local Development Plan [here](#)

Persons to Contact

Neale McIlvanney (Supervisory Planner); neale.mcilvanney@south-ayrshire.gov.uk; 01292 616648

Christina Cox (Planning Manager); Christina.cox@south-ayrshire.gov.uk; 01292 616618

Jill Cronin (Head of Enterprise, Development and Leisure); jill.cronin@south-ayrshire.gov.uk; 01292612743

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