



EAST AYRSHIRE COUNCIL

# **Local Development Plan 2**

Development  
Plan Scheme  
2024

## 1. INTRODUCTION

1.1 Every planning authority must prepare a Development Plan Scheme on at least an annual basis. This sets out the authority's timetable for preparing and reviewing their Local Development Plan and outlines how this will be done. The Development Plan Scheme must also contain a Participation Statement which sets out how people can get involved in the plan preparation process.

1.2 On 8 April 2024, East Ayrshire Council adopted the East Ayrshire Local Development Plan 2 (2024). This replaced the East Ayrshire Local Development Plan (2017) and the Minerals Local Development Plan (2020).

1.3 The Council is in the process of producing and consulting on a number of statutory supplementary guidance and non-statutory planning guidance document. The programme for these is set out in more detail in section 3 below.

1.4 The Planning (Scotland) Act 2019 brought forward a new system for development plans, which meant for the first time, the National Planning Framework would have statutory status and form part of the Development Plan, sitting alongside Local Development Plans. National Planning Framework 4 was adopted by the Scottish Government on 13 February 2023. It is therefore now part of the Development Plan in East Ayrshire and is being used in the determination of planning applications alongside LDP2.

1.5 The East Ayrshire LDP2 covers the whole of the East Ayrshire area as shown on the map below:

# East Ayrshire



## 2. EAST AYRSHIRE LOCAL DEVELOPMENT PLAN 2 (2024)

2.1 At the time of publishing the Development Plan Scheme 2023, the examination into LDP2 was ongoing. The examination concluded in December 2023, approximately 10 months after the Plan was submitted to Ministers for examination. The examination report was published on 22 December 2023. It contained 117 recommended modifications. Notably, a significant proportion of the recommended modifications were focussed on achieving greater alignment in terms of policy wording between LDP2 and National Planning Framework 4. Limited modifications were made to the overall vision and spatial strategy of the Plan or to the allocations contained within the Plan.

2.2 The outcome of the Examination was considered by Council on 24 February 2024. Council agreed to accept all the recommendations contained within the Examination report and to proceed to adopt the Plan. The Plan was subsequently submitted to Scottish Ministers on 5 March 2024 and at the same time the Intention to Adopt advert was published. On 25 March 2024, the council received a Direction from Scottish Ministers, outlining several changes to be made to the Plan before it could be adopted. The changes were to take account of the adoption of NPF4 and to improve consistency between the Plans. The changes were in the most part of minimal significance, with the most notable being amendments to the wording of policy RES6 on gypsy / travellers. On 28 March 2024 Council agreed to accept the contents of the Direction and adopt the Plan. Local Development Plan 2 was subsequently adopted on **8 April 2024**.

2.3 LDP2 lists several pieces of Supplementary Guidance that are required to be produced to support the Plan. These documents are clearly linked to policies within the Plan, and are therefore statutory in nature and form part of the Development Plan. Work has been ongoing to produce these documents over the last few months and they will now be taken through the Council's Cabinet approval process, before being published for consultation. Table 1 below sets out the anticipated timeframe for the publication of the draft documents and subsequent adoption.

**Table 1: LDP2 Supplementary Guidance**

Statutory Supplementary Guidance	Anticipated timeframe
Affordable Housing	Submitted to Scottish Ministers for adoption - April 2024
Dark Sky Park Lighting	Anticipated adoption – May 2024
Financial Guarantees	
Developer Contributions	Publication of draft for Consultation - April 2024. Anticipated adoption – June 2024



Housing in the Countryside	Publication of draft for consultation – May 2024
Listed Buildings and Conservation Areas	Anticipated adoption – July 2024
Energy and EV Charging	
Local Landscape Areas	
Loudoun Castle and Estate	Publication of draft for consultation – June 2024
Design Guidance	Anticipated adoption – August 2024
Development strategy for Stewarton	
Development strategy for Kilmarnock and South Central Kilmarnock	Publication of draft for consultation – August 2024
Local Heat and Energy Efficiency Strategy (LHEES)	Anticipated adoption – October 2024

2.4 Alongside the supplementary guidance documents, progress has been made on bringing forward non-statutory planning guidance. Although these documents will not hold the same weight as the statutory SG, they nevertheless remain valuable documents that can help inform developments and decision making. Table 2 below outlines the non-statutory planning guidance that is being prepared. Table 3 outline the documents that have been previously been adopted as non-statutory planning guidance, which remain relevant and will therefore be re-adopted and continue to be used.

