

Dumfries and Galloway Council

Development Plan Scheme

March 2024 • 16th Edition

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THE DEVELOPMENT PLAN SCHEME

The Development Plan Scheme

The Dumfries and Galloway Council Development Plan Scheme (DPS) is updated annually to let you know what is happening with the Local Development Plan. This edition includes information on how the current plan, Local Development Plan 2 (LDP2), is being delivered and how we will be preparing the next plan, Local Development Plan 3 (LDP3).

A review of planning at the national level has changed how LDPs are to be prepared and what they are to include. This edition of the DPS provides an update on those planning reforms, a timescale for LDP3 and when, how, and why you can get involved.

Dumfries and Galloway Local Development Plan 2

The LDP2 was adopted on 3rd October 2019 and replaced the previous LDP. LDP2 provides policies and proposals to help guide development and to ensure that the right development takes place in the right location. LDP2 is supported by supplementary guidance, planning guidance, technical papers and land use audits which provide background information and an evidence base to the policies and strategies contained in the Plan.

Strategic Environmental Assessment, Habitat Regulations Appraisal and Equality Impact Assessment have considered the social and environmental impact of LDP2 and Supplementary Guidance during their preparation.

An Action Programme has been prepared and lists the actions needed to deliver the policies and proposals contained in LDP2, when they are expected to be delivered and who will take the lead in delivering them.

All the above documents are available on our website: www.dumgal.gov.uk/LDP2

Delivering LDP2

The Council is required to prepare an Action Programme to set out how they propose to deliver the actions set out in the LDP2 policies and sites. An Action Programme for LDP2 was published in May 2020 and will be kept under review. One of the changes from the review of the planning system, is a change in the title of the Action Programme to the new title 'Delivery Programme'.

The Delivery Programme will identify the actions required to deliver the policies and proposals contained in the Plan. It will name the lead officer or organisation responsible for delivering the action and other people or groups who need to be involved. It also contains a timescale for carrying out each of the identified actions and the progress that has been made.



Monitoring LDP2

The Council is in the process of monitoring the effects and outcomes of the policies and proposals in LDP2 with a view to inform work on the next LDP. Monitoring includes the assessment of policies used in planning decisions to see if they are having the intended effect or if there are any issues or problems with certain policies. We will continue to update the land use audits for both housing and business and industry on an annual basis.

What happens now LDP2 is adopted?

Reforming the Planning System

The Scottish Government seeks to improve Scotland's planning system to strengthen the contribution planning can make to inclusive growth, housing delivery and developing infrastructure, alongside addressing climate change and sustaining, supporting, and empowering communities.

The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in July 2019 and introduced a number of significant changes to the Development Planning system in Scotland and the way LDPs are prepared. Some of the changes include replacing LDPs every 10 years instead of the current 5 yearly cycle, having scope to amend specific sections of the Plan without having to review the whole plan after adoption and removing supplementary guidance.

The detail of how the new Act's provisions will work in practice, are contained within secondary legislation and further guidance. More information is available on the Scottish Government's transforming planning webpage - <https://www.transformingplanning.scot>

National Planning Framework 4 and Regional Spatial Strategies

The National Planning Framework (NPF) is a long-term strategy for Scotland. It plans for development and investment in infrastructure, identifies national developments and other strategically important opportunities in Scotland. NPF4 was adopted in February 2023 and covers the period from its adoption to 2045 with 10-year reviews. NPF4 contains both spatial and thematic planning policies in the same document and sets out the national policy position for land use planning. It will be used to determine planning applications.

As NPF4 contains planning policy, new LDPs will be place-based documents with emphasis on maps, site briefs and masterplans, with minimal policy wording. The reader should be able to find what is relevant to a particular place in one area of the plan and be able to refer to any policies relevant to that place or location.

The Act also includes a new requirement for planning authorities to prepare and adopt Regional Spatial Strategies (RSS). These strategies will identify the outcomes, needs, priorities, and proposed locations of strategic development and will help inform NPF4. Dumfries and Galloway Council worked with Scottish Borders Council to publish a joint Indicative Regional Spatial Strategy (IRSS) for the South of Scotland. This IRSS was submitted to the Scottish Government and can be viewed here: **Indicative Regional Spatial Strategy**.

Therefore, LDP3 should consider the ambitions and outcomes for our region, looking ahead to 20 years in the future. It should be developed through collaboration and based on robust evidence so that it is deliverable. The LDP should be place-based, with the inclusion of a clear Spatial Strategy shown in a collection of maps, site briefs and masterplans. Plans should be relevant and easily understood by the people with an interest in their place.

