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REPORT TO: Members' Library Service

MEETING DATE:

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Development Plan Scheme No. 8

1 PURPOSE

- 1.1 To note the Council's eighth 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 Members note the contents of Development Plan Scheme No. 8, as detailed in Appendix 1 to this report.

3 BACKGROUND

- 3.1 The Planning etc. (Scotland) Act 2006 requires that each local 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 months the authority expects to publish its main issues report, its proposed plan, and when that plan will be submitted to Scottish Ministers. 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. A proposed draft Development Plan went to Council on 17 November 2015. This was approved with amendments and work is ongoing in the preparation of the Proposed LDP.

- 3.3 The intention is now to publish and consult on the Proposed LDP in September 2016 for a period of six weeks, potentially allowing submission to Scottish Ministers in January 2017 and adoption in mid 2017. Council will undertake all statutory consultation required by the planning regulations as a minimum.
- 3.4 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, as this merely sets out the timescales and approach to consultation of the Local Development Plan. The report attached as Appendix 1 is the Council's eighth Development Plan Scheme.

4 POLICY IMPLICATIONS

- 4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

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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DATE	19/07/2016



**DEVELOPMENT
PLAN SCHEME No 8
(July 2016)**

**East Lothian Council
Housing & Environment
John Muir House
Haddington
EH41 3HA**

EAST LoTHIAN COUNCIL

DEVELOPMENT PLAN SCHEME AND PARTICIPATION

STATEMENT No 8 (July 2016)

1 INTRODUCTION

- 1.1. As part of the Scottish Government's reform of the planning system, all planning authorities are responsible for the preparation of a new Local Development Plan. The LDP will be prepared to set out the detailed planning policies and land allocations that follow from the Strategic Development Plan (SDP) for Edinburgh, and South East Scotland area undertaken by SESplan. It will replace the current East Lothian Local Plan 2008.
- 1.2. The previous Development Plan Scheme for East Lothian No.7 was published in April 2015. This updated Development Plan Scheme for East Lothian considers the timetable for the remaining stages of the work to prepare the East Lothian Local Development Plan. During the plan-making process, regular progress updates will appear on the Council's website www.eastlothian.gov.uk

What is a Development Plan Scheme?

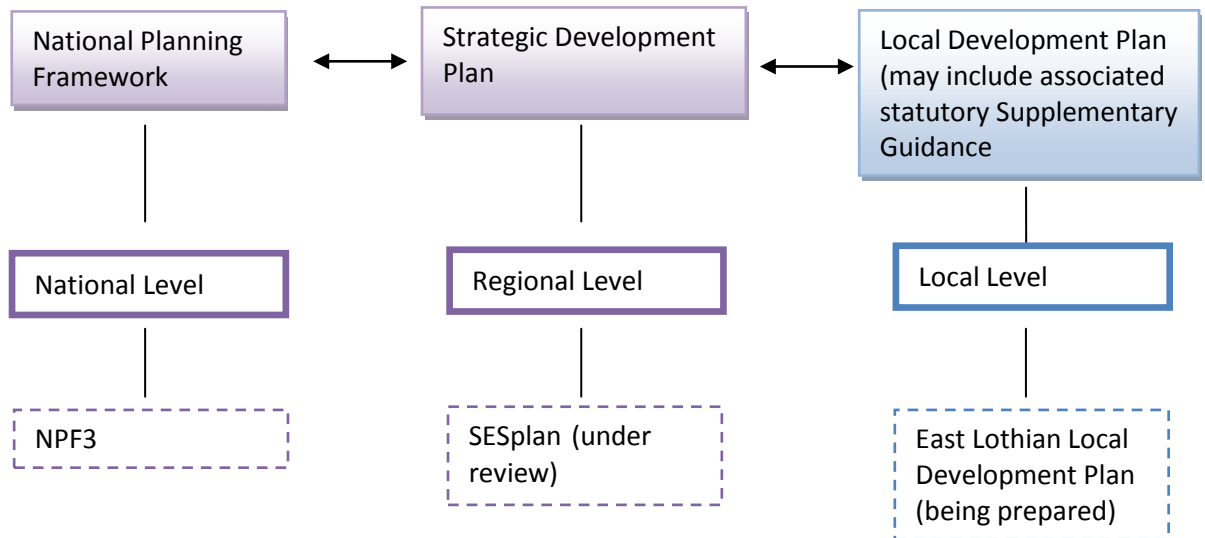
- 1.3. Planning legislation requires all planning authorities to prepare a **Development Plan Scheme (DPS)**. The DPS sets out a programme for preparing and reviewing their **development plans** and includes a **participation statement**.
- 1.4. East Lothian Council's DPS sets out the Council's programme 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 are Development Plans?