**Table 2: LDP2 non-statutory planning guidance**

Planning Guidance	Anticipated Timeframe
Strategic Woodland Creation	Publication of draft for consultation – May 2024
Local Nature Conservation Sites	Anticipated adoption – June 2024
Skills and Employment Plans	
Community Benefits	Publication of draft for consultation – June 2024
Stewarton Conservation Area Appraisal	Anticipated adoption – July 2024
Peatland and Carbon rich soils	Publication of draft for consultation – August 2024
Gardens and Designed Landscapes	Anticipated adoption – September 2024

**Table 3: Existing non-statutory planning guidance**

<b>Non-statutory planning guidance</b>
Green Infrastructure Strategy (2015)
Ayrshire Landscape Wind Capacity Study (2013)
Ayrshire and Arran Forestry and Woodland Strategy (2014)
Bank Street / John Finnie Street Conservation Area Management Plan (2007)
Catrine Conservation Area appraisals (2005)
Galston Conservation Area appraisal (2014)
Cumnock Conservation Area appraisal (2009)
Dalmellington Conservation Area appraisal (2017)
Waterside (Doon Valley) Conservation Area appraisal (2018)
East Ayrshire Landscape Wind Capacity Study (2018)
Mauchline Conservation Area appraisal (2019)
Piersland Park (Kilmarnock) Conservation Area Appraisal (2021)
Piersland Park (Kilmarnock) Design Guidance (2021)
Mauchline Conservation Area Management Plan (2023)
Hagshaw Energy Cluster – Development Framework (2023)

2.5 Within the previous LDP, the Council made a commitment to prepare placemaking maps for East Ayrshire’s settlements. Within the 2017 Plan period a number of placemaking plans were produced in collaboration with local communities and these were adopted as statutory supplementary guidance.

2.6 Moving forward, the now adopted LDP2 continues to support the production of place plans. As per policy LPP1, shown below, where a LPP meets stated criteria including alignment with policies and allocations contained within LDP2, the Council will adopt the Place Plan as supplementary guidance to support LDP2. Alternatively, on the basis of the Town and Country Planning (Local Place Plans) (Scotland) Regulations, communities may opt to produce a Local Place Plan that is not in accord with LDP2; whilst this would not be adopted as SG it

would nevertheless be added to the Council's LPP register (assuming it meets all statutory requirements) and taken into account in the preparation of LDP3.

### Policy LPP1: Preparation of Local Place Plans

The Council will adopt Local Place Plans prepared by **community bodies**<sup>3</sup> within East Ayrshire as Supplementary Guidance to the **Local Development Plan**<sup>4</sup> where they:

1. Represent the community's aspirations through:
  - a. A statement setting out the community's proposals for the future development or use of land within the area covered by the Local Place Plan;
  - b. A map of the area covered by the Local Place Plan, annotated to provide the boundary;
2. Have been subject to thorough, wide-ranging engagement and consultation with community members and groups of different characteristics such as age, interest, etc., and with other stakeholders such as landowners or developers with a local interest.
3. Adequately justify any development or improvement proposals through a place based assessment of the area;
4. Have regard to the provisions of the Local Development Plan;
5. Align with the aims and policies of and reflect the land use allocations contained in the Local Development Plan and do not propose alternative uses for these allocations which would be contrary to the Plan; and
6. Meet the provisions of Schedule 19 of the amended Town and Country Planning (Scotland) Act 1997, and the Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021.