Preparing Local Development Plan 3

Following the adoption of NPF4, we consulted on the 14th edition of the DPS which proposed the type of consultation and engagement to be undertaken throughout the LDP3 process. This informed the subsequent editions of the DPS and details of the consultation and engagement can be found in the Participation Statement below.

There are several different assessments which must be undertaken to support the preparation of LDP3. They are an integral part of the plan making process and should inform, and be informed by, the plan as it is being prepared. These include:

- Strategic Environmental Assessment (SEA)
- Equalities Impact Assessment
- Public Sector Equality Duty Assessment
- Fairer Scotland Duty Assessment
- Habitat Regulations Appraisal.

The following flow chart provides an overview of the various stages involved in preparing and adopting LDP3. Dates for each stage of process can be found in the LDP3 timetable on the back page.

LDP Process - Content

Evidence Report – The Evidence Report will bring together a range of information which has been gathered about the region, to inform what to plan for. Starting the process with an evidence report should mean that LDP3 will be based on good information, be effective and lead to positive outcomes for people and their communities. The content of the Evidence Report should be informed and influenced by the people and places that are likely to be affected by LDP3, including through Local Place Plans. The Evidence Report is not expected to contain all the detail of the evidence, but it should provide a summary and an analysis of what the evidence means for the plan.

The SEA Scoping Report needs to be prepared and submitted to Consultation Authorities.

The draft Evidence Report is approved by full Council and sent to Scottish Ministers.

Gatecheck – Scottish Ministers appoint a reporter from Scotland’s Directorate of Planning and Environmental Appeals (DPEA) who will assess whether the Evidence Report contains sufficient information to enable the Planning Authority to prepare the Proposed Plan. If not, the Evidence Report is to be revised and resubmitted to Scottish Ministers.

Preparing the Proposed Plan – The Proposed Plan will identify where new development should take place and it will set out the ambitions and priorities for the future development of the Dumfries and Galloway region.

Before the Proposed Plan is put together, there will be an invitation issued calling for ideas and suggestions for sites and for comments to be put forward by the public and stakeholders. As part of the preparation of the Proposed Plan, we will engage directly with Key Agencies, communities, and other stakeholders so that all the available information, including the Evidence Report, can inform the Proposed Plan. It is at this stage that the contents of the Local Place Plans will be considered.

The Environmental Report, Equalities Impact Assessment, Public Sector Equality Duty Assessment, Fairer Scotland Duty Assessment and the Habitats Regulations Appraisal will be prepared.

The Proposed Plan will be published for consultation. We will assess representations received and consider whether any changes need to be made to the Plan. The finalised Proposed Plan and unresolved representations will be considered by Full Council before being sent to Scottish Ministers for the examination stage.

The Environmental Report will be consulted on alongside the Proposed Plan and will be modified as appropriate to reflect the consultation representations. The Equalities Impact Assessment, Public Sector Equality Duty Assessment, Fairer Scotland Duty Assessment and the Habitats Regulations Appraisal will be published alongside the Proposed Plan. These assessments will be revisited and updated as appropriate to reflect the consultation representations.

Examination – Scottish Ministers will appoint a Reporter from Scotland’s DPEA to consider issues raised in any unresolved representations. In addition, if the Reporter is not satisfied that the amount of land allocated for housing is sufficient, they may give notice to the planning authority that another Plan is to be prepared which addresses any deficiency in housing land allocation.

The Environmental Report will be amended as required following Examination and then submitted to Scottish Ministers.

ADOPTION - Once LDP3 is adopted it will need to be delivered. LDP3 will need to be accompanied by a Delivery Programme which sets out how the Council proposes to implement the plan. This will include a list of actions to deliver the proposals in LDP3 in accordance with the policies in the same plan; a named person for the delivery of each action; and a timescale for the conclusion of each action. Regular monitoring of LDP3 will determine how successfully LDP3 is being delivered. This will be especially helpful with regards to the Housing Land Pipeline which outlines when housing sites come forward. Monitoring will help identify and mediate any issues that occur and, depending on the circumstances, consider the status of housing sites including whether they are still deliverable or if they should be deallocated.

Following adoption of LDP3, the Environmental Report Post Adoption Statement will be prepared, published and monitored.

Local Place Plans

Local Place Plans (LPPs) offer communities the opportunity to produce a plan for their area expressing their aspirations and ambitions for future change. They focus on the community’s proposals for the development and use of land and provide a new opportunity for communities to feed into the planning system with ideas and proposals.

LPPs can be registered and taken account of in LDP3. While the regulations set out the legislative process, they leave scope for different approaches to consultation and production of an LPP. For each LPP to be taken into account in the LDP process, an LPP Expression of Interest must be submitted by end of July 2024 and the LPP should be registered or able to be registered by July 2025.

