
LOCAL DEVELOPMENT PLAN: DEVELOPMENT PLAN SCHEME 2019

Report by Service Director Regulatory Services
SCOTTISH BORDERS COUNCIL

28 March 2019

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes that Council approves the annual update of the Development Plan Scheme.**
- 1.2 Publishing a Development Plan Scheme at least annually is a statutory duty and it must include a participation statement setting out how, when and with whom the Council will consult on the various Local Development Plan stages.
- 1.3 The proposed Development Plan Scheme 2019 (Appendix 1) has been prepared to provide information on the development plan process. It sets out the latest position on the Council's development plans.
- 1.4 In summary, this report brings forward the annual update of the Development Plan Scheme (Development Plan Scheme 2019) for Council approval.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council:-**
 - (a) **approves the proposed Development Plan Scheme 2019, as detailed in Appendix 1, for publication, deposit and copying to Scottish Ministers;**
 - (b) **agrees that the Development Plan Scheme be reviewed and published at least annually, and;**
 - (c) **authorises the Service Director Regulatory Services to make any necessary minor editing and design changes to the Development Plan Scheme prior to publishing it.**

3 BACKGROUND

- 3.1 The Planning etc. (Scotland) Act 2006 requires a Development Plan Scheme (DPS) to be prepared at least annually for the Local Development Plan (LDP). Its purpose is to set out the Council's programme for preparing, reviewing and consulting on its LDP.
- 3.2 After adopting a DPS, the Act requires the Authority to publish it (including electronically), send two copies to Scottish Ministers, and place copies in all public libraries. There is no requirement to consult on the content of development plan schemes and no provision for Ministers to approve them.
- 3.3 The DPS must include a Participation Statement (PS) which should indicate when, how and with whom consultation on the LDP is likely to take place. It should also set out the authority's proposals for public involvement in plan-making. Development Planning Regulations (2008) also require the DPS to contain a timetable.
- 3.4 The Scottish Planning Policy (SPP), published June 2014, states that the Planning Service should be plan-led with plans being up-to-date and relevant.
- 3.5 The SPP states that throughout the planning system "*... opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate*".
- 3.6 Best practice in consultation and engagement is set out in Planning Advice Note (PAN) 3/2010 Community Engagement. The aim is to make plan-making more open, inclusive and accessible. People are expected to be engaged early in the LDP process and PAN 3/2010 identifies a number of actions as the means of meeting this requirement.
- 3.7 The formal requirements aside, there is also an expectation in the wider stakeholder community that the DPS should contain the activities for consulting stakeholders, tailored to local circumstances and to the issues being dealt within the plan.
- 3.8 In mid-2016, the Scottish Government commenced the review of the planning system and at the end of 2017 a new Planning Bill was published. It is anticipated that the Bill will gain Royal Assent and become an Act in Summer 2019. Notable changes to the Development Plan process will include:
 - The Local Development Plan will be reviewed every 10 years or when required
 - The review process will start with the preparation of an Evidence Report, and a "Gatecheck" with the Scottish Government to ensure there is justification for the review and there is adequate evidence for the policy approach to be taken
 - The Main Issues Report will be replaced with a Draft Plan that will be consulted on
 - Delivery Programmes will replace Action Programmes that will focus on delivering development allocations
 - Communities will be able to produce their own plans known as Local Place Plans.

- 3.9 The preparation of LDP2 is well underway. The Main Issues Report was subject to a 12 week consultation period that closed on 31 January. In excess of 300 consultation responses were received. It is therefore important that the Council now moves swiftly in the preparation of the Proposed Plan to ensure the Scottish Borders maintains an up-to date Development Plan. It must also be ensured that the details of the DPS are reasonable but also sufficiently flexible and deliverable to take account of any material timeline changes from a potential range of sources.

4 PROPOSED DEVELOPMENT PLAN SCHEME

4.1 The DPS which is attached as Appendix 1 to this report makes reference to the following component parts :

- Confirmation of the purpose of the DPS including reference to relevant national planning legislation
- Identification of the component parts which make up the development plan including reference to the National Planning Framework for Scotland, Strategic Development Plan and the Local Development Plan
- The current status of development plan documents. This includes likely dates of adoption where relevant
- The process for preparing the LDP2 including reference to key documents. This includes reference to preparation of the Main Issues Report, the proposed LDP 2, Examination of the Plan and required neighbour notification and public consultation
- Confirm of where SBC is within the LDP2 production process
- A participation statement. This gives an indication as to when and how public engagement will take place at different production stages of the process.
- Confirmation as to how any interested parties can get involved in the process. This includes reference to opportunities available to raise awareness and view relevant documents, attend public events and how representations can be submitted.

5 IMPLICATIONS

5.1 Financial

The programme set out in the Development Plan Scheme 2019 can be funded by the existing budget allocated to cover anticipated costs.

5.2 Risk and Mitigations

The DPS is required under the terms of the Planning Act. The contents of the DPS set out current and potential future activities aimed at keeping the Development Plan for the Borders up to date to mitigate the risk of non compliance with legislation, thus the need to bring this report to Council to approve a DPS at this time.

5.3 Equalities

There are no direct equality implications arising from this report. There will be a requirement for consultation to be accessible by all sections of the community.

5.4 **Acting Sustainably**

There are no direct environmental implications arising from this report.

5.5 **Carbon Management**

There are no direct environmental implications arising from this report.

5.6 **Rural Proofing**

It is anticipated there will be a neutral impact on the rural environment from the DPS.

5.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director Human Resources, Communications and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Brian Frater
Service Director Regulatory Services

Signature

Author(s)

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Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 02 November 2017

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Contact us at Jacqueline Whitelaw, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk.