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## **LOCAL DEVELOPMENT PLAN: DEVELOPMENT PLAN SCHEME 2016**

**Report by Service Director Regulatory Services**

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### **SCOTTISH BORDERS COUNCIL**

**19 May 2016**

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#### **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 2016 (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 2016) for Council approval.

#### **2 RECOMMENDATIONS**

- 2.1 I recommend that Council agrees:**
  - (a) To approve the proposed Development Plan Scheme 2016, as detailed in Appendix 1, 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 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 within the plan.

### **4 PROPOSED DEVELOPMENT PLAN SCHEME**

- 4.1 The proposed Development Plan Scheme (DPS) 2016 (Appendix 1) has been prepared to provide information on the development plan process.
- 4.2 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 they anticipate the publication of the Proposed SDP2 in the Summer. It is therefore important to ensure that the Scottish Borders new LDP2 follows closely behind the SDP2 process to ensure that the Council maintains an up to date Development Plan.

- 4.3 The DPS sets out the latest position on the Council's development plans. It is noted that the Council adopted its first Local Development Plan (LDP) on 12 May 2016, and so the Development Plan Scheme set out in Appendix 1 relates to a new LDP i.e. LDP2. It should also be noted that the adoption of the Council's first LDP also included the requirement to produce and submit to Scottish Ministers Supplementary Guidance on Housing Land and Renewable (wind) Energy. For the above reasons, the DPS does not anticipate the commencement of the LDP2 process until Winter 2016/2017.
- 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 will be a matter for more detailed work in a subsequent update of the DPS.
- 4.5 If the reporter is not satisfied that the authority has conformed to the PS, he or she may request Scottish Ministers to direct that further consultation takes place. Such a scenario could significantly extend the timescale for bringing forward the LDP. To minimise this risk, it is important that the details of the consultation process set out in the PS are requisite but also sufficiently flexible and deliverable.

## **5 IMPLICATIONS**

### **5.1 Financial**

The programme set out in the Development Plan Scheme 2016 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 **Carbon Management – Climate Change (Scotland) Act 2009**

It is not considered the Report brings any impact on the Council’s carbon emissions.

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 Chief Officer Human Resources and the Clerk to the Council have been consulted and any comments received have been incorporated in 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, 7 April 2015

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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](mailto:eitranslationrequest@scotborders.gov.uk).