

Development Plan Scheme November 2020

- Community Engagement must happen at an early stage to influence the shape of plans and proposals
- It is essential for people or interest groups to get involved in the preparation of Development Plans as this is where decisions on the Strategy, for Growth or Protection, are made.





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1 What is the Development Plan Scheme?

- 1.1 This is the Development Plan Scheme (DPS) for Scottish Borders Council. The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006) and the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, require planning authorities to prepare a Development Plan Scheme each year.
- 1.2 In line with the current planning system the Council adopted its first Local Development Plan (LDP) in May 2016 - The Scottish Borders Local Development Plan 2016. That new plan replaced the Consolidated Local Plan 2011.
- 1.3 This DPS has been prepared to provide information on our progress in updating our LDP (adopted May 2016). The DPS includes a timetable of when we intend to reach key stages in the process of preparing our new Local Development Plan 2 (LDP2), which will eventually replace our current adopted LDP, and also includes a Participation Statement explaining how we will engage with our communities and stakeholders.

2 What are Development Plans?

- 2.1 The planning system provides the basis for land use management and affects everyone. Development plans contain the strategy for the future development of an area and set out policies and proposals to guide the future development and use of land. The plans are expected to cover topics on the environment, housing, transport and infrastructure, economic development and retailing.
- 2.2 Under the planning system, decisions on where and how development will take place in Scotland will be influenced by three statutory documents:

National Planning Framework for Scotland: this is produced by the Scottish Government and sets out, at the national level, the Scottish Government's long term vision for development and investment across Scotland over the next 20 to 30 years. NPF3 was published in June 2014.

<http://www.gov.scot/Resource/0045/00453683.pdf>

Strategic Development Plan: these are produced by the Strategic Development Planning Authorities (SDPAs) which are set up for Scotland's four largest city regions. The Scottish Borders lies within the SESplan Strategic Development Plan (SDP) area that also includes the council areas of East Lothian, Edinburgh, Fife (south), Midlothian and West Lothian. SDPs set out a long term (20 years or more) spatial planning strategy indicating in broad terms where future development will be located and what is needed to deliver it. The SESplan can be found at www.sesplan.gov.uk

Local Development Plan: these are produced by the local planning authorities and set out more detailed policies and proposals to guide development. These plans, which are adopted by the local planning authority, must accord with the approved SDP (in the case of the city regions) and seek to implement its requirements on a site-specific basis.

- 2.3 The Strategic Development Plan and the Local Development Plan form the statutory Development Plan for the Scottish Borders area. In addition, Supplementary Guidance on a specific planning topic may be prepared and form part of the statutory development plan but only where it has been specifically trailed as needed in an SDP or LDP.

3 What Development Plans do we have in the Interim?

3.1 The development plans for the Scottish Borders area are as follows:

SESplan Strategic Development Plan 2013-2032:

The Strategic Development Plan for Edinburgh and South East Scotland was approved in June 2013. The approval included the requirement to produce Supplementary Guidance on Housing Land. The Supplementary Guidance on Housing Land was adopted on 28 October 2014.


Scottish Borders Local Development Plan 2016:

The Local Development Plan for the Scottish Borders was adopted in May 2016. The adoption included the requirement to produce Supplementary Guidance on Housing Land and on Renewable Energy.

3.2 The Supplementary Guidance on Housing Land has been informed by a 'call for sites' in which developers and house builders were able to put forward proposals for consideration by the Council in order to meet the additional requirement of 916 houses. The Council approved the Finalised Supplementary Guidance in August 2017, and the document was formally Adopted in November 2017 following submission to Scottish Ministers for scrutiny. The Supplementary Guidance on Renewable Energy was formally adopted in July 2018.

