
LOCAL DEVELOPMENT PLAN: DEVELOPMENT PLAN SCHEME 2021

Report by Director - Infrastructure & Environment

SCOTTISH BORDERS COUNCIL

25 November 2021

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 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 2021 (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.

2 RECOMMENDATIONS

- 2.1 **I recommend that Council:-**
 - (a) approves the proposed Development Plan Scheme 2021, as detailed in Appendix 1, for publication, deposit and copying to Scottish Ministers, and;**
 - (b) authorises the Director 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. The Bill received Royal Assent and became an Act in July 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 In taking forward the new Planning Act, the Scottish Government undertook public consultation on the arrangements for the content, preparation, submission and registration of local place plans and that closed in June. Alongside that consultation, the Scottish Government also published a draft 'How to' Guide for producing local place plans. On 7 October the Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021 were laid in the Scottish Parliament. Subject to Parliament's approval the Regulations will come into force on 22 January 2022. In addition, on the 10 November the Scottish Government published the Draft National Planning Framework 4, and that document is out for consultation until 31 March 2022. After which the document will then be subject to Scottish Parliament scrutiny.
- 3.10 The Main Issues Report (MIR) was subject to a 12 week consultation period that closed on 31 January 2019. In excess of 300 consultation responses were received. It was intended that a report would be presented to Council in March 2020 on the Proposed LDP, along with the Council's response to the comments received from the public consultation on the MIR. However, as a result of the global crisis that mounted following the outbreak of the Corona virus (Covid-19), all Council meetings were cancelled. The Proposed LDP was presented to Council in September 2020 and the Proposed LDP was then placed on deposit. The representation period ran for 12 weeks and ended on 25 January 2021. In excess of 1000 responses were received, this being over double the number received at the same stage during the production of LDP1. This is testament to thorough consultation undertaken despite Covid-19 restrictions in place at that time. Therefore, it is necessary to review the DPS, and the timescale within it on bringing forward the new LDP. The details of the DPS must be reasonable but also sufficiently flexible and deliverable to take account of any material timeline changes from a potential range of sources, including the current Coronavirus crisis.

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 new LDP including reference to key documents. This includes reference to preparation of the Main Issues Report, the proposed LDP, Examination of the Plan and required neighbour notification and public consultation.
 - Confirmation of where SBC is within the new LDP 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 2021 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. However, it is acknowledged that as a result of the current Covid-19 crisis and the subsequent delay in taking the Proposed LDP forward, the current adopted LDP has now exceeded its five year lifespan. Other Planning authorities are in a similar position. The Scottish Government has acknowledged this and have stated the pandemic is having an impact on the ability of planning authorities to maintain the review cycle of LDPs within the intended timeframes and consequently expect more Plans will extend beyond 5 years. They have stated they are keen to support Authorities in adapting to the current circumstances. No risks have been identified.

5.3 Integrated Impact Assessment

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 Sustainable Development Goals

There are no direct environmental implications arising from this report.

5.5 Climate Change

There are no direct environmental implications arising from this report.

5.6 Rural Proofing

This report does not affect or amend rural proofing policies.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

6 CONSULTATION

- 6.1 The Director - Finance & Corporate Governance, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director – People, Performance & Change, the Clerk to the Council and Corporate Communications have been consulted and comments received have been incorporated into the final report.

Approved by

Name **John Curry Title Director - Infrastructure & Environment**

Author(s)

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Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 5 November 2020

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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.