

Item: 10

Development and Infrastructure Committee: 2 February 2021.

Orkney Local Development Plan – Development Plan Scheme.

Report by Executive Director of Development and Infrastructure

1. Purpose of Report

To consider the Development Plan Scheme for 2021.

2. Recommendations

The Committee is invited to note:

2.1.

That the Council is required by statute to review and publish a Development Plan Scheme, which explains the work programme, how and when stakeholders will be involved in the review of the Local Development Plan, and the methods of consultation which will be employed.

It is recommended:

2.2.

That the Development Plan Scheme 2021, attached as Appendix 1 to this report, be approved.

3. Development Plan Scheme

3.1.

Annual publication of a Development Plan Scheme is a formal part of the Local Development Plan process and should include the programme for review of the Plan and target dates for the delivery of various stages in the process.

3.2.

The first Development Plan Scheme was published in April 2009, with new Schemes being produced, submitted to the Development and Infrastructure Committee and thereafter approved, on an annual basis since, apart from 2020.

3.3.

The Development Plan Scheme for 2021, attached as Appendix 1 to this report, notes the progress on the review of the Scottish Planning System, the current position of the Orkney Local Development Plan 2017 and work programme for 2021 and the first part of 2022.

3.4.

In spring/summer 2022, the Scottish Government anticipates that National Planning Framework 4 and the new Development Planning Regulations will be published. Until these documents have been published, the work programme for after this point is currently unclear and therefore cannot be included in the Development Plan Scheme 2021.

4. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

5. Corporate Governance

Publication of the Development Plan Scheme is part of the statutory process for preparation and implementation of the Local Development Plan. Accordingly, this report does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan. However, the Local Development Plan is a key document for delivering many of the Council Plan and Local Outcomes Improvement Plan priorities.

6. Financial Implications

The costs associated with publication of the Development Plan Scheme 2021 are estimated to be £500. This will be met from existing Development and Marine Planning Revenue Budgets. All costs for the onward review will be met through the existing Planning Revenue Budgets. This process is a statutory function and one of the core functions of the Development and Marine Planning Team.

7. Legal Aspects

7.1.

Section 20B of the Town and Country Planning (Scotland) Act 1997 (as amended) contains an obligation on the Council as the planning authority to prepare a Development Plan Scheme. The Council must prepare the scheme whenever required to do so by Scottish Ministers or whenever the authority think it appropriate to do so but in any event within 1 year of last preparing such a plan.

7.2.

The Development Plan Scheme must include proposing timetabling, details of what is likely to be involved at each stage of preparation or review and an account of when consultation is likely to take place, with whom, the likely form of consultation and the steps to be taken to involve the public at large in the stages of preparation or review.

8. Contact Officers

Gavin Barr, Executive Director of Development and Infrastructure, extension 2301,
Email gavin.barr@orkney.gov.uk

Roddy MacKay, Head of Planning, Development and Regulatory Services, extension
2530, Email roddy.mackay@orkney.gov.uk

Susan Shearer, Planning Manager (Development and Marine Planning), extension
2533, Email susan.shearer@orkney.gov.uk

9. Appendices

Appendix 1: The Development Plan Scheme 2021.

Appendix 2: Equality Impact Assessment.

The Development Plan Scheme 2021

February 2021

Introduction

The Council is required by statute to produce an annual Development Plan Scheme (DPS), which provides an update on the work programme and timescales for the review of the Orkney Local Development Plan. Additionally, the DPS provides details on the consultation and engagement with our stakeholders and members of the public.

What is a Local Development Plan (LDP)?

A LDP provides a strategy for the future of an area and a land use framework within which investment and development can take place. It is the main policy tool used by the Planning Authority in the determination of planning applications. It must be consistent with Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3), which are the national planning documents for Scotland.

The Changing Legislative Position

The Planning (Scotland) Act 2019 received Royal Assent in July 2019 and makes significant changes to the Town and Country Planning (Scotland) Act 1997 including alterations to the development planning system. Secondary legislation to enable implementation of the new Act was originally expected to be largely completed by 2021, however the current Coronavirus pandemic has seen timescales shift to mid-2022.

The Main Development Planning Changes

The next **National Planning Framework** will incorporate Scottish Planning Policy (SPP), be part of the Development Plan and is subject to Parliamentary approval. Work on the National Planning Framework 4 (NPF4) began in January 2020 with the Call for Ideas consultation.

