

Development Plan Scheme November 2022





Contents

Inside this Development Plan Scheme:

1 What is the Development Plan Scheme?	4
2 What are Development Plans?	5
3 What Development Plans do we have in the Interim?	6
4 What is involved in the process of preparing a Local Development Plan?	7
5 Where we are now	9
6 Participation Statement	11
7 Getting involved	13

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 The current Local Development Plan (LDP) was adopted in May 2016. It 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 (LDP), 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>

A replacement fourth national planning framework (NPF4) was published in draft in November 2021. Consultation on that document has taken place and the revised draft version of the NPF4 was laid in Parliament on 8th November.

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.

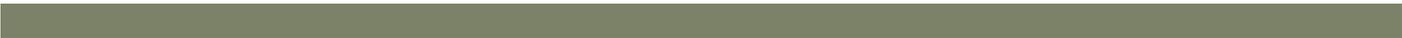
Scottish Borders Local Development Plan 2016:

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**. 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 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.

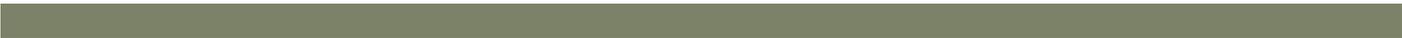
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- 4.5 On receipt of the Examination Report the Council will then move towards **Adoption of the new Local Development Plan**. As the reporters recommendations from the Examination are largely binding on the Council, the Council may be required to modify 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 The diagram below illustrates the stage of the Local Development Plan process that the Council is currently at. We are currently at the Examination stage with the Examination underway.



- 5.2 In March 2022 a report was presented to Council, that report sought agreement for the proposed response to the representations/issues received on the Proposed Plan. The Council then submitted the Proposed Local Development Plan 2020 for Examination on 14 July 2022. Scottish Ministers appointed Mr. Nick Smith BSc (Hons) MRTPI to carry out the examination of the Plan. Following their appointment, the Reporter examined the Council's conformity with the participation statement and the Examination of the Proposed Plan formally commenced on 26 September 2022. It should be noted that a further three reporters were appointed to assist with the speedy delivery of the Examination report.
- 5.3 There were 1043 separate representations submitted by individuals, companies or organisations to the Proposed LDP. A representation may make reference to a single issue, or may refer to a multitude of issues. The Council collated the representations into 76 issues. Further information about the examination and summary of the issues (known as Schedule 4 Forms) being addressed by the reporters can be found on the DPEA website at: <https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=122407>

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- 5.4 It is now 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.

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 was required to consider if any of its actions would give rise to a significant risk of transmission of coronavirus.

Potential Consultation Programme (subject to review)

1 Examination of Proposed LDP (Autumn 2022 to Spring 2023)

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

At the Examination stage, it is for the appointed Reporter to determine if further information or if a formal hearing is required.

2 Proposed Modifications to LDP (Summer 2023)

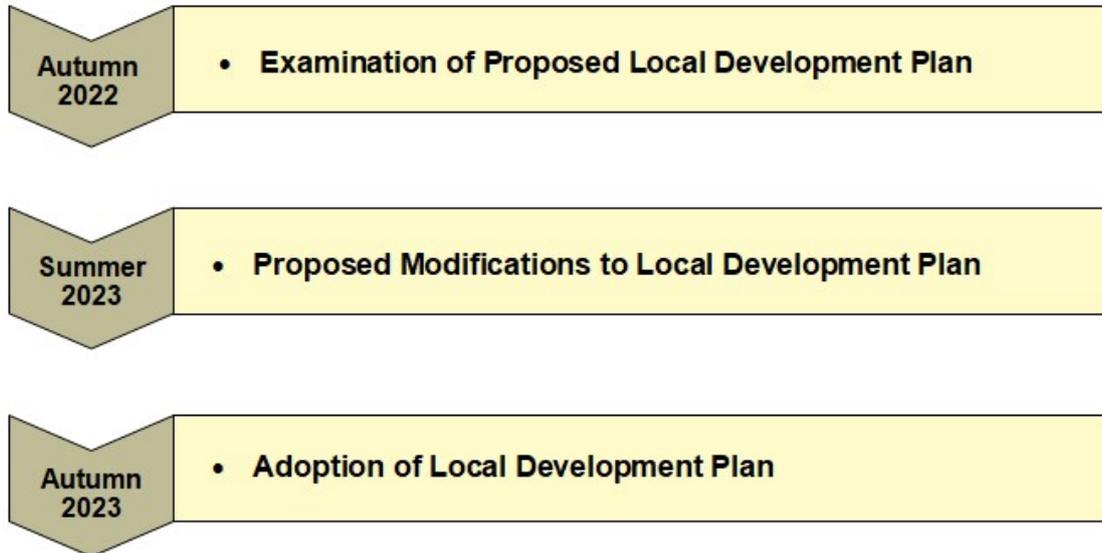
Purpose: to give stakeholders and consultees the opportunity to be informed on the proposed modifications by the Council to the new LDP following public examination.

The recommendations contained within the Examination Report are largely binding on the Planning Authority. The Council are required to publish the Plan as modified, and notify people who made representations prior to the Examination.

3 Adoption of the new LDP (Autumn 2023)

- 6.4 This reflects our current thinking but the timing and content of planned consultation stages are approximate at this stage given the time horizon involved. Subsequent reviews of the DPS will allow increased precision in the timetable. The diagram on the following page shows the current timeframe of the Local Development Plan coming forward.

Local Development Plan Timeframe (subject to review)



Keeping you informed

- 6.5 The Council are also continuing to build up a contacts database of all those who would like to be engaged in the LDP 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).
- 6.6 We will 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
- 6.7 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