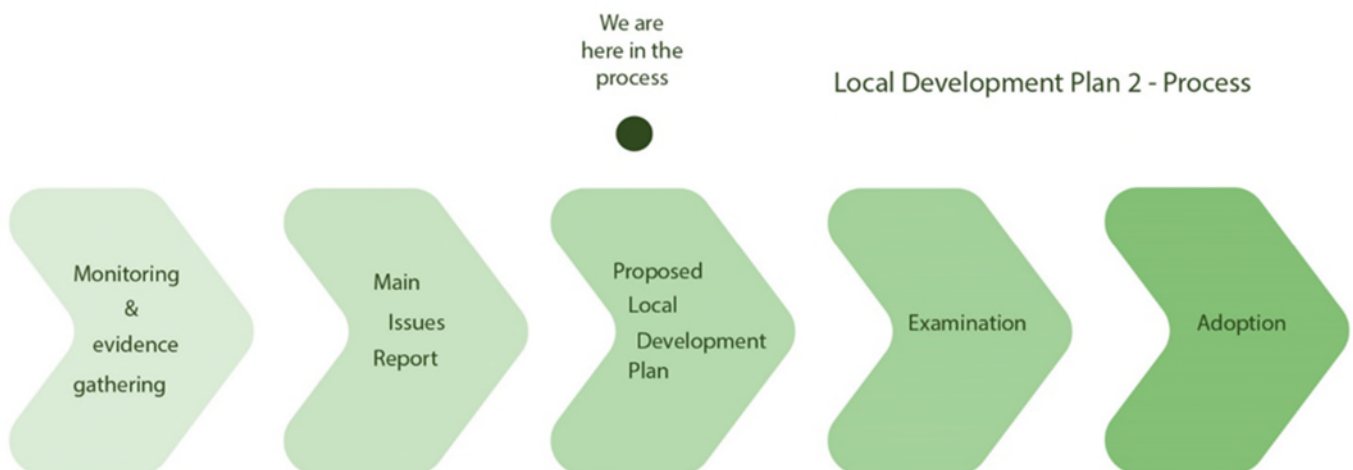
4 What is involved in the process of preparing a Local Development Plan?

- 4.1 The Local Development Plan (LDP) process is a lengthy and detailed process. The process is commenced by **gathering evidence** - this includes reviewing current LDP policies through a Monitoring Report. This will form the basis for a period of pre-consultation.
- 4.2 The first formal consultation takes place following the production of the **Main Issues Report** (MIR). This document focuses on the key areas of change from the last LDP, and will present a range of options for comment. This stage is a key stage in terms of public consultation as it will be from this consultation that the Council comes to a view on what should be in the new LDP.
- 4.3 Following the consideration of the consultation responses to the MIR, the Council will prepare the **Proposed Local Development Plan 2**. The Proposed Plan will represent the settled view of the Council. The type of consultation at this stage of the process is different to that what came before, in that this stage the Proposed Plan will be subject to a period of representation. Neighbour Notification letters are also sent out at this stage informing immediate neighbours of new development proposals. The Proposed Plan will also be accompanied by a draft Action Programme.
- 4.4 Should the Council receive objections to the Proposed Local Development Plan 2 that are not resolved they will be sent to the Planning and Environmental Appeals Division (DPEA) of the Scottish Government. An **Examination** would then be conducted by an appointed Scottish Government Reporter into the unresolved objections to the Proposed Plan. A Report including recommendations will be produced by the Reporter.

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- 4.5 On receipt of the Examination Report the Council will then move towards **Adoption of the Local Development Plan 2**. As the reporters recommendations from the Examination are largely binding on the Council, the Council may be required to modify the Proposed Plan. Once that is undertaken, the Council is required to submit the Proposed Plan as modified to the Scottish Ministers and advertise its intention to Adopt the plan.
- 4.6 Further information on the above key stages is set out in Planning Circular 6/2013: Development Planning. That document contains guidance on the legislative procedural requirements relating to the preparation of development plan in Scotland.


5 Where we are now

5.1 We are currently at the Proposed Local Development Plan stage. It was intended to present the Proposed LDP to Council in March 2020, along with the Council’s response to the comments received from the public consultation on the MIR. However, as a result of the current Covid-19 crisis and associated lockdown, the Council made the decision to cancel full Council meetings. However, since that time, Council meetings have now reconvened and the Proposed Local Development Plan was presented to Council in September 2020. Therefore, it is necessary to review the Development Plan Scheme, and the timescale within it on bringing forward the new LDP. It is noted that it must 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, including the current Covid-19 crisis.



5.2 It is noted that as a result of the ongoing Covid-19 crisis, the Coronavirus (Scotland) Act 2020 has placed the requirement on the Council to consider if any of its actions would give rise to a significant risk of transmission of coronavirus (for example by providing public access to an office) or would be ineffective or inappropriate due to action taken to control the incidence or transmission of coronavirus (for example, placing copies of documents in libraries that are closed). The Council is also required to promote the national policy of social/physical distancing.