Information and guidance have been published for community groups who are interested in producing their own LPP and communities can seek assistance from the Council and its partners. This process of support is designed to be flexible so as to respond to issues as they arise. Further information on LPPs can be found here: **Local Place Plans - Dumfries and Galloway Council**.





Consultation and Engagement

The 2019 Planning (Scotland) Act has set a clear direction to improve engagement and help people in communities find a way to influence how their neighbourhood and the place they live will change for the better in the future. When preparing LPD3 we will share information and focus on early and meaningful engagement. We want to do the best we can to encourage people to take part and have their opinions and ideas heard so we will use the methods that have been shown to work and are now considered best practice for engaging with people.

Everyone will have an opportunity to get involved and comment throughout the LDP3 in the various stages outlined above, including having a say on how you would like to be involved. Once the LDP3 Proposed Plan has been published there will be limited opportunity for further engagement, so it is important to get involved during the earlier stages of the LDP3 process to ensure your voice is heard and you have the best opportunity to influence the Proposed Plan. We will keep you updated on when events are happening by publicising them on our website, through social media accounts such as Facebook and the X Platform (formerly known as Twitter), using email updates and through the DPS Participation Statement.

Throughout the preparation of LDP3, we will consult with the following groups:

- The general public;
- Under-represented groups such as Disabled people, Children and Young people, Gypsies and Travellers;
- Community groups, organisations and their representatives, including Community Councils and development trusts;
- Stakeholders and key agencies such as SEPA, Transport Scotland, Historic Environment Scotland and Nature Scot;
- Private sector such as business interests, landowners, and developers;
- Other groups with a wide interest such as Sustrans, tourism and nature conservation organisations.

Participation Statement

The Participation Statement sets out when, how and why you should get involved in the various stages of preparing LDP3. The responses received to the previous edition of the DPS have been taken into account and are included in this Participation Statement. They have enabled us to tailor our approach and make sure people can get involved and engage in the various plan preparation and consultation stages.

The experience of preparing previous LDPs has helped us learn how to improve the way we include the public and reach a wide range of people. We are conscious that the pandemic and the cost-of-living crises have had an impact on people, which is why we are proposing to have a mix of in person and digital platform consultation and engagement events and meetings. Proposed methods for information sharing, engagement, and consultation for the preparation of LDP3 will include:

Proposed methods for information sharing, engagement and consultation for the preparation of LDP3 may include:

- Press releases;
- Social media alerts;
- Information and updates on Council webpage;
- Directly notifying people signed up to our news and updates mailing list. You can sign up here: **Dumfries & Galloway Council (govdelivery.com)** and once subscribed enter the Subscribers Preference and select the Planning option;
- In person and digital meetings and discussions;
- Community Council meetings;
- Drop-in sessions and workshops in various locations across the region;
- Creative approaches to place making, including use of the **Place Standard Tool**;
- Notifying neighbouring properties to sites that are being considered for inclusion within the plan;
- Online and printed Questionnaires.



Evidence Report Engagement

The first engagement stage in the LDP3 process is the Evidence Report. We have been gathering and analysing information that will help inform the Proposed LDP3 and this information will be set out in the Evidence Report which will be reported to Dumfries and Galloway Council in December 2024.

We will engage with the public on the evidence gathered so far in order to provide the most informed Evidence Report. As outlined above we will undertake in person and online events to discuss the evidence gathered. These events will be undertaken throughout May and June 2024 and precise details of these will be found on the Council website here: **Local Development Plan (LDP2) - Dumfries and Galloway Council (dumgal.gov.uk)**

LDP3 Timetable

The main activity for 2024 will focus on gathering and finalising evidence for the Evidence Report, preparing the Play Sufficiency Assessment, Strategic Environmental Assessment Scoping Report and working with community bodies to prepare Local Place Plans. Once approved by Dumfries and Galloway Council, the Evidence Report will be sent to Scottish Ministers for assessment at the stage called the Gatecheck, we must pass this stage to be able to proceed to the next stage, which is preparing the Proposed LDP3. Additionally, there will be ongoing work in relation to Local Place Plans and the supporting assessments set out above that will help inform LDP3.

The timetable on the back page lists the relevant LDP3 stages and the anticipated time period in which it will be undertaken.

