

Item: 9

Development and Infrastructure Committee: 5 February 2019.

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 2019.

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 2019, 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.

3.3.

The Development Plan Scheme for 2019, attached as Appendix 1 to this report, notes the review of the Scottish Planning System, that the present Orkney Local Development Plan 2017 is up to date and that the detail of the work programme for review (timescales, productions, consultations) is unclear until the new Planning Act and associated regulations and circulars are finalised.

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 2019 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 the core function 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 planning authority to prepare a development plan scheme. The Council must prepare the scheme:

- Whenever required to do so by Scottish Ministers.
- 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:

- Proposed timetabling.
- Details of what is likely to be involved at each stage of preparation or review.
- An account (referred to as the participation statement) 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.

7.3.

As soon as reasonably practicable after a development plan scheme has been adopted, the Council must send two copies of it to the Scottish Ministers, publish it, and place a copy of it in each public library in the area of the planning authority.

8. Contact Officers

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Email gavin.barr@orkney.gov.uk

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

Stuart West, Planning Manager (Development and Marine Planning), extension
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9. Appendices

Appendix 1: The Development Plan Scheme 2019.

Appendix 2: Equality Impact Assessment.

The Development Plan Scheme 2019

Introduction

The Council is required by statute to produce an annual Development Plan Scheme (DPS) that sets out the programme for preparing and reviewing the Local Development Plan (LDP) and what is involved at each stage. The purpose of the DPS is to set out the months that the Council proposes to publish the Main Issues Report and the Proposed Plan; and when the Council expect to enter into the examination process with the Scottish Ministers. The Participation Statement must form part of the DPS and state when, how and with whom consultation will take place. However, due to the current review of the Planning System, it is not possible to publish a specific timetable of events.

The Review of the Planning System

In mid-2016, the Scottish Government commenced the review of the planning system and at the end of 2017 a new Planning Bill was published. It is anticipated that the Bill will gain Royal Assent and become an Act in Summer 2019. The main changes to the development planning process are noted as:

- The National Planning Framework and Scottish Planning Policy will be one document and have strengthened status in the Local Development Plan process.
- The Local Development Plan will be reviewed every 10 years or when required.
- The review process will commence with preparation of an Evidence Report and a “Gatecheck” with the Scottish Government to see if there is justification for the review and the adequate evidence for the policy approach.
- The Main Issues Report will be replaced by a Draft Plan that will be consulted on.
- Action Programmes will become Delivery Programmes that will focus on delivering development allocations.
- Communities will be instrumental in the production of be able to produce plan for their plans that will be known as Local Place Plans.

The Council's Position

The present Local Development Plan was adopted along with a suite of Supplementary Guidance by the Council in May 2017. The LDP has been in use for over a year and a half, and the Council will continue by monitoring the use and effectiveness of the Plan and formulate evidence as to the approaches we may wish to proceed with for the new Local Development Plan. We are awaiting the publication of the Act in Summer 2019 and the secondary legislation thereafter.

The Council anticipates that we will not publish for consultation a Main Issues Report, a Proposed Plan or enter into the existing examination process with Scottish Ministers again. Until the publication of the new Planning Act, secondary regulations and circulars, the Council is not fully aware of the new processes, publications and consultation arrangements that will be required for the production of a new Local Development Plan and does not wish to set down such details in a DPS that maybe misleading to planning stakeholders.



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 2019
Service / service area responsible.	Development and Marine Planning
Name of person carrying out the assessment and contact details.	Kay Gilmour, kay.gilmour@orkney.gov.uk Tel: 01856 873535 Ext. 2804
Date of assessment.	8 January 2019
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	The Development Plan Scheme 2019 is a revised version of the Development Plan Scheme 2018. The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 requires that a Development Plan Scheme is completed each year. The Development Plan Scheme set out the process and stages for the monitoring and review of the Orkney Local Development Plan that may lead to the production of a new Local Development Plan for the County.

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To inform all stakeholders in the Development Planning process of the timescales and work involved in the review / monitoring of the Local Development Plan for Orkney.
Is the function / policy / plan strategically important?	Yes
State who is, or may be	Planning Stakeholders such as the general public,

affected by this function / policy / plan, and how.	agencies such as Scottish Water, Scottish Natural Heritage and interest groups such as Voluntary Action Orkney, as it discusses timescales and workgrammes as well as when and how consultations will be taking place.
How have stakeholders been involved in the development of this function / policy / plan?	Yes, planning stakeholders are involved through the Local Development Plan consultations that have been completed and will be completed in the future. Note that after the document is approved by the Council it is published and available to members of the public. The role of this document is to inform only and its requirement and the procedures noted as generally set in legislation.
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).	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.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. 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.	(Please complete this section for proposals relating to strategic decisions).
Could the function / policy have a differential impact on any of the following equality areas?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	No impact
2. Sex: a man or a woman.	No impact
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	No impact

4. Gender Reassignment: the process of transitioning from one gender to another.	No impact
5. Pregnancy and maternity.	No impact
6. Age: people of different ages.	No impact
7. Religion or beliefs or none (atheists).	No impact
8. Caring responsibilities.	No impact
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 the Development Plan Scheme is reviewed and reproduced yearly. The work for the review / monitoring of the Local Development Plan is ongoing.
What action is to be taken?	The Development Plan Scheme is reviewed yearly under the provisions made in the Town and Country (Development Planning) (Scotland) Regulations 2008.

Who will undertake it?	Development Planning and Regeneration
When will it be done?	2018 onwards
How will it be monitored? (e.g. through service plans).	Through the monitoring processes of the Orkney Local Development Plan

Signature:



Date: 8 JANUARY 2019

Name: KAY GILMOUR

(BLOCK CAPITALS).

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 hrsupport@orkney.gov.uk