- 1.5. A development plan is a document that sets out how places should change and what they could be like in the future. It says what type of development should take place where, and which areas should not be developed. It sets out the best locations for new homes and businesses and protects places of value to people or wildlife. It contains policies and proposals to guide new development. It is required by law and is the basis for making decisions on planning applications.

What types of Development Plans are there?

1.6. There are three levels of statutory development planning in Scotland:



The National Planning Framework for Scotland (NPF)

1.6.1 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](#) (the third National Planning Framework) was published in June 2014; the NPF has to be reviewed every 5 years. It contains a number of 'National Developments' and other provisions with relevance to East Lothian.

Strategic Development Plans (SDP)

1.6.2 These are prepared by the Strategic Development Planning Authorities in Scotland's four main city regions of Glasgow, Edinburgh, Aberdeen and Dundee. 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. East Lothian falls under the Strategic Development Authority for Edinburgh and South East Scotland ([SESplan](#)) who are currently revising the Strategic Development Plan for the area (SESplan2). Strategic Development Plans are approved by Scottish Ministers, following examination and any subsequent modification by Ministers.

Local Development Plans (LDP)

1.6.3 These are prepared by each local planning authority and set out more detailed policies and proposals for their area to guide the use of land and buildings over a 10 to 20 year period. They replace the previous Local

Plans. If a planning authority is within a Strategic Development Plan area then its Local Development Plan must be consistent with the Strategic Development Plan (SESplan). 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 Local Development Plan cannot be submitted to Scottish Ministers until the relevant Strategic Development Plan has been approved.

1.6.4 The Strategic Development Plan and the Local Development Plan will form the statutory Development Plan for East Lothian.

2 DEVELOPMENT PLANNING POSITION IN EAST LoTHIAN (July 2016)

- 2.1 The current Development Plan for East Lothian is the Strategic Development Plan for Edinburgh and South East Scotland (SESplan), read in conjunction with the adopted East Lothian Local Plan. 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. The replacement Local Development Plan for East Lothian is currently being prepared.
- 2.2 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 on Housing Land was adopted in October 2014 after having been submitted to Scottish Ministers.
- 2.3 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 3.6 and 3.7. This guidance is a material consideration in the determination of planning applications.
- 2.4 You can get more information on these documents from the Council's web site at 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.
- 2.5 Work has now commenced on the second SDP (SESplan2). The Main Issues Report for SDP2 was published for consultation from 17 November 2014 until 8 February 2015. The SESplan Development Plan Scheme seeks adoption of SDP2 by Spring/Summer 2018.

3 OUR INTENDED DEVELOPMENT PLAN PROGRAMME

The Edinburgh and South East Scotland Strategic Development plan (SESplan)

