

Protocol for Public Consultation on Supplementary Planning Guidance



South Ayrshire Planning Service:
Building a Performance
and
Customer Culture

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Introduction: What is Supplementary Guidance?

The development plan (currently made up of the South Ayrshire Local Plan and the Ayrshire Joint Structure Plan) together with national planning policy documents, forms the basis against which all planning decisions are made. Development plans set out the authority's policies and proposals for the development and use of land in its area. Because the local plan deals with a broad range of policy issues and serves a number of functions it is practically difficult to include some detailed guidance on specific matters such as building design. It is also important that matters intended to be guidance do not become constrained by the statutory status given to local plan policy. The Council therefore applies a suite of supplementary policy guidance (SPG), which currently sits outside of the local plan.

Supplementary planning guidance is available to applicants, developers, owners, lessee and their agents to enable them to produce more detailed development proposals and to ensure they are in line with the Council's policies. Topics covered include open space provision, signage and advertisements, affordable housing provision and housing design.

Because these supplementary documents have not been subject to the same extensive public scrutiny and debate as the development plan they do not have the same status as policies contained in the adopted local plan. It is for the authority or in the case of appeals, a Reporter to decide what weight they should attach to supplementary guidance in the decision making process.

It should be noted that in the future, under the new development plan system, Supplementary [planning] Guidance (SG) will sit alongside the development plan, and policies in the Plan will relate directly to SG. Under the new system SPG can take a higher status being statutory, and will have much more significance in determining planning applications. However, until a new local development plan is adopted for South Ayrshire this protocol provides guidance for reviewing and consulting on the non-statutory SPGs under the current system, in order to demonstrate that Council's processes are open, responsive and accountable.

Modernising Planning - Why is this guidance necessary?

The planning system in Scotland has recently undergone major legislative and policy reform, flowing from the Planning etc. (Scotland) Act 2006. At the core of these changes is the aim to increase the transparency, efficiency and quality of outcomes from the system, as set out in the Act and Scottish Planning Policy (SPP). These prioritise the need for effective and early public involvement in the planning decision making process. Reflecting these requirements it is important that South Ayrshire Council introduces consistent and transparent procedures on how to engage the community and interested parties in the review of existing planning policy including supplementary planning guidance, production of new supplementary guidance and in the production of development briefs. Equally this is a guide for the wider public so that they may be aware of what can be expected from community engagement in the planning policy and guidance preparation process.

Clear benefits arise from good consultation. It ensures that local policy is informed by local stakeholders and ensures that the Council is fully aware of all the local issues and is able to take on board advice, help and new ideas which should result in better guidance being produced. It should also help prevent problems and objections at a later stage.

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In drawing up this guidance, reference has been made to Planning Aid for Scotland's SP=EED guide to better public engagement in planning. Planning Aid will also be consulted directly on the content of this Protocol.

Current Supplementary Planning Guidance

South Ayrshire Council currently has a number of SPGs which support the local plan. A list of each of these documents and when they were approved is provided in the table below:

Title	Date of adoption
New Housing Developments and Affordable Housing	09/2006
The Provision of Private and Public Open Space and Play Areas within new Residential Areas	12/1994
Window Alterations Policy Guidelines Leaflet (Listed Buildings and Buildings in Conservation Areas)	
Dormer Windows	11/2008
The Design and Siting of New and Converted Housing in the Countryside	12/1994
Control of Sunshades and Canopies on Commercial Frontages	11/2008
Velux Rooflights	11/2008
Replacement Windows in Listed Buildings and Buildings within Conservation Areas	01/1986
Satellite Receiver Dishes	12/1987
Houses in Multiple Occupation	04/1994
Shopfront Security	11/2008
Design Guidelines for Advertisement & Commercial Signage	08/2010

Review of Existing Supplementary Guidance

In light of the ongoing Planning modernisation, there is a greater need to ensure that SPGs are relevant, up to date and that there is more and better consultation built into any review process. As well as ensuring that the suite of SPGs reflects up-to-date national guidance and recent trends, the review process will look at how successful the supplementary guidance has been in achieving the Council's aims and will highlight any failure or loopholes in the guidance, which require to be addressed within new or revised guidance.

The order in which the existing SPGs are reviewed will be dependent on changes to national policies and guidance or development plan policies, and emerging local and national issues, such as changing economic circumstances.

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There may be a requirement to introduce new SPGs covering additional themes, but this will be dependent on the need for further guidance being identified through new national policy or due to an urgent, emerging issue.

It is likely that the overall number of SPGs will be reduced following review, with revised SPGs focused more closely around key themes, which will support the new Local Development Plan.

