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Date	01/06/15

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**REPORT TO:** Members' Library Service

**MEETING DATE:**

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Development Plan Scheme No 7

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## **1 PURPOSE**

- 1.1 To note the Council's seventh annual Development Plan Scheme for the preparation of the East Lothian Local Development Plan and related planning guidance.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Cabinet note the contents of Development Plan Scheme No 7, as detailed in Appendix 1 to this report.

## **3 BACKGROUND**

- 3.1 The Planning etc. (Scotland) Act 2006 requires that each planning authority and strategic development planning authority must prepare and publish a Development Plan Scheme (DPS) at least annually. A DPS is a document setting out the authority's programme for preparing and reviewing its local or strategic development plan.
- 3.2 Regulations require that the DPS must contain a timetable, specifying the month the authority expects to publish its main issues report, its proposed plan, and when that plan will be submitted to Scottish Ministers.
- 3.3 The DPS must also include a **participation statement** stating when, how and with whom consultation on the plan will be undertaken, and the authority's proposals for public involvement in the plan preparation process. There is no requirement to consult on the content of a DPS.

The report attached as Appendix 1 is the Council's seventh Development Plan Scheme.

- 3.4 Members will be aware that the LDP Main Issues Report Consultation ran from November 2014 to February 2015. The outcome of this consultation was reported to Council in April 2015 and work is ongoing in the preparation of the Proposed LDP. The intention is now to publish and consult on the Proposed LDP in late 2015, potentially allowing submission to Scottish Ministers in summer 2016 and adoption in early 2017.

#### **4 POLICY IMPLICATIONS**

- 4.1 None.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none.  
6.2 Personnel – none.  
6.3 Other – none.

#### **7 BACKGROUND PAPERS**

- 7.1 Planning etc. (Scotland) Act 2006  
7.2 Town and Country Planning (Development Planning) (Scotland) Regulations 2008  
7.3 Scottish Planning Policy (SPP)  
7.4 Scottish Government Planning Series Circular 6/2013: Development Planning

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<b>DATE</b>	2/6/15

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**DEVELOPMENT  
PLAN SCHEME No 7  
(April 2015)**

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**East Lothian Council  
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Haddington  
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## **EAST LoTHIAN COUNCIL DEVELOPMENT PLAN SCHEME No 7 (April 2015)**

### **What is a development plan scheme?**

- 1 Planning legislation requires all planning authorities to prepare a **Development Plan Scheme (DPS)**. The DPS sets out their programme for preparing and reviewing their **development plans** and includes a **participation statement**.
- 2 East Lothian Council's DPS sets out the Council's programme for the main stages in the preparation and review of the development plan for East Lothian, what will be involved, and how and when people and organisations can participate. A DPS must be prepared at least annually.

### **What is the development plan?**

- 3 The development plan sets out a planning authority's attitude to the use of land and buildings in its areas, and contains policies and proposals to guide new development. It is required by law and is the basis for making decisions on planning applications.
- 4 There are three levels of statutory development planning in Scotland. These are:

#### **The National Planning Framework for Scotland (NPF)**

- 5 This is prepared by the Scottish Government and sets out a broad spatial strategy for the development of Scotland as a whole and what Scottish Ministers consider to be priorities for that development. NPF3 was published in June 2014. It contains a number of 'National Developments' and other provisions with relevance to East Lothian.

#### **Strategic Development Plans (SDP)**

- 6 These are prepared by the Strategic Development Planning Authorities in Scotland's four main city regions. They set out a long term (20 years or more) spatial planning strategy, indicating in broad terms where future development will be located and what is needed to deliver it. Strategic Development Plans are approved by Scottish Ministers, following examination and any subsequent modification by Ministers.

## **Local Development Plans (LDP)**

- 7 These are prepared by each local planning authority and set out for their area more detailed policies and proposals to guide the use of land and buildings over a 10 to 20 year period. If a planning authority is within a Strategic Development Plan area then its LDP must be consistent with the SDP. Local Development Plans are adopted by the planning authority, after submission to Scottish Ministers and taking into account the findings of any required examination. A LDP cannot be submitted to Scottish Ministers until they have approved the relevant SDP.