### 3. EAST AYRSHIRE LOCAL DEVELOPMENT PLAN 3 (LDP3)

3.1 LDP 3 will be prepared in accord with the Planning (Scotland) Act 2019. Since the publication of the Development Plan Scheme 2023, several pieces of secondary legislation have been finalised and brought into force. In particular the Development Planning (Scotland) Regulations 2023 and the associated Development Planning Guidance were enacted in May 2023. There is therefore now greater clarity and certainty around plan making requirements moving forward, which has helped to inform this Development Plan Scheme.

3.2 With particular regards to the DPS, within the new Local Development Planning guidance there are some notable requirements that this DPS has sought to address:

- The DPS must set out a proposed timescale for four key stages of the plan-making process:
  - Publication of evidence report
  - Publication of proposed plan
  - Submission of proposed plan to Scottish Ministers
  - Expected adoption of the LDP
- The DPS must set out its timetabling using anticipated quarters, specifically Quarter 1 April-June, Quarter 2 July-Sep, Quarter 3 Oct-Dec, Quarter 4 Jan-Mar. This expression of quarters by financial year rather than calendar year is a change from how the East Ayrshire DPS was presented in previous years.
- There is a requirement to show any differences in the timetable from the previous DPS i.e. changes to the timetable should be identified and the reasons for the changes explained
- The guidance sets out an expectation that plan-making should take around 3 – 4 years. Cognisance has been taken of this in the timetabling set out below.

3.3 LDP3 will be a new style local development plan with a 10 year plan period. The plan preparation process will be very different to how previous local development plans have been prepared. Some of the key requirements are described below:

#### Requirement for an Evidence Report

3.4 The first stage of preparing LDP3 will be to prepare an Evidence Report. This is a new stage, replacing the previous requirement to prepare and consult on a Main Issues Report.

3.5 The preparation of the Evidence Report is a mechanism to ensure that sufficient research, monitoring and engagement is carried out to underpin the subsequent Plan. This stage of the process will not focus on site specific matters, instead it should provide a summary of baseline data and information relevant to the preparation of a deliverable, place-based and people-focused LDP. The types of data and information to be gathered through this process will include:

- Vacant and derelict land information



- Town centre health check data
- Open space strategy (now a statutory duty)
- Play sufficiency assessment (now a statutory duty)
- Strategic Environmental Assessment Scoping report
- Housing needs and demand assessment
- Public health and wellbeing indicators
- Infrastructure and planned investment information

3.6 Evidence gathering will require close collaboration with a range of stakeholders. Community engagement will be critical to ensure challenges and opportunities are fully captured within the report. Whilst some early work has commenced on evidence gathering, as was set out in the 2023 DPS, **the main focus for 2024/25 will be preparing the evidence report**. As per table 5 below, it is anticipated that the LDP3 Evidence Report will be published and submitted to Scottish Government in **quarter 1 of 2025/26**.

### Gate Check process

3.7 The Gate Check exercise will provide an independent assessment of whether a planning authority has sufficient information to prepare an LDP. Scottish Ministers will be responsible for appointing a person to assess the evidence report, normally a Reporter from the Directorate for Planning and Environmental Appeals. The intention of the exercise is to ensure Plans are evidence based and reduce the level of debate arising at Examination at the end of the plan process.

3.8 After assessing the evidence report, where the appointed person deems it sufficient, the planning authority can proceed to prepare and publish its Proposed Plan. Should the information contained in the report be deemed insufficient, the planning authority will be asked to revise its report and then resubmit.

### Local Place Plans

3.9 As referred to in paragraph 2.6 above, the Planning (Scotland) Act 2019 for the first time introduced new legal requirements around Local Place Plans (LPPs). There is now a legal requirement for planning authorities to invite communities to prepare LPPs. If these meet the criteria set out within the Circular 1/2022 Local Place Plans, then the planning authority must register the LPP and consider it in the preparation of its Local Development Plan. The invitation to local communities to prepare an LPP must be published early in the Plan preparation process, to allow communities adequate time to prepare a Plan. As per table 4 below, this invitation will be published in quarter 2 of 2024/25.

