
**LOCAL DEVELOPMENT PLAN: DEVELOPMENT PLAN SCHEME
No.7**

Report by Service Director Regulatory Services

SCOTTISH BORDERS COUNCIL

2 April 2015

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 No 7 (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 No7) for Council approval.

2 RECOMMENDATIONS

2.1 I recommend that Council agrees:

- (a) To approve the proposed Development Plan Scheme No7, as detailed in Appendix1, for publication, deposit and copying to Scottish Ministers;**
- (b) That the Development Plan Scheme be reviewed and published at least annually, and;**
- (c) To authorise 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 Development Planning Regulations (2008) also require the DPS to contain a timetable.
- 3.4 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.
- 3.5 The revised, Scottish Planning Policy (SPP), published June 2014, states that the Planning Service should be plan-led with plans being up-to-date and relevant.
- 3.6 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*".
- 3.7 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.
- 3.8 The formal requirements aside, there is also an expectation in the wider stakeholder community that the PS should contain the activities for consulting stakeholders, tailored to local circumstances and to the issues being dealt with in the plan.

4 PROPOSED DEVELOPMENT PLAN SCHEME

- 4.1 The proposed Development Plan Scheme No 7 (Appendix 1) has been prepared to provide information on the development plan process.
- 4.2 It sets out the latest position on the Council's development plans. The preparation of the Local Development Plan commenced with a pre-Main Issues Report engagement exercise in October 2010. The Main Issues Report has also been produced and was out for public consultation between on 2 April 2012 to 25 June 2012. The LDP Proposed Plan was placed on deposit between 6 December 2013 and 3 March 2014; and is now undergoing Examination by reporters of the Directorate of Planning and Environmental Appeals (DPEA). The Examination commenced 26 November 2014 and the target date for its completion is 23 July 2015.

- 4.3 The Strategic Development Plan (SDP) produced by SESplan (The Strategic Development Planning Authority for Edinburgh and South East Scotland) was formally approved in June 2013. The approval of that Plan included the requirement to produce Supplementary Guidance on Housing Land, and that Supplementary Guidance was adopted on 28 October 2014. SESplan are now in the process of producing SDP2, and the Main Issues Report is currently being prepared with SESplan Committee agreement expected late Spring.
- 4.4 The Act requires that, at the Public Examination stage of the LDP, the appointed reporter examines whether the Council has conformed with, or gone beyond the requirements of the participation statement (PS) that was current at the time the Proposed LDP was published. This has been undertaken and the Reporter has confirmed that he was satisfied with the consultation undertaken and the Examination is underway.
- 4.5 Following receipt of the Examination Report, a report will be presented to Council to consider the Reporter's Recommendations. Recommendations contained within the Examination Report are largely binding on the Council and if accepted, the Council can then proceed to adoption.

5 IMPLICATIONS

5.1 Financial

The programme set out in the Development Plan Scheme No 7 will need to be funded. Budget is 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 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

6 CONSULTATION

- 6.1 Consultation on this report has been undertaken with the Chief Financial Officer, the Service Director Regulatory Services, the Service Director Strategy & Policy, the Chief Officer Audit and Risk, the Chief Officer Human Resources and the Clerk to the Council. Any comments received have been incorporated in the final report.

Approved by

Service Director, Regulatory Services Signature

Author(s)

Name	Designation and Contact Number
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Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 24 April 2014

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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

Appendix 1: Development Plan Scheme: No. 7 - April 2014

Introduction

As part of the Scottish Government's reform of the planning system, the Scottish Borders Council is responsible for the preparation of the new Local Development Plan (LDP). The LDP will be prepared to set out the detailed planning policies and land allocations that follow from the Strategic Development Plan (SDP) for the Edinburgh and South East Scotland area undertaken by SESplan.

The Council adopted the Consolidated Local Plan on 10 February 2011 incorporating the Local Plan Amendment, on the basis of the Structure Plan Alteration approved by Scottish Ministers in June 2009. This provides a robust planning basis for the area pending the new development plans under preparation.

In advance of the production of the Main Issues Report (MIR), the Council carried out an early engagement exercise that informed the production of the MIR. The MIR was subject to a 12 week public consultation which ran from 2 April 2012 to 25 June 2012. In October 2012 a report was presented to Council which sought the agreement to the proposed responses to the consultation comments received on the MIR.

In September 2013 a further report was presented to Council which sought the agreement to the Council's Proposed LDP including the response to the outstanding matters from the Consultation on the MIR. The Proposed LDP was published in December 2013 and the Deposit Period ran from 6 December 2013 through to the 3 March 2014.

A report was presented to Council on 25 September 2014 which sought the agreement to take the representations/issues to Examination, as well as agreement on the proposed responses to those representations/issues received on the Proposed LDP.

The Proposed LDP was submitted to the Directorate of Planning and Environmental Appeals (DPEA) on 22 October 2014 and is currently undergoing Examination. The Examination formally commenced 26 November 2014 and the target date for its completion is 23 July 2015.

What is a Development Plan Scheme?

The DPS sets out the programme for preparing and reviewing the LDP. It is to be updated at least every year to keep you informed about progress on the LDP.

The Scheme includes the following:

- a summary of the development planning system
- a summary and timetable for the development plans currently being prepared
- a Participation Statement with information on when and how you can get involved including a summary of what's involved at the various stages of preparing the LDP.

What are Development Plans?

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.

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 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 DPS for 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.

