

PERTH AND KINROSS COUNCIL**Enterprise and Infrastructure Committee****9 November 2016****Perth and Kinross Local Development Plan 2018-2028
Development Plan Scheme****Report by Depute Chief Executive, Environment
(Sustainability, Strategic and Entrepreneurial Development)**

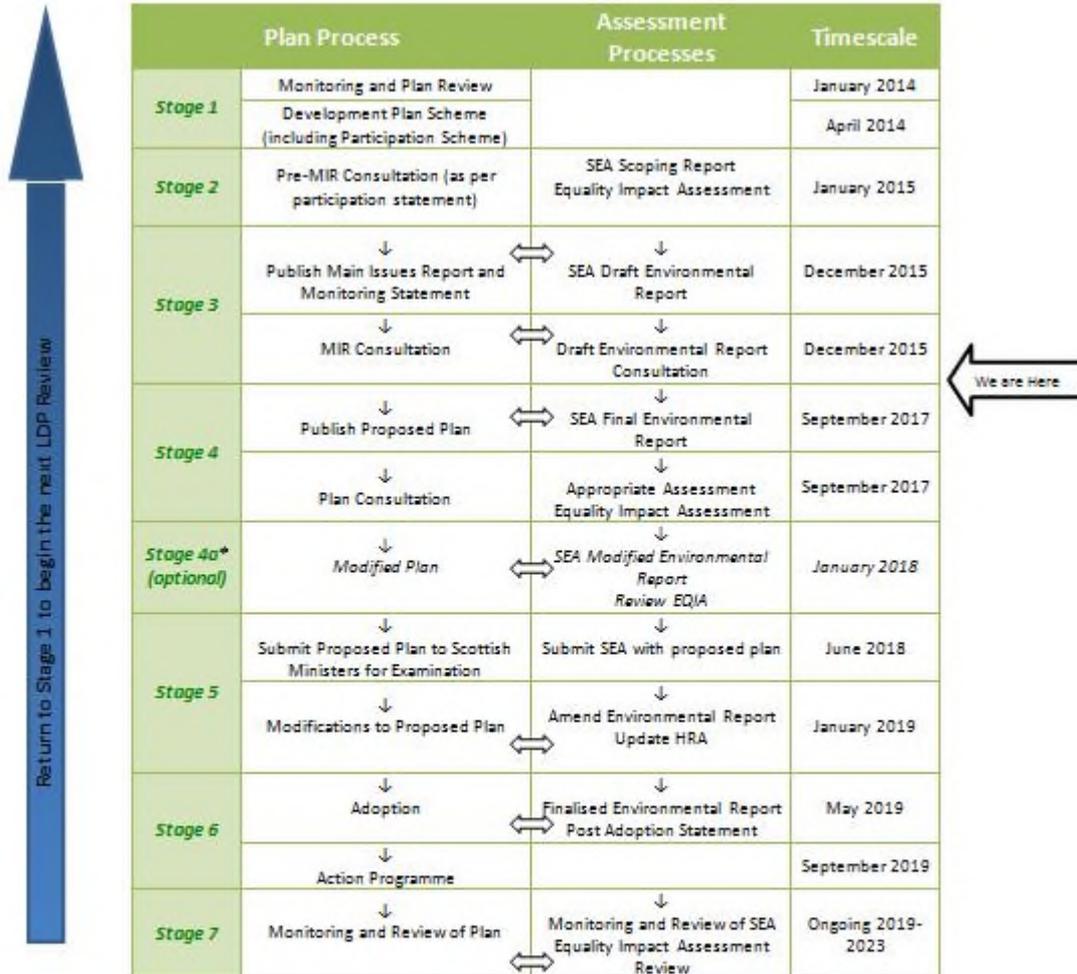
This report seeks approval of the publication of the updated Development Plan Scheme as a key stage in the preparation of the next Perth and Kinross Local Development Plan 2018-2028.

1. BACKGROUND / MAIN ISSUES

- 1.1 As required under Section 20B of the Town and Country Planning (Scotland) Act 1997, the Planning Authority is required to prepare a Development Plan Scheme. This sets out the proposed timetable for the preparation of the Local Development Plan (LDP), details of what will be involved at each stage, as well as setting out the Council's commitment to consultation and engagement in the Participation Statement.
- 1.2 In accordance with Section 20B (2) b of the Act, the Development Plan Scheme has to be annually updated. It will be available to view online, as well as in public libraries and local offices to keep the public and interested parties up to date on what stage of the plan the Council is currently progressing.

2. PROPOSALS**Development Plan Scheme**

- 2.1 With the adoption of the current LDP in February 2014, along with the legislative requirement in the Act to have this updated within 5 years, the Council is now preparing the next Local Development Plan.
- 2.2 The Development Plan Scheme, as detailed in Appendix 1, sets out the proposed timetable for the next LDP 2018-2028 (see table below). It details what will be involved at each stage and includes a Participation Statement. This sets out the "when, who, how and why" of consultation/engagement at each stage of the Plan preparation.