There is a requirement for all authorities, working together as they see fit, to prepare **Regional Spatial Strategies** (RSS) setting out strategic development priorities. The NPF4 is required to have regard to these RSS. Work is underway on the preparation of an Indicative Regional Spatial Strategy for Orkney that covers the land and marine based planning functions of the Council.

The aim of the Act is to make **Local Development Plans** (LDP) more effective, prepared with greater community involvement and with more focus on delivery of development. The LDP sets out the spatial strategy for the development and use of land in the area. It sits in the context of the purpose of planning and must take account of the Local Outcomes Improvement Plan (LOIP) and the National Planning Framework. LDPs are moved to a 10-year cycle rather than a 5-year cycle.

The review process will commence with the preparation by the planning authority of an **Evidence Report** that will detail why the LDP review is required and if there are national policies that the planning authority require a different approach.

Local communities will be invited to produce **Local Place Plans** that will look at the land, buildings and issues that they consider to be important for their communities as well as a requirement to consider development and the use of land for the location.

The Drafting of National Planning Framework 4

In early 2020, the Scottish Government had a “Call for Ideas” to inform their early drafting work for NPF4. In November 2020, the Scottish Government published a Position Statement on the issues that they consider need to be addressed in NPF4.

NPF4 will be a new spatial and policy plan for Scotland that will look to 2050 and contain “model policies” for all planning authorities. It will focus on achieving four key outcomes of Net-Zero Emissions, Resilient Communities, A Wellbeing Economy and Better, Greener Places.

After delays associated with the Coronavirus pandemic, a draft is expected to be consulted on in autumn 2021 with the final version being approved and published by the Scottish Government in spring/summer 2022.

Transitional Guidance for Development Planning

In November 2020, the Scottish Government published the Development Planning – Transitional Guidance. The guidance is to allow for a smooth changeover and to reduce duplication of work. For LDPs that have not commenced the review and preparation of a new LDP, it is considered that preparatory work towards the new style plans can begin prior to the publication of NPF4 and the new LDP regulations. This preparatory work could include evidence gathering and engagement with stakeholders.

The Transitional Guidance envisages that every planning authority in Scotland will have a new style LDP in place within five years of the regulations coming into force.

What is the current position with the Orkney Local Development Plan?

The current LDP for Orkney is the Orkney Local Development Plan 2017 (OLDP2017). It has been approved for a 5-year period by the Council and the Scottish Government; and runs until April 2022 and can be found at <https://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm> along with the current suite of statutory supplementary guidance <https://www.orkney.gov.uk/Service-Directory/D/guidance-for-the-plan-2.htm>

As the Council has not formerly commenced the review of the OLDP2017, apart from monitoring works, it is considered under the Transitional Guidance that we will commence early preparation work until the publication of NPF4 and the Development Planning Regulations, which is anticipated to be spring/summer 2022.

The Work Programme

This work programme is based on the Planning (Scotland) Act 2019 and the Transitional Guidance from the Scottish Government. Until the publication of NPF4 and the Development Planning Regulations, the work programme from spring/summer 2022

onwards is not clear. It is considered that the Development Plan Scheme for 2022 would be able to provide more clarification.

For 2021 and 2022

To commence the review of the OLDP2017, it is proposed:

1. Continue to engage with the Scottish Government on the development of associated regulations, guidance in regard to the review of the planning system that includes Regional Spatial Strategies and the drafting of NPF4.
2. Commence early consultation and engagement with our communities and planning stakeholders; the outcomes of which will form part of the Evidence Report. It is proposed to have a period of open consultation in July, August and September 2021 that will look to gather views on planning in the County through the banner of *Planning Matters*. Consultation will commence with online surveys and polls; and then engagement with our communities in their communities. One specific aim of the consultation will be to wish to ask communities about the new provision of Local Place Plans and the support they may need to engage with this provision.
3. Develop matters to be addressed in the Evidence Report; meaning what evidence will be required to inform Orkney's new Local Development Plan. This could include development land audits, educational, healthcare and infrastructure requirements as well as monitoring of the OLDP2017 and associated Supplementary Guidance. The development of the Evidence Report will involve key agencies, planning stakeholders (including internal colleagues such as Housing, Engineering and Roads) and Elected Members. It is anticipated that the Evidence Report will include evidence as to why the Council may decide to have a different policy approach to that of the national planning policies of NPF4. The Evidence Report is published alongside the Proposed Plan that will be after spring / summer 2022.
4. Review our existing hierarchy of guidance including the requirement for development briefs. One provision of the Planning (Scotland) Act 2019 is that supplementary guidance will not be statutory. We wish to take this opportunity to review our present hierarchy with planning stakeholder engagement. We aim to ensure that we have the right level of non-statutory guidance that delivers good development for Orkney. This work stream is in line with the local review of the Council's Planning Service that was completed in early 2020.