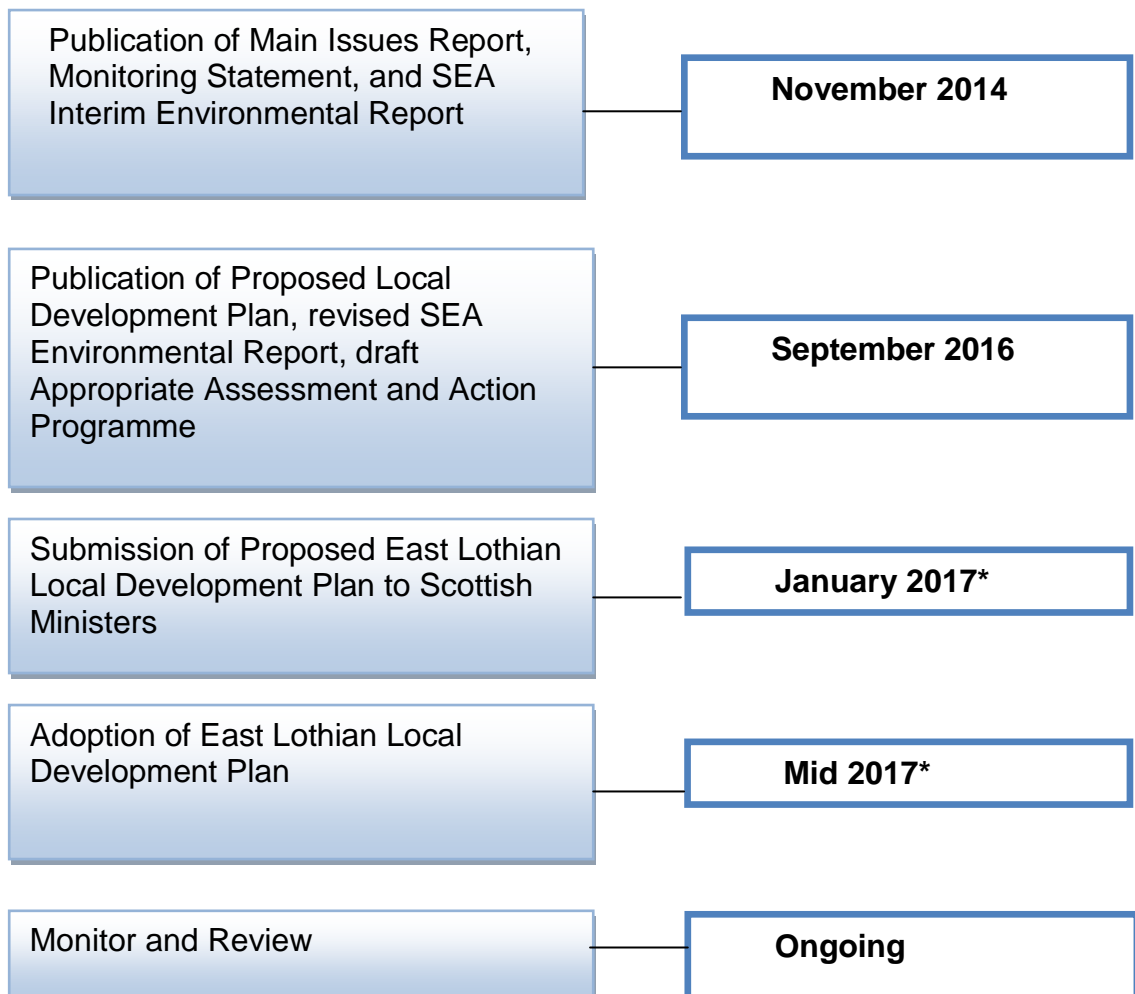
- 3.1 As detailed above, the first SDP (SESplan) was approved in June 2013. Supplementary Guidance on Housing Land was adopted in October 2014. Work has already commenced on the review of SESplan (SDP2). SESplan's most recent published Development Plan Scheme 7 dates from March 2015 and sets out the anticipated timetable for SDP2.
- 3.2 Further information on SESplan, including a copy of its Development Plan Scheme, can be obtained from its web site www.sesplan.gov.uk, by e-mailing 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

- 3.3 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 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. Consequently, the MIR was approved for consultation by the Council at the same meeting as it adopted SESplans Supplementary Guidance on Housing Land. 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.
- 3.4 The consultation period for East Lothian Council's Main Issues Report (MIR) and Interim Environmental Report (IER) ran for a 12 week period from 17 November 2014 until 8 February 2015 in accordance with the timetable set out in Development Plan Scheme 7.
- 3.5 Regulations require that the Development Plan Scheme must contain a timetable, specifying the month the authority expects to publish its Main

Issues Report and 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



*assumes no notifiable modifications and dependant on local government elections.

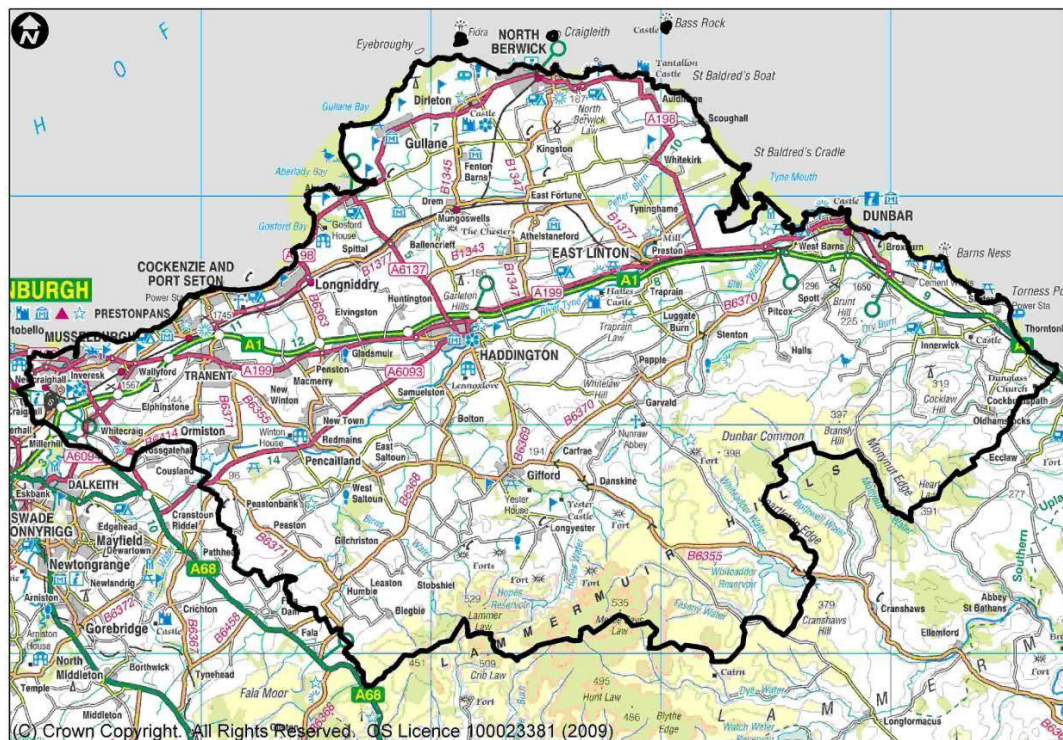
Supplementary and Other Planning Guidance