*It is unlikely that signification modifications will be required and it is anticipated, as was the case with LDP1 and the vast majority of LDPs prepared across Scotland, that stage 4a will not be necessary. Modifications can cause significant delays and should not be undertaken as a matter of course but only if significant changes are proposed. If significant modifications are required we will be unable to meet the statutory 5 year period of review, however if it is not necessary to prepare a Modified Plan we would hope to have LDP2 adopted in February 2019 in line with the statutory requirement.

2.3 There is a requirement for the Council to annually update the Development Plan Scheme (DPS), which was first adopted in April 2014. The last update was published alongside the Main Issues Report in December 2015.

2.4 The timetable within previous versions of the DPS highlighted that the Proposed Plan would be published in September 2016. This was based on the TAYplan 2 Proposed Plan being submitted to Ministers for Examination in February 2016, and with a view to the Examination taking less than 6 months, as there was very little change from the first plan (TAYplan 1). However, the decision was taken by TAYplan to hold off submission to Ministers, while still being within their 4 year deadline. As a result of this, the TAYplan 2 Proposed Plan was not submitted to Ministers until 8 June 2016. The Department of Planning and Environment Appeals (DPEA) have recently advised that due to the completion of other work streams, significant work on the TAYplan 2 Examination is unlikely to commence before early September 2016. The DPEA then have until 8 March 2017 to complete this review to be within their target date for issuing their report on the Examination.

- 2.5 Until this recent announcement, it was expected that the report on the TAYplan 2 Examination would be available in time to allow the preparation of the report on the Proposed Plan to go before Council in December 2016. However, with the delay and uncertainty over the TAYplan Examination, this will not be achievable. If the Council was to publish the Proposed Plan before the report on TAYplan 2 was received, there is a risk that the Proposed Plan would not be consistent with TAYplan, as the outcomes of unresolved representations would not be known. Most relevant to Perth and Kinross Council are issues regarding housing numbers and whether or not a 10% generosity figure will be added. This presents a risk that a Proposed Plan could be prepared and published, with the wrong figures. This would mean that notifiable modifications (i.e. those that add, remove or significantly alter any policy or proposal in the plan) would have to be published. This would mean publishing the proposed LDP as modified and with the same publication requirements as at Main Issues Report (MIR) stage. Although this could be accommodated within the existing timetable, and would still meet the February 2019 target date, it would incur extra staff and financial resources, and potentially confuse the public.
- 2.6 To eliminate any risk associated with publishing the Proposed Plan before knowing the outcomes of the TAYplan Examination, it is proposed to amend the timetable for the Proposed Plan. The DPEA have until 8 March 2017 to publish the TAYplan 2 Examination Report. This means that it is unlikely that the Report would be received in time to allow the Perth and Kinross Proposed Plan to be presented to the last scheduled meeting of the Council in April 2017. Accordingly, the timetable has been amended to delay the publication of the Proposed Plan until after the 2017 summer recess. This means that the Proposed Plan is likely to be published in September 2017.
- 2.7 This will result in a considerable delay in the timetable, and while it would be tight, the requirement to have LDP 2 adopted within 5 years of LDP1 could potentially be met. However, there would be no capacity to incorporate any modifications. It should be noted that the Planning Circular 6/2013: Development Planning states that notifiable modifications can cause significant delay and so should not be undertaken as a matter of course.
- 2.8 This delay could potentially raise issues in relation to performance. The Planning Circular advises that "Planning authorities will be measured on their performance in preparing their development plans against two national headline indicators, as set out in the Planning Performance Framework:
- The age of the local development plan – requirement to be less than 5 years old
 - Whether the programme to replace the plan, as set out in the DPS, is on track

- 2.9 Scottish Ministers have a power under the Act (section 16(7)) to direct a planning authority to prepare and submit a report as to why it has failed to replace its LDP within five years. Given the circumstances outlined above, any challenge would mean officers would prepare a report, demonstrating why the delay was outwith the Council's control.
- 2.10 The delayed publication of the Proposed Plan would, however, give officers the opportunity to work on some of the committed areas of improvement highlighted in the Planning Performance Framework. This includes the improvement of visualisations and graphics in the LDP, improving stakeholder engagement and working towards achieving customer service excellence, all of which would help improve overall performance.

What stage are we currently at?