3.10 Specific to East Ayrshire, the new legislative requirements will impact to an extent on the way that Place Plans have been prepared to date; whilst the process embedded within the Council is community-driven, it is supported by quite intensive Council involvement, through both the Development Planning and Regeneration Team and Vibrant Communities. It would not be possible for this level of support to be offered to all communities over a relatively short period. However, it is important that communities are supported to an extent, in terms of advice and signposting, to ensure they are aware of the legal requirements of a LPP and to

make sure they understand how they can best prepare an LPP that can be taken on board within the Local Development Plan. This is critical in maximising the value of the work the community do and ensuring their voice can fully contribute to planning in East Ayrshire. Information will therefore be available for all communities to help guide them in the process, whilst more intensive officer support will be targeted to those communities, with little experience in preparing community led plans or which demonstrate a desire to prepare a LPP but have limited capacity.

## Proposed Plan

3.11 Whilst the statutory requirement to prepare a Proposed Plan is maintained through the Planning (Scotland) Act 2019, the new style plans should differ in content and structure; they are intended to be more place based, with emphasis on maps and site briefs, rather than thematic policies that are instead now set out within National Planning Framework. As per table 4 below, it is anticipated that the LDP3 Proposed Plan will be published in **quarter 2 of 2026/27**.

## Examination and Adoption

3.12 The process for examination and adoption is relatively unchanged within the new system of development planning. The Examination will be carried out by a Reporter appointed by Scottish Ministers, who will examine all elements of the Plan to which unresolved objections relate. Further procedures, such as hearing sessions or request for written submissions, will be undertaken should the reporter require more information to assess the Plan.

3.13 As per table 4 below, it is anticipated that the LDP3 Proposed Plan will be submitted to Ministers by **quarter 4 of 2026/27** for Examination, subject to the extent of issues raised through consultation. Thereafter adoption is anticipated in **quarter 4 of 2027/28**, however, this will be dictated by the length of examination, which will in turn depend on the complexities of objections raised and the workload of the DPEA at that particular point in time

**Table 4: Timetable for LDP3**

Year	LDP3 Milestones
2024/25	Ongoing Preparation of Evidence Report Invitation to prepare Local Place Plans published – Quarter 2
2025/26	<b>Submit Evidence report to the Scottish Government for Gate check - Quarter 1</b> Ongoing preparation of Proposed Plan
2026/27	<b>Proposed Plan published for consultation – Quarter 2</b> Analysis of objections and prepare for Examination <b>Submission of proposed plan to Scottish Ministers – Quarter 4</b>
2027/28	Examination ongoing Consideration of outcome of Examination <b>Expected adoption of the Plan – Quarter 4</b>

3.14 In terms of difference in timetabling between the 2023 DPS and this 2024 DPS, it is noted that:

- The Adoption of LDP2 was anticipated in quarter 1 or 2 of 2024 within the 2023 DPS. This has been achieved.
- The anticipated adoption of LDP3 was set at January to March of 2028 within the 2023 DPS, which is consistent with the timetabling in table 4 above.
- There is some movement to the projected milestones; the timetabling for publishing the evidence report has been moved back six months. This reflects a greater understanding of the work involved in producing the evidence report and the limited amount of early work that has been undertaken thus far, due to the amount of work involved in bringing LDP2 and its supplementary guidance/non-stat planning guidance to completion. The 2024 timetabling, moves the date of the proposed plan publication back six months. However, the updated timetabling projects a shorter period of time between proposed plan publication and submission to ministers for examination.

## 4. PARTICIPATION STATEMENT FOR LDP3

### Engagement on LDP3

4.1 As set out in table 4 above, the Council is currently at the very start of the LDP3 process, with LDP2 having been adopted within the last month. The following points in the plan-making process represent the key opportunities to engage communities and the other stakeholders, to ensure the process is as inclusive as possible.

- Engagement to inform the Evidence Report

The preparation of the Evidence Report will be the first key phase for engaging communities and seeking their views on what is good about their places, what are the challenges and what are the opportunities for improvement, redevelopment and growth.

A range of mechanisms will be used, both face-to-face focussed sessions and online engagement tools, with the aim of reaching different groups and demographics that are more likely to respond to particular engagement methods.

