Development Plan Scheme for Midlothian No. 4

Report by Ian Johnson, Head of Planning and Development

1 Purpose of Report

1.1 This report seeks Cabinet approval for the Development Plan Scheme for Midlothian No. 4 (DPSM 4) which is required to be published by 31 March 2012 to satisfy the requirements of the legislation.

2 Background

2.2 Preparation of a development plan scheme is a statutory requirement for each planning authority. It is a document setting out the authority’s programme for preparing, reviewing and consulting on the Strategic Development Plan and the Local Development Plan for its area.

2.3 Each Development Plan Scheme (DPS) is to incorporate a participation statement and is to be updated at least annually. After adopting a DPS, the planning authority is required to publish it, including electronically, place it on deposit in public libraries and send it to Scottish Ministers. Consultation on the DPS is not required and it does not require the approval of Scottish Ministers.

2.4 The DPS is expected to comprise:

- the development plans 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.

The Development Planning Regulations require a DPS to contain a timetable indicating the month in which the planning authority proposes to (1) publish its main issues report, (2) publish its proposed plan, and (3) submit the proposed plan, whether modified or not, to Scottish Ministers.

2.5 Strategic Development Plan for Edinburgh and SE Scotland (SESplan): The SESplan DPS No. 4 will be presented to the SESplan Joint Committee on 5 March 2012. The SESplan timetable therefore still needs to be confirmed. If there is any change to the timetable agreed at the March Joint Committee, then the SESplan timetable as presented in
DPSM 4 (attached) will be amended accordingly, in agreement with the Cabinet Spokesperson for Strategic Services

2.6 Midlothian Local Development Plan: The proposed Development Plan Scheme for Midlothian No. 4 (DPSM 4) is attached as Appendix 1.

2.7 The timetable as presented in DPSM 4 includes some slippage in the publication of the Main Issues Report (MIR) from February 2012 to September 2012. This has in part arisen as a result of resources being diverted to assist with the SESplan work programme which has also experienced some slippage. This delay will allow for important background work to be completed to inform the MIR, including a retail study and transport modelling, and should mean that a new online development plan facility is available, whereby the public and other consultees will be able to take advantage of a new way of keeping in touch with, and providing input to, the various stages in the MLDP process. The back office system to accompany this will introduce efficiencies into the process and make it more transparent.

2.8 One of the main functions of the DPSM is to elicit interest, and to encourage parties to register such interest, on a development plan database of interested parties. A customer feedback questionnaire will be issued with the DPSM 4.

2.9 Further details of the proposed MIR consultation process will be brought to Cabinet for approval at the same time as approval for the MIR is sought. These details can be reflected in an updated DPSM at that time, if necessary.

2.10 Subject to Cabinet approval, DPSM 4 will be formatted into a user-friendly form and prepared for printing, including any minor editing changes as agreed with the Cabinet Spokesperson for Strategic Services, prior to publication in hard copy and online. Copies of DPSM 4 will be submitted to Scottish Ministers by 31 March 2012 and made available to Community Councils. Copies will be placed on deposit in public libraries and at Fairfield House and will be available on request.

3 Report Implications

3.1 Resource

Publication of the DPSM 4 can be met within current budgetary provision. The preparation and consultation requirements for the MLDP are provided for within the current budget. There is a separate SESplan budgetary provision for publication and consultation relative to the Strategic Development Plan.

3.2 Risk

There is a statutory requirement that the DPS be updated at least annually, which in Midlothian’s case requires publication of DPSM 4 by 31 March 2012. 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 due to adverse findings of the Reporter at the Public Examination.

3.3 Policy

Strategy

The preparation of the SDP and MLDP contributes to the achievement of the following corporate objectives and service priorities:

Corporate Objectives:
1: Supporting healthy, caring and diverse communities where local needs are met; 2: Maximising business opportunities; 4: Conserving and improving Midlothian’s natural environment.

Service Priorities:
- Prepare the Edinburgh and South East Scotland Strategic Development Plan (SESplan) in partnership with the five other partner Councils.
- Prepare the Midlothian Local Development Plan.

In terms of the Single Outcome Agreement, the preparation of the development plan will contribute to the following Local Outcomes:
- continue to improve Midlothian’s growing economy;
- make Midlothian a more attractive place for doing business;
- promote inward investment and create quality and affordable business locations;
- provide access to quality, affordable housing by delivering affordable homes for rent and sale;
- improve accessibility by sustainable modes of travel; and
- safeguard and enhance the amenity of Midlothian.

Consultation

Consultation on the DPS is not required under the terms of the legislation but the purpose of the DPS itself is to set out consultation/engagement intentions. The DPSM 4 includes a participation statement which will form the basis for a more detailed communications plan. The DPSM will be reviewed at least annually to ensure that it accurately reflects the intentions of this Council in terms of engagement with all stakeholders. In preparing DPSM 4, account has been taken of the Council’s corporate guidance on consultation and the National Standards for Community Engagement.

Equalities

The Strategic Development Plan has been subject to equalities impact assessment as will the MLDP.
Sustainability

Both the SDP and the MLDP will be subject to Strategic Environmental Assessment and will be based upon a sustainable development strategy.

4 Recommendations

Cabinet is recommended to:

(a) approve the Development Plan Scheme for Midlothian No.4 (DPSM 4)(appended to this report);

(b) in the event that the SESplan Development Plan Scheme No. 4 is amended by the SESplan Joint Committee at its meeting on 5 March 2012, remit the Director Corporate Resources to make requisite modifications to DPSM 4 in consultation with the Cabinet Spokesperson for Strategic Services; and

(c) agree to publish the DPSM 4 and submit it to Scottish Ministers on or before 31 March 2012.

Date 17 February 2012

Report Contact: Colin Davidson, Planning Policy Officer
Tel No 0131 271 3470
E-mail colin.davidson2@midlothian.gov.uk