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How will we review and Consult on Supplementary Guidance?

There are a number of stages to go through in reviewing and consulting on the supplementary planning guidance. This section will identify each of these stages and provide some information in terms of what is required at each stage of the process.

There are a number of ways to reach specific individuals and groups, but to be inclusive (non discriminatory) it is often necessary to advertise to the general public, as well as target organisations and groups such as trade associations, local forums and community groups. This protocol sets out a structured approach to ensure the engagement of appropriate individuals, groups and organisations within the policy making process.

The Stages Include:-



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Strategic Environmental Assessment: Screening Report and Possible Scoping Report

It is a requirement that all land use policy should be prepared within the context of legislation on Strategic Environmental Assessment (SEA). The details of SEA are set out in Appendix 1 of this document. The assessment process will be carried out in parallel with the SPG formulation and consultation process.

In the first instance a Screening Report on the likelihood of the guidance having a significant impact on the environment should be prepared and submitted to the Scottish Government's SEA Gateway. Depending on the outcome of this, a Scoping Report may also be required.

The following pages provide detail on the SPG Consultation stages which are illustrated on the previous page.

1. Review National, Local and other Council's Policy and Guidance

In undertaking a review of existing SPGs the following must be taken into account:

- A) Review national and local guidance on topic to ensure consistency with relevant higher level guidance and policies
- B) Review other Councils' SPG and liaise with their officers to take on board examples of best practise from around the country
- C) Consider options for direction of guidance (SEA Gateway)

2. Scoped SPG & Consult Key Internal Council Stakeholders

The scope of the SPG and a skeleton structure can now be produced, which can then be forwarded to relevant internal Council departments, along with a standardised form, seeking their initial views on the issues that the SPG should cover and consider – i.e. the potential impact on their work and the quality and effectiveness of the guidance.

Liaison with relevant Community Planning Forum and representatives.

Internal meetings will also be held to discuss contents of SPG and their possible implications for service delivery.

Following this process the scope and structure can be refined.

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3. Consult Key External Public Bodies and the Planning Forum

Public sector statutory consultees on planning applications, or partner organisations in delivering Council services, will have an important input into the early preparation of supplementary planning guidance. Not only are these organisations likely to be affected by the content of SPG, the guidance will require to take account of, and harmonise with, their views and the statutory requirements and objectives that they work to uphold.

As detailed below, the Planning Forum is a key mechanism for consulting with and receiving feedback from the public on policy and service. Receiving Input from the Forum at an early stage is crucial to ensuring the transparency and effectiveness of the process.

Public bodies could include, as appropriate to the subject of the SPG:

- Scottish Government Housing and regeneration (former Communities Scotland)
- Transport authorities (including Transport Scotland, Strathclyde Partnership for Transport and Network Rail)
- Scottish Natural Heritage (SNH)
- Neighbouring Councils - East/ North Ayrshire and Dumfries and Galloway
- Scottish Water
- Scottish Environmental Protection Agency (SEPA)
- Historic Scotland
- Scottish Enterprise

Planning Forum Group

The Council has established a Planning Forum which aims to meet three times a year to provide soundings, opinions and feedback on both the Planning Service's performance and policy development. The group comprises of representatives from a number of different organisations, including members of the public. Time and exigencies of the Service permitting, new and redrafted SPG's should be taken to the Forum for discussion, as part of the consultation process.

4. Prepare Draft and Report to Council for Approval

Draft SPGs will be submitted to the Council for approval, as a basis for consultation with wider stakeholders, to enable their views to be embodied into the document. The report will highlight whether the policy is in accordance with other Council documents, public agencies' policies and guidance, the Local Plan and other policies including the Structure Plan and national planning guidance.

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If the document is agreed by the Council then it will move on to Stage 5. If not, a redraft will be required with appropriate amendments. This might involve further liaison with key consultees.

5. Produce and Publish an Action Plan

This should set out a **realistic and deliverable timetable for consultation**. The Council must advertise clearly that a review or preparation of a new SPG is taking place, and must indicate clearly **how** and **when** different groups are able to get involved in the SPG review process, including identifying when people will receive a response to their comments. To ensure the transparency and integrity of the process, it should be made clear which issues can be influenced as a result of responses and what cannot be changed (e.g. the local plan, or national, policy from which the SPG originates). The methods by which this will be advertised are set out below.