The Town and Country Planning (Development Planning) (Scotland) Regulations 2023 state that Development Plan Schemes are to specify the Quarter (Q) in which the planning authority expects to publish certain elements of the Local Development Plan process. This applies to the following stages:

- **Publish Evidence Report** Q3 2024 (November – December 2024)
- **Publish Proposed Plan** Q4 2026 (January – March 2026)
- **Send Proposed Plan to Scottish Ministers** Q4 2027 (January – March 2027)
- **Adopt LDP3** Q3 2027 (October – December 2027)

A definition of Quarter in relation to LDP timeframe is provided in the Glossary.

Feedback

For further information about this DPS, how to provide feedback or have any other general queries about the LDP2, please find further information here: www.dumgal.gov.uk/LDP2.

For news and updates on LDP3 we recommend that you register for our mailing list: **Dumfries & Galloway Council (govdelivery.com)**

You can contact us by telephone on **030 33 33 3000** and ask to speak to a member of the **Development Planning** team. You can also e-mail the **Development Planning** team at ldp@dumgal.gov.uk

Glossary

Equality Impact Assessment (EIA) – will identify where policies, guidance or procedures may have different effects on different groups of people. Dumfries and Galloway Local Development Plan 2 (LDP2) was assessed in this way.

Fairer Scotland Duty Assessment – Places a duty on public bodies in Scotland to actively consider how they can reduce inequalities of outcomes caused by socio-economic disadvantage when making strategic decisions.

Green Infrastructure – Features or spaces within the natural and built environments that provide a range of ecosystem services.

Habitats Regulations Appraisal (HRA) – is a way of considering if a plan or programme will have a 'likely significant effect' on a European (Natura) site. If there will be a likely significant effect the Habitats Regulations require competent authorities to carry out an appropriate assessment as part of the whole process.

Masterplan – describes how a site or area will be developed usually providing a specific outline and details of the access and roads and other infrastructure on the site, linkages to surrounding areas, the uses and type of buildings/spaces, the density of built development, the heights and other dimensions and design of buildings and the timescales for each phase of work. It may be developed by the Council to guide development or drawn up by a developer during a planning application; often used as part of a public consultation.

Place making – Describes an overarching process of creating high quality developments that are attractive to people to live, work and spend time in. It is not just about the design of buildings but considers the whole place and the community who will use it.

Public Sector Equality Duty Assessment – Places a duty on public authorities to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between persons who share a protected characteristic (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation) and those who do not.

Quarter – Refers to a three-month period of each financial year which runs from April to March. Quarter 1 is April to the end of June; Quarter 2 is July to the end of September; Quarter 3 is October to the end of December; and Quarter 4 is January to end of March It is a requirement to specify the numbered quarter and the year in which an action is expected to be carried out.

Site Briefs – A document providing detailed information to guide developers on the type of development, the expected design and layout, any constraints the Council has identified, and other specific requirements for a, usually substantial, site. It allows developers to understand what the Council would support and encourage on the site in planning terms. It is usually published by the Council and sometimes adopted as supplementary guidance.

Strategic Environmental Assessment (SEA) – A systematic method of considering if there are any effects on the environment as a result of a plan or programme, what they are and how the plan or programme might be helped to reduce or avoid environmental impacts.

LDP3 Timetable Stages



Stage	When
Publish 16 th Edition of Development Plan Scheme	March 2024
Evidence Report	
Gather evidence	April 2023 – November 2024
Engage with public and groups on evidence	May – June 2024
Finalise and Publish Evidence Report and SEA Scoping Report	November – December 2024
Gatecheck	
Examination of the Evidence Report	January – March 2025*
Proposed Plan	
Call for Ideas and Sites	January – February 2025
Prepare Proposed Plan, Delivery Programme	January – November 2025
Prepare Equalities Impact Assessment, Public Sector Equality Duty Assessment, Fairer Scotland Duty Assessment and Habitat Regulations Appraisal	January – November 2025
Publish and consult on Proposed Plan and the SEA Report	January – March 2026
Publish Equalities Impact Assessment, Public Sector Equality Duty Assessment, Fairer Scotland Duty Assessment and Habitat Regulations Appraisal alongside Proposed Plan	January 2026
Assess representations. Consider any changes and progress to examination stage.	April – December 2026**
Examination	
Examination of Proposed LDP3	January – June 2027**
Consider Examination recommendations. Publish any changes. Resend modified Proposed LDP3 to Scottish Ministers	July – September 2027**
Amend SEA if necessary, in light of Examination recommendations	July – September 2027**
Adoption	
Publish and Publicise Adopted LDP3	October – December 2027
Publish SEA Post Adoption Statement	After December 2027

* This timescale is based on information from the Scottish Government and will depend on the complexity of issues in the Evidence Report.

** This timescale for this stage will depend on the number and complexity of representations received to the Proposed Plan.