

South Ayrshire Council

**Report by Director of Housing, Operations and Development
to South Ayrshire Council (Special)
of 19 August 2024**

Subject: Local Development Plan 3 Governance Arrangements

1. Purpose

- 1.1 The purpose of this report is to recommend arrangements for a Member/ Officer Working Group to oversee the preparation of LDP3 and provide an update on the engagement arrangements for LDP3.

2. Recommendation

2.1 It is recommended that the Council:

- 2.1.1 agrees the recommended proposals for a Member/ Officer Working Group (MOWG) to oversee the preparation of LDP3, as set out in [Appendix 1](#);**
- 2.1.2 agrees that the Leader of each of the political groups nominate Elected Member(s) to take up positions on the MOWG and that the Chair of the group will be the Portfolio Holder for Economic Development;**
- 2.1.3 agrees to the discontinuation of the Planning Liaison Group; and**
- 2.1.4 notes the update on engagement activities for LDP3 as set out in [Appendix 2](#).**

3. Background

- 3.1 At its meeting of 7 December 2023, the Council approved the commencement of preparation of the next Local Development Plan (LDP3), the first to be made under the new-style development regime stemming from the Planning (Scotland) Act 2019. Council also approved a Development Plan Scheme (DPS) which sets out timescales for the new Plan process and a participation scheme for public and stakeholder engagement.
- 3.2 Council also agreed that a further report would be brought to Council recommending Member/ officer governance arrangements to oversee the preparation of LDP 3 and providing an update on the engagement strategy and the initial programme for community meetings.

- 3.3 Officers have carried out research and spoken to other planning authorities to understand what LDP governance arrangements are used across Scotland and which might be most appropriate and effective for South Ayrshire. The recommended arrangements are based on the results of this research.
- 3.4 Although there are a range of arrangements in place across different planning authorities, it is clear that all recognise the need to provide some means to ensure that the views of local communities are effectively communicated and taken into account during the preparation of the various documents at key stages. It is also clear that no planning authority provides any decision-making powers to any form of working group.
- 3.5 Since December 2023 when the Council approved commencement of LDP3 the service has been liaising with Thriving Communities on a strategy for engaging with local communities. The strategy involves ensuring that communities are engaged in the preparation of LDP 3 itself, but also supporting communities to raise their awareness of Local Place Plans and how these relate to Place Plans that communities have already developed. A range of early engagements have already been undertaken.

4. Proposals

- 4.1 It is proposed that a MOWG be established to oversee the preparation of LDP3 and to advise and make suggestions on LDP draft documents/processes. A more detailed explanation of the purpose, remit and operation of the MOWG is set out in [Appendix 1](#).
- 4.2 It is proposed that the MOWG will reflect the current political composition of Elected Members, rather than repeat the existing structure of Council committee. The LDP is a key strategic corporate plan that influences and assists delivery of cross corporate strategic objectives. The most directly relevant Portfolio Holder is that of Economic Development whose portfolio covers Planning. Therefore, based on the current political group representation and the larger number of independents, it is proposed that the Group will include the following Members:
- 3 Conservative (including Portfolio Holder for Economic Development who will undertake the role of Chair of the group);
 - 1 Labour;
 - 1 SNP; and
 - 2 Independents/ single Councillor Parties.
- 4.3 It is further proposed that the existing Planning Liaison Group, which considers operational matters across the remit of the Planning Service, is discontinued. The Planning Liaison Group comprises members of the Regulatory Panel. Whilst it is important to gather members thoughts on emerging policy that will be relevant to determining planning applications, as noted above the LDP has a wider strategic corporate role.
- 4.4 [Appendix 2](#) provides an update on early public consultation undertaken and highlights the next steps for engagement and for advising communities on how they can prepare Local Place Plans.

5. Legal and Procurement Implications

5.1 There are no additional legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 There are no financial implications arising directly from this report. The cost of administering the MOWG can be met from existing Planning Service budgets.