How we may inform the public about the SPG Consultation process:
<ul style="list-style-type: none"> Advertising through the Council's website
<ul style="list-style-type: none"> Posters/ leaflets in the Council's buildings' reception areas
<ul style="list-style-type: none"> Adverts in local newspapers/ local newsletters (including the Council's own)
<ul style="list-style-type: none"> Other public locations - e.g. Libraries, supermarkets, town centres and shopping centres through posters/ display boards
<ul style="list-style-type: none"> Mail shots. Leaflets to specific areas and groups of people if they will be particularly affected by the SPG

6. Consult External Stakeholders.....

At this stage wider consultation and engagement can be sought with wider external stakeholders and other interested parties.

A copy of the draft SPG should be sent out for comments to wider stakeholders. The information presented, as well as describing the issues / proposals, should also highlight areas of uncertainty and invite comment and debate. Areas that should be explored through the organised events and in written responses include:

- Whether stakeholders agree with the principles/ standards set out in the draft document;
- Possible improvements to the draft document, i.e. changes, additions, deletions or more justification.

Wider External Stakeholders will include voluntary groups, representative organisations and other office-holding stakeholders who have a role in the local community or offer particular expertise on a subject matter.

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Wider External Stakeholder groups are likely to include:

- Environmental groups such as the Royal Society of the Protection of Birds, Friends of the Earth, Scottish Wildlife Trust
- Community Councils
- The development industry - including house builders and Homes for Scotland, who represent them
- Affordable Housing providers
- Local Civic Trusts
- Landowners
- Architecture and Design Scotland
- Local Businesses and Chambers of Commerce
- Community Plan Forum Representatives
- Other community groups - elderly forum etc.
- Lessees
- Other groups/ individuals that have asked to be consulted through advertising review

.....and the Wider Public

Many people do not belong to organised groups. We need to reach out to the wider public in different ways to ensure that as many different people can be involved as possible.

It is important that the consultation is inclusive and representative and that diverse and under represented groups are engaged in the process. Where appropriate, we will liaise with relevant voluntary groups, (e.g. Disability Scotland, Help the Aged), Equalities Officers to ensure compliance with the Equality Act 2006, Access Panels and Planning Aid for guidance

Generally, the period for the wider public to provide comments on the SPG will last for 28 days. All respondents will receive a reply to their submission, following Council consideration of the Finalised SPG.

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How will people be able to get involved?

We aim to change how people are involved in planning by improving communication with a wide range of people and making more opportunities available for involvement in the planning process.

We will use a number of methods to engage with a variety of groups and organisations which could include:

- Forum Group - see page 7
- Providing dedicated phone lines, postal addresses, email addresses and a section of the Council's website for people to submit comments, questions and objections.
- Exhibition/ Workshops/ Information days, where appropriate
- Newsletters and leaflets
- Online questionnaires and surveys

7. Consider Responses and Prepare Finalised SPG

The timescale for the collation, analysis and consideration of responses will vary depending on the issue and the nature and extent of responses received. However a target of two months for this process is considered reasonable. This will then lead to the Draft document being reviewed and modification made where necessary.

8. Finalised SPG to Council for Approval

A report to Council should then be produced highlighting the public consultation process followed, identifying the key responses and issues arising from the consultation, and the appropriate changes to be made to the SPG before it is adopted by the Council.

9. Adopt, Publish and Advertise SPG

Once approved by the Council, the SPG will be formally adopted and published. The Council will advertise this and make the approved SPG available in paper and electronic formats through its website.

List of people we will consult

This is not a full list. We will add to it as more people and organisations become involved in the process of SPG review. We will try to include as many people, groups and organisations as possible, from the start. We aim to encourage as many people from as many different sections of the community as possible to get involved in the planning process. We have

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listed groups and organisations individually if there is only one such body. We have grouped schools and community councils together in the list. However, we will consult each one separately. If your group or organisation is not mentioned here, and you would like to be involved in the process of preparing SPGs, please contact us.

A

Ayrshire Housing

Association for the Protection of Rural Scotland

Architects and Agents Liaison Group

B

British Telecom Scotland

British Wind Energy Association

C

Chambers of Commerce

Civil Aviation Authority

Colleges

Community care forums

Community Councils

Community health partnerships

Community trusts and partnerships

Council for Scottish Archaeology

Crown Estates Commission

D

Developers (local and national)

Development consultants (for example, GVA Grimley, Bidwells, GL Hearn, Strutt and Parker)

Disabled Access groups

Dumfries and Galloway Council

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E

East Ayrshire Council

Energy companies

Estates (large landowners)

Elite Business Circle

F

Firth of Clyde Forum

Fisheries trusts

Friends of the Earth (Scotland)