## **Current development planning position in East Lothian (April 2015)**

- 8 The development plan for East Lothian is currently the approved Strategic Development Plan for Edinburgh and South East Scotland (SESplan), read in conjunction with the adopted East Lothian Local Plan 2008. SESplan covers the areas of City of Edinburgh, East Lothian, Midlothian, West Lothian and Scottish Borders Councils, as well as the southern part of the Fife Council area. It was approved by Scottish Ministers in June 2013. The local plan was prepared by East Lothian Council and adopted in October 2008.
- 9 In approving the SDP, Scottish Ministers increased the overall housing requirement from what was proposed in the Plan and directed that Supplementary Guidance should be prepared to distribute this housing requirement between the six Council areas. This Supplementary Guidance was consulted on in 2013 and was formally adopted in October 2014 after having been submitted to Scottish Ministers.
- 10 East Lothian Council has also approved Supplementary Planning Guidance and other planning policy guidance derived from and supportive of the East Lothian Local Plan 2008. This is detailed in paragraphs 16 and 17. This guidance is a material consideration in the determination of planning applications.
- 11 You can get more information on these documents from the Council's web site at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk). Follow the *Planning* link, then the link to *Planning Policy and Guidance* page. This gives access to a range of development planning and policy guidance.

## Our intended development plan programme

### **The Edinburgh and South East Scotland Strategic Development Plan**

- 12 As detailed above, the first SDP (SESplan) was approved in June 2013. Supplementary Guidance on Housing Land was adopted in October 2014. Work has already commenced on the review of SESplan (SDP2). SESplan's most recent published Development Plan Scheme 7 dates from March 2015 and sets out the anticipated timetable for SDP2.
- 13 Further information on SESplan, including a copy of its Development Plan Scheme, can be obtained from its web site [www.sesplan.gov.uk](http://www.sesplan.gov.uk), by e-mailing [contactus@sesplan.gov.uk](mailto:contactus@sesplan.gov.uk), by writing to SESplan, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF or by telephoning 01506 282883.

### **The East Lothian Local Development Plan**

- 14 The timescales associated with preparation of the first SDP have had a significant bearing on the progress of the East Lothian Local Development Plan (LDP). The LDP must be consistent with the Strategic Development Plan (SDP) and with its Supplementary Guidance. Although Scottish Ministers normally expect LDPs in SDP areas to be adopted within two years of approval of the relevant SDP, the housing requirement that the East Lothian LDP must plan for has only been confirmed through SESplan's Supplementary Guidance very recently, adopted in October 2014. In approving the SDP Ministers acknowledged that there would be implications for LDP programmes. East Lothian Council wished its LDP Main Issues Report to be based on a confirmed housing requirement to avoid the potential for change and delay later in the process. This did allow for significant front-loading of the process in terms of Strategic Environmental Assessment and analysis of environmental and infrastructure opportunities and constraints within the plan area. Early consideration was also given to Habitats Regulation Appraisal as part of the pre-MIR work.
- 15 Regulations require that the DPS must contain a timetable, specifying the month the authority expects to publish its Main Issues Report, its Proposed Plan, and when that plan will be submitted to Scottish Ministers. The proposed timescales for the preparation of the LDP are set out below. The programme indicates the associated stages of the LDP's Strategic Environmental Assessment (SEA) and its Appropriate Assessment under the Habitats Directive.



## **Programme for preparation of East Lothian Local Development Plan**

### **October 2014**

Publication of Main Issues Report, Monitoring Statement, and SEA Interim Environmental Report

### **November 2015**

Publication of Proposed Local Development Plan, revised SEA Environmental Report, draft Appropriate Assessment and Action Programme