7. Human Resources Implications

7.1 There are no human resource implications arising directly from the recommendations of this report. Any additional work arising from the proposed MOWG will be dealt with within existing staff resources.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no significant known risk implications from adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 Without an established group to oversee the preparation of the Local Development Plan there is a risk that Members are not fully informed of, or have chance to advise on, the ongoing key stages and policy direction of the Plan.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 3](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

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

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12. Link to Council Plan

12.1 The matters referred to in this report contribute to Priority One: Spaces and Places and Priority Three: Civic and Community Pride of the South Ayrshire Council Plan 2023-28.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and Councillor Bob Pollock, Portfolio Holder for Economic Development, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Director of Housing, Operations and Development, will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Establish the MOWG	October 2024	Coordinator – Planning Strategy
Arrange an initial meeting of the MOWG	October/ November 2024	Coordinator – Planning Strategy

Background Papers [Planning \(Scotland\) Act 2019](#)

[South Ayrshire Development Plan Scheme \(DPS\) 2023](#)

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Date: 12 August 2024

South Ayrshire LDP 3 Member-Officer Working Group:

Proposed Purpose, Remit and Constitution

Purpose and Remit

1. The aim of the Member/Officer Working Group (MOWG) is to help drive forward the preparation of the South Ayrshire Local Development Plan 3 (LDP3) and to ensure that the views of local communities are effectively communicated and taken into account during the preparation of the various documents at key stages.
2. The MOWG will convene throughout the preparation of LDP3, from the Evidence Gathering stage through to adoption of the Plan. LDP3 is being prepared under the new-style development regime stemming from the Planning (Scotland) Act 2019 and will therefore feature new processes and types of documents that were not part of the previous Plan (LDP2). In particular, the new Plan will align with NPF4, which will set much of the strategic policy framework; the role of LDP3 will be to tailor policies and actions at a local level to deliver improved economic, social, environment and placemaking outcomes.
The LDP3 preparation process commenced in December 2023, with the publication of the Development Plan Scheme (DPS)
3. The LDP3 Member/Officer Working Group will be separate to the Planning Liaison Group, which considers operational matters across the remit of the Planning Service. The Planning Liaison Group is proposed to be discontinued, with its role carried forwards by the MOWG.
4. The remit of the MOWG will be as follows:

a. Reporting

Meetings will be scheduled regularly, and at key stages of the Plan process to allow officers to report on findings and work undertaken and seek Member input. Drafts of key documents will be submitted for MOWG consideration/approval, which allow officers to progress to the next stage in the plan preparation.

The working group will not have formal decision-making powers but will be able to advise and make suggestions on LDP draft documents/processes.

Examples of documents and stages that will be taken to the MOWG include:

- Evidence Report
- Feedback from public/stakeholder engagement
- Environmental Report /Revised Environmental Report
- Updates on Local Place Plans prepared by local communities
- Gate Check process
- Call for Ideas
- Proposed Plan
- Representations to the Proposed Plan and implications
- Modified Proposed Plan (if required)
- Progress of LDP Examination
- Delivery Programme

b. Input of Members and Officers

Officers will seek the input from Members and Officers in relation to the following:

Consultation on Evidence Gathering Stage

Officers will seek the input from Members and Officers in relation to the following:

- to discuss the evidence collated to inform the Proposed Plan
- to consider approaches/methods to engagement and consultation at the Evidence gathering and pre-proposed plan stages
- to consider responses to consultation with key agencies and other stakeholders
- discuss the key themes, issues and priorities arising from the collected evidence.

Draft Proposed Plan

- to consider a draft version of the Proposed Plan, including new site allocations

Consultation on Proposed Plan

Officers will seek the input from Members and Officers in relation to the following:

- to consider consultation methods
- to consider representations and responses

Preparation of modified Proposed Plan (if required)

- to consider modifications to proposed plan

At each stage in the process, after discussion with the MOWG, all elected members and other officers will be asked for their feedback.

c. Other Planning Service issues

Updating and consulting Elected Members on other Planning Service issues as necessary.

5. Technical arrangements

An agenda and any consultation documents will be shared ahead of each meeting, and minutes of the meeting will be produced and shared with the group after each meeting. It is proposed that these will be shared only internally.

6. Support and Communications

In order to support the MOWG, Member workshops and/or training can be provided for specific topics and stages to ensure that the required knowledge is achieved.

In addition to, and in-between the meetings of the MOWG, the Planning Strategy team will provide quarterly update briefings to all elected members on progress/key stages with the LDP.

