

Development Plan Scheme for Midlothian Number 7**Report by Mary Smith, Director Education, Communities and Economy****1 Purpose of Report**

- 1.1** This report seeks approval for the Development Plan Scheme for Midlothian No. 7 (DPSM 7) which is required to be published by 31 March 2015 to satisfy legislative requirements.

2 Background

- 2.1** Preparation of a development plan scheme is a statutory requirement. It is a document setting out the planning authority's intentions with respect to preparing, reviewing and consulting on the Strategic Development Plan (SDP) and the Local Development Plan (LDP) for its area.
- 2.2** A development plan scheme is required to contain:
- the development plan programme including:
 - the proposed timetable; and
 - details of what is likely to be involved at each stage of preparation or review;
 - the participation statement including:
 - an account of when consultation is likely to take place and with whom;
 - its likely form; and
 - the steps to be taken to involve the public at each stage.
- 2.3** After adopting a development plan scheme, the authority is required to publish it (including electronically), place it on deposit in public libraries and send it to Scottish Ministers (though not for approval). Consultation on the Scheme is not required.
- 2.4** The proposed DPSM 7 is attached as Appendix 1. Compared to DPSM 6 (published 31 March 2014), the timetable includes a delay in the publication of the Proposed Plan from Summer 2014 to Spring 2015. This delay was incurred in determining the required scope of the Midlothian Local Development Plan (MLDP) transport appraisal in conjunction with Transport Scotland, and in subsequently completing the appraisal. Publishing the Proposed Plan in Spring will enable the period for representations to be concluded in advance of the schools Summer holidays. It is expected that the MLDP can be adopted by mid 2016.

- 2.5** DPSM 7 also sets out a timetable for the new replacement strategic development plan (SDP2) and the replacement Midlothian Local Development Plan (MLDP2). SESplan's programme, contained in its draft Development Plan Scheme 7 (DPS7), would see SDP2 approved by Spring/Summer 2018. Work has started on SDP2, and the Main Issues Report (MIR) is expected to be published by Summer 2015. As before, preparation of LDPs will follow closely behind, but any delay with SDP2 will affect MLDP2. Scottish Government guidance is that LDPs should be replaced every five years, and should be adopted within two years of SDP approval. This requires an adoption date of late 2020 for MLDP2.
- 2.6** The draft SESplan DPS7 was circulated to the SESplan board on 6th February, but ratification will not be sought until 23rd February, so the SDP2 timetable may be subject to change, with consequences for the MLDP2 timetable. In this eventuality, Midlothian Council will amend its programme for MLDP2 to conform to that approved for SDP2.

3 Report Implications

3.1 Resource

Publication of the DPSM 7 can be met within current budgetary provision. The preparation and consultation requirements for the MLDP are provided for within the current budget.

3.2 Risk

There is a statutory requirement that DPSM be updated at least annually, which requires publication by 31 March 2015. Failure to meet this deadline could lead to legal challenge or Scottish Government intervention. Failure to adhere to the participation statement could lead to substantial delays in the plan-making process as a 'Statement of Conformity with the Participation Statement' will be tested by the Scottish Government Department of Planning and Environmental Appeals Reporter at the MLDP Examination. DPSM7 is critical to this process.

3.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☒ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

3.4 Impact on Performance and Outcomes

Publication of DPSM7 contributes to the preparation of Local Development Plans for Midlothian.

3.5 Adopting a Preventative Approach

This report sets out the programme for delivery of the Local Development Plan, which is, or will be, accompanied by Action Programmes. These documents provide strategic guidance and forward planning for investment in future growth and development in Midlothian over the period to 2024. They will help to inform the future spending priorities of the Council and its community planning partners as well as other public, private and voluntary sector bodies.

3.6 Involving Communities and Other Stakeholders

Consultation on the development plan scheme is not required under the terms of the legislation, its purpose being to set out the Council's intentions with regard to consultation and engagement. The DPSM 7 includes a Participation Statement which forms the basis for communications activities for the publication of the Proposed Plan and the remaining phases to plan adoption. In preparing the DPSM 7, account has been taken of the Council's corporate guidance on consultation and the National Standards for Community Engagement. As in previous schemes, a customer feedback questionnaire will be issued, to seek views on how the Council engages with the public on its new development plans.

3.7 Ensuring Equalities

An Equalities and Human Rights Impact Assessment has been prepared in relation to the Proposed Plan and is available in the Members' Library. Its findings can be summarised as follows:

- the impact of the Proposed Plan on the following equality target groups was positive: age, disability, people experiencing poverty or at risk of poverty, and travelling people or gypsies;
- the impact on other target groups was considered to be neutral; and
- no negative impacts were found.

The Equalities Assessments prepared for the Main Issues Report and Proposed Plan have considered the public engagement arrangements, with additional contacts being identified for consultation purposes, and further consideration being given to the suitability of consultation venues from an equalities point of view. The assessment was submitted to Business Transformation for a high level overview.

3.8 Supporting Sustainable Development

This report refers solely to the programme and participation statement for the development plan and is not itself a 'strategic action' for the purposes of Strategic Environmental Assessment. However, environmental assessment of the Proposed Plan has been undertaken

3.9 IT Issues

There are no IT issues arising from this report.

4 Recommendations

4.1 It is recommended that Cabinet:

- (a) approves the Development Plan Scheme for Midlothian No.7 (DPSM 7) (appended to this report); and

(b) agrees to publish the DPSM 7 and submit it to Scottish Ministers on or before 31 March 2015.

10 February 2015

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Background Papers:

Appendix 1 - pre-publication draft of Development Plan Scheme for Midlothian No. 7, March 2015