5.3 The above therefore has a direct impact on how the Council will carry out its engagement



on the Proposed Plan. There will be a number of amendments to the normal statutory duties and non-statutory actions will require to be taken, such as: there will be no public meetings or drop-in sessions as they may give rise to a significant risk of the transmission of coronavirus. Where possible, correspondence, communication and publicity (including public inspection of the Proposed Plan and any of its associated documents) will be by electronic means.

- 5.4 We are also currently building up a contacts database of all those who would like to be engaged in the LDP2 process. If you would like to be added to this database please let us know by contacting us (details of how you can contact us are in section 7).

6 Participation Statement

- 6.1 LDP Authorities must include a Participation Statement (PS) in their Development Plan Schemes. It should set out when consultation is likely to take place, with whom, its form and the steps that we will take to involve the public in the LDP's preparation or review stages.
- 6.2 The Scottish Government sets out guidance on how the community can effectively engage in the planning process in Planning Advice Note 3/2010: Community Engagement. Early engagement is defined as being the LDP Main Issues Report (MIR) stage.
- 6.3 Scottish Borders Council has in the past extensively consulted throughout the Local Development Plan Process. However, due to the current Covid-19 crisis and the Coronavirus (Scotland) Act 2020, the Council is now required to consider if any of its actions would give rise to a significant risk of transmission of coronavirus. Therefore, it is considered that at this time public events will be restricted to online videos.
- 6.4 On the publication and deposit of the Proposed Plan there is a (six week minimum) period of final objection. However, the period for making representations to the Proposed LDP will be 12 weeks long. This is 6 weeks longer than the statutory minimum.
- 6.5 As part of the Proposed Plan representation period, the document will be posted on the Council's website. In addition to the formal advert that is required, a press release will also be issued in advance of the representation period commencing. The Council's social media accounts will also be utilised, and a series of notifications will be posted on Facebook and Twitter, to assist with this a communications plan has been prepared.
- 6.6 To inform all those interested in the publication of the Proposed Plan, letters and/or emails will be sent out to everyone on our Local Development Plan contacts list. Neighbour notification letters will also be sent to those who are neighbours of potential employment, housing, or regeneration sites. Neighbour notification letters are sent to those who hold a property next to land being proposed for development. This is a mandatory requirement for councils at the Proposed Plan stage. NB: Only those within a 25m radius of the perimeter of these sites will receive notification, this distance exceeds the statutory referenced 20 metre notification distance. Another set of letters will also be sent out to residential institutions such as sheltered accommodation and student accommodation where they require to be neighbour notified.
- 6.7 The Council will also publish the Proposed Plan on Citizens Space, a software for managing public involvement activity. In addition to Citizen Space, representations will

also be accepted electronically via email and also in paper format.

- 6.8 In the absence of community events due to Covid-19 restrictions, online videos will be prepared to inform the public on how the consultation process on the Proposed LDP will be carried out. During the deposit period officers will also prepare an online video of Frequently Asked Questions.
- 6.9 In addition, an interactive online story map will also be produced that allows the public to view and understand the Proposed LDP.
- 6.10 It is accepted that not everyone who wishes to become involved in the LDP process can or has access to the internet. For that reason, flyers will be distributed to all community councils so that they can post them within their communities. Officers will send out printed posters advertising the proposed LDP representation period to all Community Councils for them to place on public notice boards within their respective communities. It is therefore important that these flyers contain a contact number that anyone can phone to speak to a planning officer, this will then allow the opportunity for anyone to ask questions and for those questions to be answered. It should be noted that contact details will also be included within the press release and within a SBConnect article.
- 6.11 Particular emphasis will be placed on engagement with young people in the Scottish Borders, this is also inline with the Council's equality obligations. The Forward Planning Team will engage with the Youth Engagement Worker within the Community Learning and Development Services. They will then work with this group and then invite them to make comments on the proposed Local Development Plan. Input if required from the Forward Planning Team will be lead by Youth Engagement Worker.

Potential Consultation Programme (subject to review)

1 Proposed LDP2 published and formal representation phase (Autumn 2020)

Purpose: to give stakeholders and consultees the opportunity to submit formal representations to the plan. Any unresolved representations not withdrawn, will be considered in a subsequent Examination.

2 Examination of Proposed LDP2 (Summer 2021)

Purpose: to allow unresolved representations to be considered by an independent reporter.