Forestry Commission Scotland

Forest trusts

H

Harbour trusts

Health and Safety Executive

Heritage societies

Enterprise Companies

Historic Scotland

Homes for Scotland

L

Large employers such as the NHS

M

Marine Safety Agency

Maritime and Coastguard Agency

Members of Parliament

Members of the European Parliament

Members of the Scottish Parliament

Ministry of Defence

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N

National Farmers Union (Scotland)

National Trust for Scotland

Nats En Route Plc (NERL)

Network Rail

NHS (including primary care trusts)

North Ayrshire Council

O

Oil and Pipelines Agency

P

Parent and toddler associations

Parent councils and parents' forums

Paths for all Partnership

Pensioner associations

Planning Aid for Scotland

Port authorities

R

Ramblers Association Scotland

Regeneration partnerships

Residents' associations

Royal Commission on Ancient and Historic Monuments

Royal Incorporation of Architects

Royal Mail Group Ltd

Royal Town Planning Institute (Scotland)

RSPB Scotland

S

Sailing Clubs

Schools (primary, secondary, and private sector)

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Scottish Ambulance Service

Scottish Association for Public Transport

Scottish Civic Trust

Scottish Enterprise

Scottish Environmental Protection Authority (SEPA)

Scottish Government

Scottish Housebuilders Association

Scottish Natural Heritage

Scottish Renewables Forum

Scottish Rights of Way and Access Society

Scottish Rural Property and Business Association

Scottish Water

Scottish Wildlife Trust

Sportscotland

Sustrans Scotland

T

Tenants Associations

The Architectural Heritage Society of Scotland

The Woodland Trust Scotland

Transport Scotland

Troon Marina

U

University of the West of Scotland

User Groups

V

Visit Scotland

Valuation Office Agency

W

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West of Scotland Archaeology Service

West of Scotland Housing Association

XYZ

Youth Development Officer

Youth Forums

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Appendix 1

Strategic Environmental Assessment is essentially the process through which plans, programmes and strategies (PPS) are assessed in order to determine their impact upon the environment. If a plan, programme or strategy is determined to have a significant impact upon the environment then the responsible body will be tasked with producing an Environmental Report which will assess the potential impacts of the PPS in greater detail and propose mitigation measures where appropriate.

The requirement for the strategic environmental assessment of plans programmes and strategies within the UK stems from the implementation of what has become known as the SEA Directive (2001/42/EC). This directive came into effect on 21st July 2004 and applies to plans, programmes and strategies whose preparation starts after that date.

This legislation was transposed into Scottish law via the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004. The regulations require that formal environmental assessment is undertaken of certain plans, programmes and strategies (referred to as "strategic environmental assessment" or SEA).

There are a number of different interpretations of the SEA process and its key stages. One such interpretation is that there are 6 key stages to the process which include: screening; scoping; assessing impacts and considering alternatives; consulting on the Environmental Report; considering results in decision making; and ongoing monitoring and review. Each of these stages have their own clear purpose. Comprehensive guidance in relation to the key stages of SEA can be found within the SEA Toolkit which was published by the Scottish Government and can be found at <http://www.scotland.gov.uk/Topics/Environment/14587>.

SEA requires consultation with consultative authorities and the general public at varying degrees throughout the entire process. The statutory consultation authorities include Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and Historic Scotland (HS).

At the screening stage the Responsible Authority (in this case the Council) are required to make screening determinations and ensure that the public have access to these determinations either by visiting Council offices or by going onto the Council's website. There is no requirement for public consultation at this stage.

At the scoping stage, the Responsible Authority must consider, in discussion with the statutory Consultation Authorities, the period of consultation and the scope and level of detail of the Environmental Report. It is at the discretion of the Responsible Authority as to whether or not they consult the public at this stage of the process, although it is considered to be good practice.

The only stage at which there is a statutory requirement to consult the public on strategic environmental assessment is at the production of a draft Environmental Report. When a draft report is produced members of the public will have the opportunity to offer their views and comments on any aspect of the Environmental Report, which should be taken into account by the Responsible Authority in producing the final Environmental Report.

Clearly the level of engagement must be appropriate and inclusive as the external organisations and groups engaged would be different depending if the document is South Ayrshire wide, area specific and the type of development it relates to.

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Feedback Form

As stated previously we are keen to hear your views on all key stages of the process. Please fill out the form below and send it back to us at:

Development Plans and Customers Team
South Ayrshire Council
Burns House
Burns Statue Square
Ayr
KA7 1UT

Or send it via e-mail to localdevelopmentplans@south-ayrshire.gov.uk

More copies of this form can be found on the Council's website at www.south-ayrshire.gov.uk

1. Do you think the document is appropriately laid out and easy to understand? If your answer is no, how could we improve the document?

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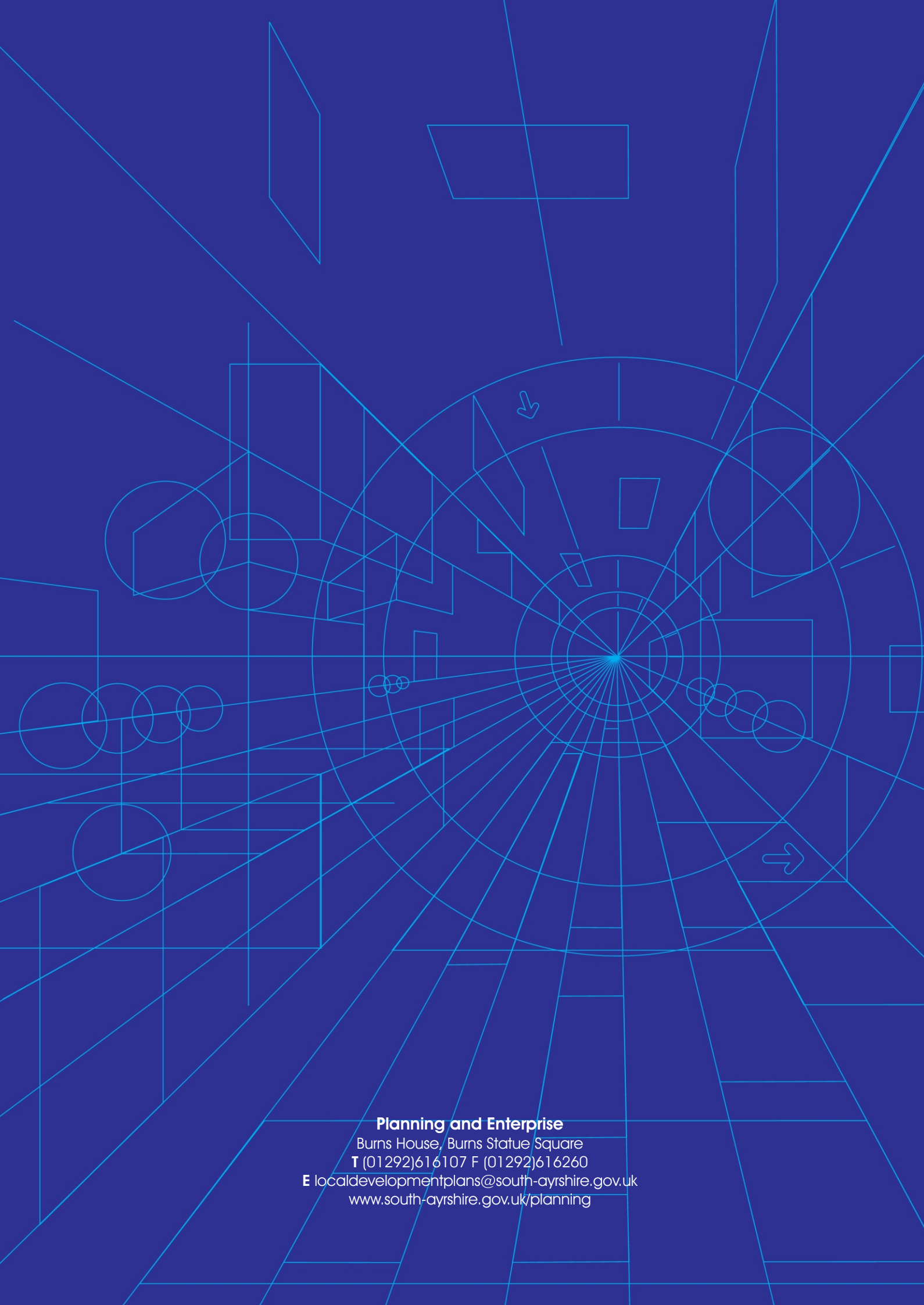
2. Do you think the methods suggested for getting involved in the process are appropriate? Are there any other methods which you would like to see us undertaking?

3. Do you think that there are adequate opportunities to get involved in the process?

4. What specific areas of planning are you most interested in? (please tick)

Housing	<input type="checkbox"/>	Open Space	<input type="checkbox"/>
Industrial / Business	<input type="checkbox"/>	Transport	<input type="checkbox"/>
Environmental	<input type="checkbox"/>	Other	<input type="checkbox"/>

5. Where did you obtain a copy of this document?



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