- 2.11 The Main Issues Report was published on 23 December 2015 and focused on the key issues and changes from the adopted LDP. The consultation on the Main Issues Report started on 23 December 2015 and closed on 16 March 2016. This provided an opportunity for key agencies, developers, landowners, members of the public and other interested parties to make representations on the key issues presented in the Main Issues Report. This consultation was advertised through a release in the local press, community newsletters and information made available on social media. 862 letters and 1773 emails were issued to stakeholders, key agencies and contacts on our consultation database. Information regarding the consultation was available online, including interactive representation forms. In addition, ten drop in sessions were held during the consultation period throughout Perth and Kinross, attended by more than 450 people. This was a successful consultation process with more than 350 representations made in response to the Main Issues Report. Work is ongoing analysing the representations received and this information will contribute towards the content of the Proposed Plan. The next stage of the Plan is the preparation of the Proposed Plan.

What happens next?

- 2.12 The Proposed Plan will be considered by Council and then published for consultation in September 2017. The LDP Proposed Plan is the settled view of the Council and includes all the relevant strategies, policies and development proposals to enable representations to be made on them. The Proposed Plan will be published for consultation for a minimum of six weeks. This will allow key agencies, developers, landowners, members of the public and other interested parties to make representations on the content of the plan.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The Development Plan Scheme has been updated to take account of delays in the examination of TAYplan 2. It sets out a proposed timetable for the preparation of LDP 2, as well as the Participation Statement for consultation on the plan.

3.2 It is recommended that the Committee:

- i) Agrees the updated Perth & Kinross Council Development Plan Scheme and authorises the Director (Environment) to copy the Scheme to the Scottish Ministers;
- ii) Requests the Director (Environment) to submit an annual progress report to the Enterprise and Infrastructure Committee detailing any changes to the Development Plan Scheme.

Author

Name	Designation	Contact Details
Rhiannon Moylan	Assistant Planning Officer	01738 475000 TESCommitteeReports@pkc.gov.uk

Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive, Environment (Sustainability, Strategic & Entrepreneurial Development)	28 October 2016

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	No
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The Development Plan Scheme contributes to the following Perth and Kinross Community Plan/Single Outcome Agreement priorities:

- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (v) Creating a safe and sustainable place for future generations

Corporate Plan

1.2 The Development Plan Scheme contributes to the achievement of the following Council Corporate Plan priorities:

- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (v) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 Any costs will be contained within the current Local Development Plan budget.

Workforce

- 2.2 There no workforce implications arising from this report.

Asset Management (land, property, IT)

- 2.3 There no asset management implications arising from this report.

3. Assessments

- 3.1 An Integrated Appraisal of the Development Plan Scheme has been undertaken using the Integrated Appraisal Toolkit which combines the functions and requirements of Equality Impact Assessment, Sustainability Assessment and the pre-screening / screening for Strategic Environmental Assessment

Equality Impact Assessment

- 3.2 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Development Plan Scheme was considered under the Corporate Equalities Impact Assessment process (EqIA) through an Integrated Appraisal with the following outcome:

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation:
- a) The DPS will contribute towards encouraging vibrant and safe communities, where everyone has an opportunity to participate in community life and local decision-making.
 - b) The DPS will promote equal access and inclusiveness. The overall aim of the Participation Statement is to provide an opportunity for all in the Perth and Kinross Council area to get involved in consultation/engagement and benefit from it.
 - c) The DPS will promote opportunities for lifelong learning with opportunities for active citizenship in learning and participating in the preparation of the LDP.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and in relation to the Development Plan Scheme there was no need for a Strategic Environment Assessment. As it is concerned with the process and consultation of the various stages in the preparation of the LDP it will not result in significant environmental effects.
- 3.5 However, the Local Development Plan, referred to in the Development Plan Scheme, will require a full Strategic Environmental Assessment. Due to the nature of the plan there are likely to be significant environmental effects, as a consequence, an environmental assessment of the Local Development Plan is compulsory under the Act. The Local Development Plan is considered to be a 'qualifying' plan under the Act so it does not require screening.

Sustainability

- 3.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
 - in the way best calculated to deliver any statutory adaptation programmes; and
 - in a way that it considers most sustainable.
- 3.7 Under the Council's Integrated Appraisal it was considered that whilst the Development Plan Scheme is concerned with the process and consultation of the various stages in the preparation of the LDP, the Local Development Plan would seek to achieve sustainable development through its emerging vision, strategies, policies and proposals.

Legal and Governance

- 3.8 The Head of Legal and Governance has been consulted.

Risk

- 3.9 None.

4. Consultation

Internal

4.1 None.

External

4.2 None.

5. Communication

5.1 Following adoption the Development Plan Scheme will be sent to Scottish Ministers, published and made available on the Council website and libraries within the Council area.

2. BACKGROUND PAPERS

2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report.

- Town and Country Planning (Scotland) Act 1997
- Planning Circular 6/2013: Development Planning
- Report to Enterprise and Infrastructure committee on Development Plan Scheme 25 March 2015.

3. APPENDICES

3.1 Appendix 1: Development Plan Scheme November 2016