7. Remit Review

This remit will be considered and if necessary altered at regular intervals through the mechanisms of the MOWG. The current remit is therefore not exhaustive. As highlighted under section 2, LDP3 will be following a new and previously untested statutory process, the details and implementation of which are still being clarified by the Scottish Government and other key agencies. It is therefore likely that the detail of the processes/stages set out in the 2023 Development Plan Scheme will be subject to adjustments over the course of the Plan's preparation.

Constitution

1. It is intended that the MOWG will reflect the current political composition of Elected Members, rather than repeat the existing structure of Council committees, and also include the most relevant Portfolio Holder(s). This will help to secure the input of a spectrum of elected members representing the views of communities/wards across South Ayrshire.
2. Based on the current (August 2024) political composition of Members, as such it is proposed that the working group will include 7 Elected Members, broken down on the following group basis:
 - 3 Conservative (including Portfolio Holder for Economic Development);
 - 1 Labour;
 - 1 SNP; and
 - 2 Independents/ single Councillor Parties.
3. In addition, officers from other Council services will be invited as required for particular stages, including, but not limited to, the Ayrshire Roads Alliance, Housing, Thriving Communities, Education, Economy and Regeneration and Neighbourhood Services.
4. A hyperlink of all documents forwarded to the MOWG will be made available to all Elected Members in advance of the MOWG. The MOWG will be minuted and a hyperlink also provided to all Elected Members.

LDP3 Early Public Engagement

Update on Engagement to Date

Since the commencement of the LDP3 process, officers have engaged with local communities regarding Local Place Plans and held an online information evening with Community Councils in February 2024, in conjunction with the Thriving Communities Team, which was well attended. A recording of this meeting has been made available on the Council's website.

The interactive LDP3 Hub page has been launched on the Council's website, which allows members of the public to sign up, with a 'one-click' button, for updates and future engagement in the LDP3 process.

Planning officers have also carried out initial school engagement events at Barassie and Struthers Primary Schools, to engage with pupils using the Place Standard Tool, to understand young people's views on their local areas. It is proposed to carry out further school engagement as part of the Evidence Gathering process.

Next Steps

The next significant consultation exercise is proposed to gather the views of the public and stakeholders on the set of Evidence scoping papers, based around the full range of NPF4 policies, to understand what evidence the Council holds for each and what key issues are raised by NPF4 policies at a South Ayrshire level. An online feedback survey will be used to gather views for each policy paper, as they are published on the Council's LDP Hub website. These are expected to be published from late Autumn 2024.

Details of further public and stakeholder engagement around the Evidence Report and later LDP3 stages, will be set out to members of the new Member/Officer Working Group.

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Local Development Plan 3 Member-Officer Working Group
Lead Officer (Name/Position/Email)	Craig Iles Service Lead Planning & Building Standards craig.iles@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	N/A	N/A
Disability	N/A	N/A
Gender Reassignment (Trans/Transgender Identity)	N/A	N/A
Marriage or Civil Partnership	N/A	N/A
Pregnancy and Maternity	N/A	N/A
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	N/A	N/A
Religion or Belief (including lack of belief)	N/A	N/A
Sex – (issues specific to women & men or girls & boys)	N/A	N/A

Community or Groups of People	Negative Impacts	Positive impacts
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	N/A	N/A
Thematic Groups: Health, Human Rights & Children’s Rights	N/A	N/A

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	N/A	N/A
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	N/A	N/A
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	N/A	N/A
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	N/A	N/A
Socio-economic Background – social class i.e. parent’s education, employment and income	N/A	N/A

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low Positive
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low Positive
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low Positive
Increase participation of particular communities or groups in public life	Low Positive
Improve the health and wellbeing of particular communities or groups	Low Positive
Promote the human rights of particular communities or groups	Low Positive
Tackle deprivation faced by particular communities or groups	Low Positive

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	No
Rationale for decision: Not required as there is no specific impact on communities, groups of people, employees or thematic groups. A full EQIA will be carried out for the LDP3 Proposed Plan, when it is published for consultation.	
Signed: Craig Iles Service Lead -Planning & Building Standards Date: 02 July 2024	