### **Early/mid 2016\***

Submission of Proposed East Lothian Local Development Plan to Scottish Ministers

### **Early 2017\***

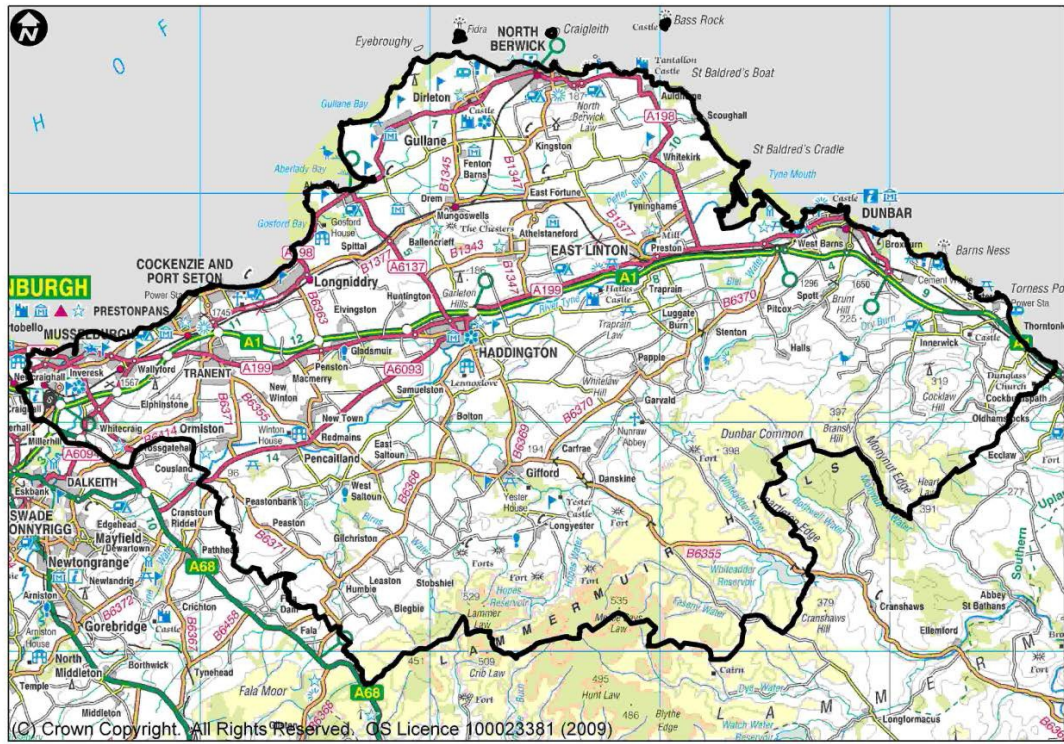
Adoption of East Lothian Local Development Plan

\*assumes no notifiable modifications

## **Supplementary and Other Planning Guidance**

- 16 The Council's *Design Standards for New Housing Areas* were approved in 2008. They remain broadly up-to-date and in line with national policy in 'Designing Streets'. The *Affordable Housing Policy*, including its percentage affordable land requirement, is part of the East Lothian Local Plan 2008. It is expected to be reviewed alongside the LDP preparation process. *Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian* was approved in 2010 and updated and republished in June 2013. *Guidance for Wind Farms of 12MW and Over* was approved in December 2013. *Interim Planning Guidance* on housing land supply was first approved in December 2013, and was updated in December 2014, pending approval of the East Lothian Local Development Plan.
- 17 Development Frameworks for predominantly housing allocations at **Pinkie Mains** (Musselburgh), **Wallyford, Hallhill South West** (Dunbar), **Blindwells New Settlement, Mains Farm/Gilsland** (North Berwick) and **Letham Mains** (Haddington) have all been approved.

# Area covered by East Lothian Local Development Plan



## **East Lothian Council Development Plan Scheme: Participation Statement**

### **What is a participation statement?**

- 18 The Planning etc (Scotland) Act 2006 requires that a Development Plan Scheme includes a Participation Statement. This is an account of when consultation is likely to take place, with whom, the likely form and the steps to be taken to involve the public at large.

### **The Edinburgh and South East Scotland Strategic Development Plan**

- 19 SESplan, the strategic development planning authority, has previously approved a participation statement for the Edinburgh and South East Scotland Strategic Development Plan, as part of its Development Plan Scheme No 5 (see paragraph 13 for contact details).

### **The East Lothian Local Development Plan: proposed consultation programme**

#### **April/May 2011: awareness raising**

##### Purpose

- 20 This activity publicised the Council's intention to begin preparation of the East Lothian Local Development Plan (ELLDP). It set out the purpose of the plan, how and when it will be prepared and the opportunities for participation. The process identified those parties that wished to engage in the plan's preparation. People and organisations were asked to comment on the land use planning issues that the plan should address and to offer their thoughts on where new development should be located.

##### Methods

- 21 Awareness raising was by means of public notice and press releases, and the distribution of an explanatory leaflet to Community Councils, local groups and organisations with an interest in the local area, and those who have requested to be consulted. Details were available at the Council's main offices, on its web site and at all East Lothian libraries. An ELLDP electronic mail box was set up and publicised, acting as a point of contact for those wishing to communicate by this method. A consultation database for all those wishing to engage in the plan preparation process was established and expressions of interest in participating canvassed and recorded. A dedicated local development plan page was set up on the Council's web site.

## Key participants

- 22 Key participants contacted include community councils, key agencies and other infrastructure providers, community planning partners, local community groups, business associations and known contacts within the development industry active in East Lothian. Direct input into the Council's Community Planning Partnership was achieved through engagement with the East Lothian Strategic Land Use Planning Group. Contact was made with key agencies (Scottish Natural Heritage, SEPA, Scottish Water, SEStran and NHS Lothian); Historic Scotland; Transport Scotland; the Forestry Commission and other infrastructure providers. The focus was on how best to engage with all these organisations and to agree what information the Council needs from them to inform subsequent plan preparation and environmental reports.