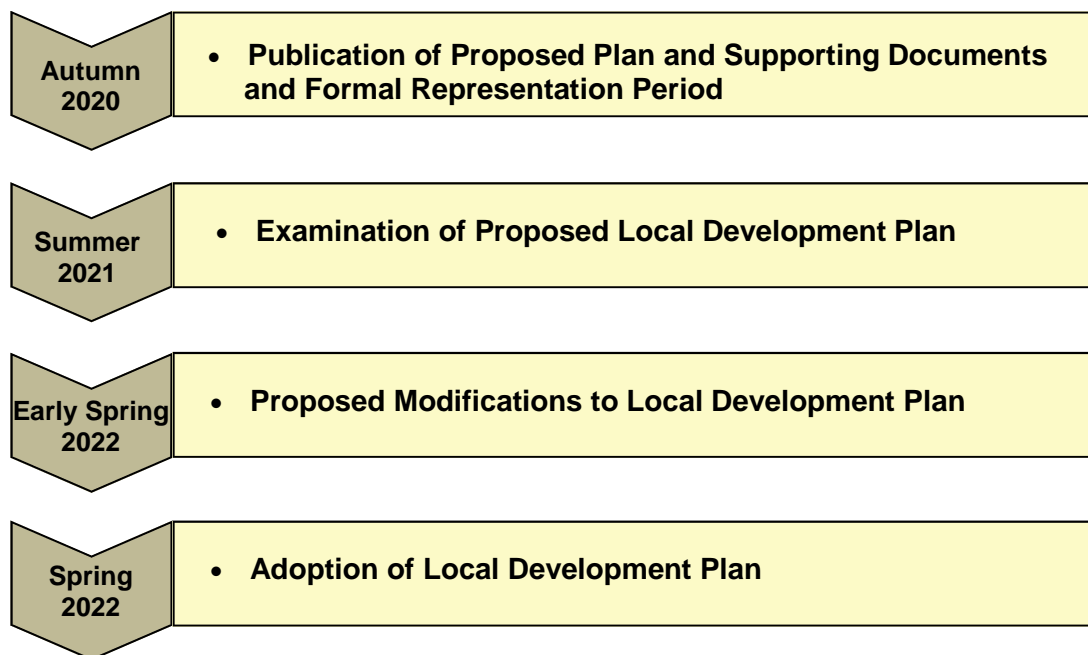
3 Proposed Modifications to LDP2 (Early Spring 2022)

Purpose: to give stakeholders and consultees the opportunity to be informed on the proposed modifications by the Council to the LDP2 following public examination.

4 Adoption of LDP2 (Spring 2022)

6.12 This reflects our current thinking but the timing and content of planned consultation stages are approximate at this stage given the time horizon involved and uncertainty surrounding the Corona virus (Covid-19) impacts on the citizens and staff of Scottish Borders Council. Subsequent reviews of the DPS will allow increased precision in the timetable. The diagram below shows the current timeframe of the Local Development Plan coming forward.

Local Development Plan Timeframe (subject to review)



Keeping you informed

6.13 We will notify interested parties and stakeholders at periodic stages throughout the LDP2 process, but we want to do more than that and maintain a flow of project information. The main home for this real time information will be our web site at www.scotborders.gov.uk

6.14 We will try to accommodate the range of consultees and interests with an interest in the future of the Borders, including agencies and organisations, community councils, businesses and the general public.

7 Getting involved

In the past some people have, for various reasons, not been able to, or have chosen not to get involved in the planning process. But it's vital we hear from a wide range of interests. So we want to make it as easy as we can to get people involved in the LDP project by making access to information and communication with us as straightforward as possible. There will be opportunities for people to comment on our process and main plan stage outputs.

We plan to use a range of techniques, including:

- publicising an e-mail address where you can ask questions about the LDP process and get a personal response
- keeping a record of everyone who responds in a database for newsletters or up and coming events
- publishing key documents on our website
- providing paper copies of key plan stage documents at libraries and council area offices
- press releases and awareness-raising publicity at each key stage of the LDP process
- making translations of key documents into the main community languages available on request.

If you want to be involved in the LDP process you can contact us by:

Emailing us at:

localplan@scotborders.gov.uk

or,

Writing to us at:

Forward Planning Team
Scottish Borders Council
Newtown St Boswells
Melrose
TD6 0SA