The Strategic Development Plan and the Local Development Plan will 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.

What Development Plans do we have in the Interim?

The new Development Plan system takes some time to complete. However, the new Strategic Development Plan (SDP) was formally approved in June 2013. Therefore, 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.

Consolidated Scottish Borders Local Plan incorporating:

Scottish Borders Local Plan

The Scottish Borders Local Plan adopted by the Council in September 2008.

Scottish Borders Local Plan Amendment

The Consolidated Local Plan 2011 adopted by the Council 10 February 2011.

These will be replaced by the Scottish Borders LDP once adopted.

What are we going to do in the future under the new Planning Act?

Following the approval and publication of the SDP by SESplan in June 2013 and the adoption of the Supplementary Guidance on Housing Land in October 2014, the Council has produced the Proposed Local Development Plan (LDP). The Proposed LDP is currently undergoing Examination by reporters of the Directorate of Planning and Environmental Appeals (DPEA). The DPEA have a target date for completion of the Examination of 23 July 2015.

<i>LDP Indication of Potential Timeframe (subject to review and update)</i>	
Completion of Examination of Proposed LDP	Mid Summer 2015
Proposed Modifications to LDP	Late Summer 2015
Council Consideration of Reporter's Report	Late Summer 2015
Adoption of LDP	Autumn/Winter 2015

When will we update our DPS?

The DPS will be reviewed every year. If there are significant changes to report in the interim then this could lead to an earlier update of the DPS.

Participation Statement

Background

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.

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. However, proposals have been developed to extend engagement proposals beyond the PAN's minimum requirement.

Scottish Borders Council has extensively consulted throughout the new Local Development Plan Process and so far our consultation has included:

Pre-Main Issues Report/Early Engagement Stage:

- Local Development Plan page on the Council's website kept updated
- Expressions of Interest Form (available online or by hard copy)
- Community Council Seminar carried out by Planning Aid Scotland
- Letter/Emails informing all on the Council LDP Mailing List
- Article within the Winter edition of the SB Connect
- Consultation with Children & Young People through the Council's Participation Officer

- Presentations to the Teviot and Cheviot Area Committees
- Focus Group meetings (Community Councils and other interested parties)
- Community Group Meetings (at Duns, Peebles and Hawick).

Main Issues Report Stage:

- Local Development Plan page on the Council's website kept updated
- Letter/Emails informing all on the Council LDP Mailing List
- Neighbour Notification letters in relation to potential employment, housing or regeneration sites
- Copies of the Main Issues Report were distributed to all Community Councils, Key Agencies and were placed within all Council libraries (including mobile) and contact offices
- Advert in the Local Press (Berwickshire News, Hawick News, Peeblesshire News, Southern reporter and Borders Telegraph)
- Press Release issued in advance of Main Issues Report Consultation and a further issued alerting of close of consultation
- Article within the Spring edition of the SB Connect
- Stakeholder Presentation
- Main Issues Report Exhibitions (venues at: Lauder, Hawick, Galashiels, Peebles, Eyemouth, Jedburgh, Duns, Selkirk and Kelso)
- Banner advertising Main Issues Report Consultation added to staff's email signature
- Advert on the Councils home web page alerting public of consultation
- Tweets posted informing public of the consultation, and further tweets 10 days before the consultation ends, and a week before the consultation ends.

Proposed Local Development Plan Stage:

- Local Development Plan page on the Council's website kept updated
- Letter/Emails informing all on the Council LDP Mailing List
- Neighbour Notification letters in relation to potential employment, housing or redevelopment sites
- Copies of the Proposed LDP were distributed to all Community Councils, Key Agencies and were placed within all Council libraries (including mobile) and contact offices
- Advert in the Local Press (Berwickshire News, Hawick News, Peeblesshire News, Southern reporter and Borders Telegraph)
- Article within the Winter edition of the SB Connect
- Proposed LDP Presentation at each of the Area Forums within the Scottish Borders (venues at: Jedburgh, Selkirk, Hawick, Peebles and Duns)
- Press Release issued in advance of the Proposed LDP Representation Period as well as another Press Release in advance of the Area Forum Presentations
- Tweets posted informing public in advance of the Representation Period, numerous during the Representation Period and then a final one two weeks before the Representation Period ended. Additional tweets were also posted in advance of each of the Area Forum Presentations.

Potential Programme (subject to review)

The LDP is now at its final stage of preparation, and the following are the key stages in that process:

1. Public Examination of Proposed LDP (Anticipated Completion Mid Summer 2015)

Purpose: to allow unresolved representations to be heard by an independent reporter appointed by the Scottish Government.

2. Proposed Modifications to LDP (Late Summer 2015)

Purpose: to give the Council the opportunity to consider the proposed modifications put forward by the reporter in respect of any unresolved representations following public examination.

3. Adoption of LDP (Autumn/Winter 2015)

Purpose: to formally adopt the LDP, and complete the Development Plan for the area.

This reflects our current thinking but the timing and content of the programme are approximate at this stage given the uncertainties involved. This includes the time taken in the Examination process. Subsequent reviews of the DPS will keep the timetable up to date.

Pre-Consultation/Early Engagement on LDP 2 is anticipated to commence in spring 2016.

Keeping you informed

We notify interested parties and stakeholders at periodic stages throughout the LDP 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. This lets you register your details on the web site, and then be notified of any up and coming developments or events.

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.

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

Environment and Infrastructure Department

Scottish Borders Council

Newtown St Boswells

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