## **July 2011 to June 2013: issues and options engagement**

### Purpose

- 23 This stage in the plan preparation process was an opportunity for individuals and organisations to engage in the identification and assessment of land use planning issues and options for East Lothian. This was based on SESplan's Proposed Strategic Development Plan, published in November 2011. The Proposed Plan indicated East Lothian's role in its proposed settlement strategy and how it might be affected by its broad planning policies and proposals: for example, the amount of additional housing it might have to plan for and its broad location. This provided a context for that engagement.

### Methods

- 24 The Council commissioned Planning Aid for Scotland to facilitate a series of ten workshop events in February/March 2012 to canvass the views of the public and other stakeholders on the main planning issues that should be included in the Main Issues Report. Six community workshop events were held, one in each of the main towns. In addition, a workshop specific to Blindwells new settlement was held, together with a Developers Forum, a Business Forum and a Community Council workshop. A discussion paper prepared by the Council was made available and widely circulated. This indicated how the Proposed Strategic Development Plan would, if approved, shape a settlement strategy for the SDP area and how this might in turn influence the choice and selection of a preferred local development plan strategy for East Lothian. The paper also sought comment on more local planning issues, including specific sites where development should or should not be allowed and on key land use planning issues. There was also a further opportunity for landowners and

developers to submit development proposals that they wished considered in the plan preparation process.

#### Key participants

- 25 The key participants in this process of engagement were key agencies and other infrastructure providers, community councils, community planning partners, the East Lothian Housing Partnership, SDP partner planning authorities, local community groups, the development industry, the public, and those who have expressed a desire to engage in the plan's preparation.

### **June 2013 to September 2014: scenario testing and site assessment**

#### Purpose

- 26 This stage in the plan preparation process followed approval of SESplan by Scottish Ministers, who increased the overall housing requirement for the area. This made it clear that the issues and options that had been emerging for the LDP would have to be revisited as they were based on the SESplan Proposed Plan. Development of the SESplan Supplementary Guidance indicated an increased housing requirement for the East Lothian LDP. The Council carried out further work on environmental and infrastructure matters to understand the impacts of different scenarios, as well as preparing an updated Monitoring Statement. This informed the preferred development strategy for East Lothian, consistent with the approved SDP strategy, and the reasonable alternative, for subsequent inclusion in the LDP Main Issues Report (MIR). A significant amount of work on the Strategic Environmental Assessment was also progressed, including detailed site assessments, and initial stages of the Habitats Regulations Appraisal.

#### Methods

- 27 Meetings were held with certain key agencies, infrastructure providers and neighbouring planning authorities, and information was shared by email.

#### Key participants

- 28 Engagement at this stage focused on key agencies, other infrastructure providers, and neighbouring planning authorities.

### **November 2014: publication of Main Issues Report (MIR) and supporting documents**

#### Purpose

- 29 This stage in the plan preparation process was the opportunity for individuals and organisations to submit their views on the proposals in the

MIR. This was also a key stage in the process of the Strategic Environmental Assessment of the local development plan. The MIR was accompanied by an interim Environmental Report that was also open to comment, including detailed site assessments of potential development sites. A Monitoring Statement and Transport Appraisal were also published.

## Methods

- 30 The availability of the MIR and interim Environmental Report was widely advertised including in the local press, on the Council's web site, including its Consultation Hub, via social media, and through poster distribution. Key participants and those who had expressed a desire to engage in the plan-making process were notified of its availability. Public notice was given about how and by when representations could be made. The period allowed for receipt of representations was twelve weeks.
- 31 Copies of the report (and/or weblinks, as appropriate) were sent to community councils, community planning partners, partner SDP planning authorities, key agencies and other infrastructure providers. The MIR was accessible on the Council's LDP webpage and was made available for inspection in local libraries and in the planning authority's offices in Haddington and at the Brunton Theatre in Musselburgh. A series of events was held in each of East Lothian's main towns, involving afternoon drop-in sessions and evening workshops. Planning officers also attended meetings of each of the Area Partnerships. Formal comments on the MIR and interim Environmental Report were accepted in writing, either in hard copy or via a dedicated local development plan e-mail address, and were particularly encouraged to be submitted online using the Consultation Hub.