As well as residents and community bodies, Evidence Report gathering will aim to engage the following specific groups:

- Elected Members
- Children and young people
- East Ayrshire Equalities forum
- Key agencies and other public stakeholders (Scottish Ministers, Forestry and Land Scotland and Transport Scotland)
- Local businesses and landowners
- Key Council departments and East Ayrshire Leisure
- Locality Planning Groups

- Engagement to inform the Proposed Plan

It is intended that soon after the completion of the Gate Check stage, a 'Call for Ideas' process will be undertaken to inform the preparation of the Proposed Plan. Similar to the Call for Priorities, Issues and Proposals that was undertaken to inform LDP2, the intention of the Call for Ideas is for anyone to suggest matters that should be included within the Proposed Plan, including, but not limited to, site suggestions. The Call for Ideas will be publicised through the Council's website, local press, social media channels and targeted engagement with community bodies and interest groups. In addition, effort will be made to engage with local young people, through working with local schools and/or youth organisations.

## • **Engagement on the Proposed Plan**

The Proposed Plan and accompanying documentation will be formally consulted on for a minimum period of 12 weeks as per the requirement of the Planning (Scotland) Act 2019. The following steps will be taken after publication of the Proposed Plan to ensure that the maximum amount of people and organisations can put across their views.

- Press release in all local newspapers circulating within East Ayrshire and on the Council's web site advising people of the consultation period. The Local Development Plan team's mailing list will also be utilised to publicise the consultation.
- Social media will be fully utilised, with assistance from the Council's communications team, to increase reach and to ensure as many people as possible know about the consultation.
- All key agencies and other interested organisations and stakeholders, including Scottish Ministers, Forestry and Land Scotland and Transport Scotland will be consulted.
- Face to face sessions will be targeted, planned and timed to maximise attendance. In particular, officers will work with the Council's vibrant communities and Member-Officer Working Group to identify particular communities or groups of communities, where there may be a particular desire for a face to face event.
- Copies of the documentation will be made accessible in all local community libraries and in Council Offices for information and consultation purposes. The documents will be placed on the Council's website and arrangements will be made for representations on the documents to be submitted to the Council electronically via a dedicated local development plan email address.

In cases where a proposal for development of a specific site is likely to have a significant effect on the use or amenity of that site or of neighbouring land, formal notification of the preparation of the plan will also be given, in terms of Regulation 14(1) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, to the owner, lessee or occupier of any premises situated on that site or to the owner, lessee or occupier of any premises situated on the neighbouring land concerned.

## **Consultation on Strategic Environmental Assessment (SEA)**

6.3 The Consultation Authorities (NatureScot, SEPA and Historic Environment Scotland) will be consulted via the SEA Gateway at every stage of the Environmental Report. The Report will also be available for public comment alongside the Proposed Plan. The MOWG has sight of the Environmental Report content to date at every meeting as the Plan is drafted and is invited to comment.



## 5. AYRSHIRE REGIONAL SPATIAL STRATEGY

5.1 The Planning (Scotland) Act 2019 introduced a requirement for planning authorities to prepare Regional Spatial Strategies. The Act indicates that strategies will be non-statutory (so will not form part of the Development Plan) but should inform both the NPF and Local Development Plans. It also indicates that they should focus on strategic development, defined as being development that will have an impact on more than one local planning authority.

5.2 An indicative Ayrshire RSS was approved by the Council's Cabinet in September 2020. It was also approved by North and South Ayrshire Council's as well as the Regional Economic Partnership Board. The interim strategy was intentionally 'light weight', without the full detail and engagement that would be expected of a full RSS, prepared to help inform the NPF4 but in advance of guidance being published.

5.3 The guidance on Regional Spatial Strategies has not yet been published by the Scottish Government. During the course of 2024, officers will continue to engage with counterparts in North and South Ayrshire Councils both to explore opportunities for joint working in relation to LDP Evidence Reports and to map out how the RSS work will be resourced, governed, managed and delivered.