Our Commitment to Engage and Consult – Participation Statement

After the publication of the Development Planning Regulations, we will publish a full Participation Statement to accompany the Development Plan Scheme for 2022. For the review of the LDP, we will design engagement and consultation around our stakeholders and the best way to communicate and consider them positively, within the remit of Orkney Islands Council and current planning legislations and regulations. We

hope that we will be able to meet our community in their communities and talk to them face to face about their concerns and aspirations for their Islands.

The Planning (Scotland) Act 2019 has included provision to have effective engagement with younger people and to consider the development needs of students and other people studying, the elderly and disabled and Travellers and Gypsies. Going forward we are committed to engage with these stakeholders and organisations that represent them.

Our Stakeholders will include:

- Community Councils and Local Development Trusts
- Community Planning Partners
- Interest Groups such as Voluntary Action Orkney
- Elected Members
- Internal Officials such as Education, Housing and Economic Development
- Landowners
- Developers and Builders
- Development Sectors such as Renewable Energy and Aquaculture
- Key Agencies
- The Scottish Government and Marine Scotland
- Our Neighbouring Authorities
- OIC Education Students and Pupils – Schools and Colleges
- Higher Education Students– University of the Highlands and Islands, Harriot Watt University and Robert Gordons University.
- Key Agencies such as NatureScot and SEPA

We will continue to use local press outlets such as The Orcadian and BBC Radio Orkney as well as Social Media to let the public know about consultations and how they can get involved. In addition, through our Development Plans database we will regularly send email updates and notification of consultations. If you would like to be added please contact us at devplan@orkney.gov.uk

Our consultation methods also include open meetings, focused seminars and face to face meetings with individuals.

Note that all methods will comply with the latest guidance associated with the coronavirus pandemic.

Effective community engagement and empowerment; and strategy planning will help to unlock Orkney's potential.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	The Development Plan Scheme 2021
Service / service area responsible.	Development and Marine Planning
Name of person carrying out the assessment and contact details.	Susan Shearer, susan.shearer@orkney.gov.uk Tel: 01856 873535 Ext. 2533
Date of assessment.	17 th December 2020
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	This is an existing function that is required through planning legislation to be completed yearly.

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	The outcome is provide an update on the timescales and work programmes for the review and drafting of the Local Development Plan for Orkney
Is the function / policy / plan strategically important?	Yes
State who is, or may be affected by this function / policy / plan, and how.	Planning Stakeholders such as the general public, agencies such as Scottish Water, Scottish Natural Heritage and other interest groups such as Voluntary Action Orkney.
How have stakeholders been involved in the development of	Stakeholders are not involved in this document. Rather this document details how they can get

this function / policy / plan?	involved in the review of the Local Development Plan.
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise.</p> <p>E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>Not directly. Note that the Equality Act 2010 requires that no-one be disadvantaged in receiving services from public agencies as a result of the undernoted equality strands.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>Not directly.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No impact</p>
<p>2. Sex: a man or a woman.</p>	<p>No impact</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No impact</p>
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	<p>No impact</p>
<p>5. Pregnancy and maternity.</p>	<p>No impact</p>
<p>6. Age: people of different ages.</p>	<p>No impact</p>
<p>7. Religion or beliefs or none (atheists).</p>	<p>No impact</p>
<p>8. Caring responsibilities.</p>	<p>No impact</p>

9. Care experienced.	No impact
10. Marriage and Civil Partnerships.	No impact
11. Disability: people with disabilities (whether registered or not).	(Includes physical impairment, sensory impairment, cognitive impairment, mental health) No impact
12. Socio-economic disadvantage.	No impact
13. Isles-proofing.	No impact

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No differential impacts to be addressed.
How could you minimise or remove any potential negative impacts?	No negative impact identified.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Conclusions and Planned Action

Is further work required?	Yes, as it is part of the statutory planning function of the Council.
What action is to be taken?	This document is kept under review and will be amended yearly in line with current planning legislation.
Who will undertake it?	Development and Marine Planning
When will it be done?	2022
How will it be monitored? (e.g. through service plans).	Through the monitoring processes of the Orkney Local Development Plan

Signature:



Date: 17th December 2020

Name: SUSAN SHEARER

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrrsupport@orkney.gov.uk