## Key participants

- 32 The key participants in this process were key agencies and other infrastructure providers, community councils, community planning partners, SDP partner planning authorities, local community groups, the development industry, all those who had expressed a desire to engage in the plan's preparation, and members of the general public.

## **November 2015: publication of Proposed Local Development Plan and supporting documents**

### Purpose

- 33 The publication of the Proposed East Lothian Local Development Plan is the opportunity for individuals and organisations to submit formal representations to the Council on the contents of the Proposed Plan. Having had regard to the representations received on the MIR, the Council will have reached a view on its form and content. The Council will now be looking to provide information and facilitate representations rather than seeking further engagement. A revised Environmental Report and a Proposed Action Plan will accompany the Proposed Plan's publication. A draft Habitats Regulations Appraisal may also be published at this stage (and, if necessary, a draft Appropriate Assessment).

### Methods

- 34 The Proposed Plan's availability, content and purpose will be extensively advertised in the local press, on the Council's web site, including its Consultation Hub, and by contacting key participants and those who have expressed a desire to engage in the plan-making process (including respondents to the Main Issues Report). The Council will allow a period of no less than six weeks during which formal representations can be made to the proposed plan. Public notice will be given about how and by when representations may be made.
- 35 Copies of the report (and/or weblinks, as appropriate) will be sent to community councils, community planning partners, partner SDP planning authorities, key agencies and other infrastructure providers and will be available for inspection in local libraries and at the planning authority's offices in Haddington. It will also be available on the Council's web site.
- 36 All comments submitted to the Council on the MIR will be available for inspection on the Council's web site via the Consultation Hub. This can be accessed in local libraries and at the planning authority's offices in Haddington.
- 37 In accordance with Regulations, the Council will notify owners, lessees or occupiers of premises on sites, and those of premises on neighbouring land, which the proposed LDP specifically proposes to be developed and which would have a significant effect on the use and amenity of that site or of that neighbouring land.

### Key participants

- 38 Key participants will be any individual, group, business, or organisation that wishes to submit representations either in support of or against any matter contained in the Proposed Local Development Plan

## **Subsequent stages**

- 39 Following publication of the Proposed LDP and an assessment of the representations received, the Council will consider if it should make any significant changes to the plan. Any 'notifiable' modifications will be advertised and all objectors, and those who have previously engaged in the plan process, will be notified.
- 40 Any unresolved objections will be considered at an examination. This is likely to be held in summer/autumn 2016 if there are no 'notifiable' modifications, or in early/mid 2017 if there are 'notifiable' modifications. The recommendations of any examination will be largely binding on the Council. Required changes will be incorporated as modifications to the Proposed Plan.
- 41 Any modifications will be advertised and all objectors, and those who have previously engaged in the plan process, will be notified. The modifications and modified plan will be available for inspection in the planning authority's offices, in public libraries and on the Council's web site.
- 42 The final stages in plan preparation involve the Council submitting the plan (modified as required) to Scottish Ministers, along with supporting documentation. After 28 days the Council may adopt the plan unless directed not to do so by Ministers. On the basis of the above timescales this may be in early 2017 (assuming no 'notifiable' modifications).



## Local Development Plan programme summary

	2014			2015			2016			2017		
<b>Publish MIR</b>												
Consider responses												
Prepare Proposed Plan												
<b>Publish Proposed Plan</b>												
Consider responses												
<i>If no notifiable modifications</i>												
Submit to Ministers												
Examination												
Consider report												
<b>Adopt Plan</b>												
<i>If notifiable modifications required</i>												
Prepare modifications												
Publish modifications												
Submit to Ministers												
Examination												
Consider report												
<b>Adopt Plan</b>												

## Comments

Any comments on the East Lothian Local Development Plan can be submitted to us at [ldp@eastlothian.gov.uk](mailto:ldp@eastlothian.gov.uk) or sent by post to:

Policy and Projects  
Development  
Partnerships and Services for Communities  
East Lothian Council  
John Muir House  
Haddington  
EH41 3HA

You can also phone the following planners for further information:

- Phil McLean 01620 827017
- Emma Taylor 01620 827258
- Jean Squires 01620 827370 (*Monday to Wednesday only*)
- Andrew Stewart 01620 827257
- Paul Zochowski 01620 827264

For further information on progress on the LDP please check the Development Planning page of the Council's website at [www.eastlothian.gov.uk/ldp](http://www.eastlothian.gov.uk/ldp)

**Depute Chief Executive – Partnerships and Services for Communities  
East Lothian Council**