

South Ayrshire Council

**Report by Director of Housing, Operations and Development
to South Ayrshire Council
of 10 October 2024**

**Subject: Local Development Plan 3 Governance Arrangements
and Planning Liaison Group**

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 for the retention of the Planning Liaison Group with an amended brief.

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; and

2.1.3 agrees to the continuation of the Planning Liaison Group (PLG), with an amended remit, as set out in [Appendix 2](#).

3. Background

3.1 At the special meeting on 19 August 2024, the Council considered the matter of establishing a Member/ Officer Working Group (MOWG) for Local Development Plan 3, and the proposed discontinuation of the Planning Liaison Group (PLG). The previous report for this meeting is available within the [Background Papers](#).

3.2 The Council decided to continue the item, pending consultation with Elected Members on alternative options for the retention of PLG alongside the MOWG

3.3 Following consultation with Members, it is recommended that: a) the MOWG is established as previously set out to Council; and b) the PLG is retained, with an amended remit as set out in [Appendix 2](#).

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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. Therefore, based on the current political group representation, 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 The PLG is proposed to be retained with a revised remit and to operate separately from the LDP3 Member Officer Working Group. The remit of the PLG has been amended, as set out in [Appendix 2](#), to reflect the separation of LDP oversight to the MOWG, and ensure the PLG remains a relevant forum for discussing current and emerging planning practices, procedure matters, performance related to developing South Ayrshire's National Planning Performance Framework and delivering Member Training where appropriate. The existing remit of the PLG is attached, for comparison, as [Appendix 3](#).
- 4.4 The table below compares the proposed different remits and membership of the two Groups..

Comparison of the MOWG and PLG:

Item	MOWG	PLG
Remit	To seek input and advice from members on key stages of Plan preparation, and to ensure that the views of local communities are effectively communicated and taken into account during the preparation of the various documents.	Forum for discussion on planning procedures relating to the Regulatory Panel (Planning) and Local Review Body, planning performance and for training and other planning related updates.
Membership	<ul style="list-style-type: none">• 3 Conservative• 1 Labour• 1 SNP	Membership of Regulatory Panel (Planning)

<i>Item</i>	<i>MOWG</i>	<i>PLG</i>
	<ul style="list-style-type: none"> • 2 Independents/single Councillor parties 	
Chair	Portfolio Holder for Economic Development	Chair of Regulatory Panel (Planning)
Frequency	Scheduled regularly at key stages of LDP3 process.	6 months

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 and PLG 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. If there is no PLG then there will be no opportunity for Elected Members to engage on planning procedures at LRB or Regulatory Panel and take a wider view on planning performance and outcomes such as through the National Improvement Performance Framework.

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 4](#).

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.

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	November/ December 2024	Coordinator – Planning Strategy
Arrange 6-monthly meetings of the PLG	Winter 2024/25	Service Lead – Planning, Development and Regulation

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

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

Report to South Ayrshire Council (Special) of 19 August 2024
– [Local Development Plan 3 Governance Arrangements](#)

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Date: 2 October 2024

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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 provides a forum to discuss Panel & LRB procedures with the Planning Service.
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.

Proposed Draft 2024

The Planning Liaison Group (PLG) is the member group that provides a forum for discussion and feedback between the Elected Members on the Regulatory Panel (Planning) and the Planning Service.

The PLG provides a forum for :

- discussion on planning procedures relating to the Planning Panel,
- discussion on planning procedures relating to the Local Review Body,
- discussion on emerging best practice and issues and other guidance being issued by the Scottish Government.
- discussion on planning performance particularly through the development of South Ayrshire's planning performance report undertaken through the National Planning Performance Framework, and
- Training and other planning related updates.

The PLG does not seek to replace or duplicate established Council governance or delegated schemes of authority or advise on financial matters. The PLG serves an advisory role on procedures which remain operational matters determined by Officers.

Membership

- Membership of the PLG shall reflect the membership of the Regulatory Panel (Planning)
- Council officers, as deemed appropriate by the Service Lead for Planning & Building Standards, shall attend meetings of the group to provide updates in relation to the business of meetings.

Meeting arrangements

The PLG will be chaired by the Chair of the Regulatory Panel (Planning).

The Vice Chair will be the Vice Chair of the Regulatory Panel (Planning).

The quorum of the PLG shall be three elected members.

Secretariat will be provided by Committee Services.

The PLG will meet every 6 months or more frequently if deemed appropriate by the Service Lead for Planning & Building Standards in conjunction with the Chair/Vice of the PLG

The Meetings will be Hybrid

Paper will be issued 3 days before the date of the meeting.

Current Terms of Reference

The Planning Liaison Group (PLG) is the member group that informs the development and delivery of South Ayrshire Council's strategic approach to local development planning.

The PLG provides a forum for elected members to support robust discussion and help steer emerging areas of work including:

- implementation of the 2019 Planning (Scotland) Act;
- development and implementation of the LDP;
- Supplementary Guidance;
- planning procedures; and
- service performance and profile.

It will also assist in advising and making recommendations to the Council on the content and implementation of the Local Development Plan, including its submission to the Scottish Ministers, its final approval and its subsequent monitoring and review.

The PLG will replace the Local Development Plan Board and; does not seek to replace or duplicate established Council governance or delegated schemes of authority or advise on financial matters. The PLG serves an advisory role.

Background

A report of 20 April 2021 by the Assistant Director – Place was submitted to the Leadership Panel seeking approval to agree the implementation of a revised operating model, membership and name for the Local Development Plan Board, with this proposed change allowing the group to provide a more comprehensive contribution towards the development and delivery of key areas of work as set out within the Planning and Building Standards Service Plan.

The Panel agreed to the implementation of the revised operating model, including establishment of a new group called the Planning Liaison Group and its operating arrangements, elected member representation and proposed agenda.

Membership

Membership of the PLG shall comprise cross-party representation of seven elected members with new appointments made subject to the majority vote of the PLG, with the Chair having final vote.

Council officers shall attend meetings of the group to provide updates in relation to the business of meetings.

Meeting arrangements

The PLG will be chaired by the administration's Portfolio holder for the Environment, or the Portfolio holder responsible for planning related matters.

Vice Chair will be nominated by the Chair and approved by the PLG and chair meetings in their absence.

The quorum of the PLG shall be three elected members.

Secretariat will be provided by Committee Services.

Membership of the Planning Liaison Group

Chair	Portfolio holder for the Environment -
Members of the PLG	Councillor Kenneth Bell Councillor Ian Cavana Councillor Alec Clark Councillor Hugh Hunter Councillor Martin Kilbride Councillor Mary Kilpatrick Councillor Craig Mackay Councillor Duncan Townson
Officers in attendance	Assistant Director – Planning and Development Service Lead – Planning and Building Standards Coordinator – Planning Strategy Coordinator – Place Planning And other officers as deemed relevant to the business of meetings.
Specific Roles	Chair of the PLG <ul style="list-style-type: none"> • Chairs the meetings • Sets and manages the meeting agenda Service Lead – Planning and Building Standards <ul style="list-style-type: none"> • Proposes the agenda • Provides progress updates to the group • Accountable for the delivery of the Local Development Plan and the Councils planning service •
Operating arrangements	<ul style="list-style-type: none"> • Meets quarterly • Hybrid – County Buildings/MS Teams • Minuted meeting • Papers to be sent out 3 working days in advance

6 September 2023

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 and Planning Liaison Group remit
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

Community or Groups of People	Negative Impacts	Positive impacts
Sex – (issues specific to women & men or girls & boys)	N/A	N/A
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: 24 September 2024	