- 3.6 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', but will be reviewed as part of the plan process. A new *Farm Steadings Design Guidance* will be publicised with the Finalised Plan. 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 and an associated

Affordable Housing Quota and Tenure Mix will also be published. *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 and again in February 2016, pending approval of the East Lothian Local Development Plan.

- 3.7 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



When will we update our Development Plan Scheme?

- 3.8 The DPS will be reviewed every year, providing there are no significant changes, in which case an earlier update may be required.

4 EAST LoTHIAN COUNCIL DEVELOPMENT PLAN SCHEME: PARTICIPATION STATEMENT

What is a participation statement?

- 4.1 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

- 4.2 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 7 (March 2015) (see paragraph 3.2 for contact details).

The East Lothian Local Development Plan: past and proposed consultation programme

- 4.3 East Lothian Council has extensively consulted throughout the new Local Development Plan Process and so far our consultation has included:

April/May 2011: awareness raising

Purpose

- 4.3.1 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
- the opportunities for participation

- 4.3.2 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

- 4.3.3 Awareness raising was by:

- public notice and press releases
- 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, and at all East Lothian libraries
- Details were also available on Council's web site. 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 dedicated local development plan page was set up on the Council's web site
- 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.

Key participants

4.3.4 Key participants contacted included 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

4.3.5 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

4.3.6 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

4.3.7 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

4.3.8 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

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

Key participants

4.3.10 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

4.3.11 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

4.3.12 The availability of the MIR and interim Environmental Report was widely advertised including:

- In the local press
- A 4 page insert in the Council's 'Living' newspaper distributed to every household in East Lothian
- On the Council's web site, including its Consultation Hub and via social media
- 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.
- 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.

4.3.13 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

4.3.14 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.

Early 2016: additional consultation with Community Councils

Purpose

4.3.15 This stage in the process was to carry out additional specific and targeted further engagement work with specific Community Councils with regard to housing and employment sites in their area which were not consulted on through the MIR but are proposed to be included in the Finalised Proposed Local Development Plan.

Methods

4.3.16 Planning officers attended relevant community council meetings to carry out further specific, targeted consultation to:

- raise awareness of the sites that are or may be proposed for development / allocation in their areas in the Finalised Proposed LDP;
- allow views on the new sites to be formed and for responses to their inclusion within the plan to be submitted to Council for consideration as it decides on the content of its Finalised Proposed LDP;
- explain the procedural steps ahead, including that a formal period for representation exists, that Council could make modifications to the plan as a result of any formal representations, and that an examination in public process exists should there be unresolved objections to the plan.

Key participants

4.3.17 The key participants in this process were Macmerry and Gladsmuir Community Council, North Berwick Community Council, Humbie, East and West Saltoun and Bolton Community Council, members of the general public and local Elected Members.

Late 2016: publication of Proposed Local Development Plan and supporting documents

Purpose

4.3.18 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

4.3.19 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
- 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)
- Copies of the report (and/or weblinks, as appropriate) will be sent to community councils, partner SDP planning authorities, adjoining planning authorities, and key agencies
- will be available for inspection in local libraries and at the planning authority's offices in Haddington

4.3.20 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.

4.3.21 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

4.3.22 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

4.4 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.

- 4.5 Any unresolved objections will be considered at an examination. This is likely to be held in early 2017 if there are no 'notifiable' modifications or in 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.
- 4.6 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.
- 4.7 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).

5 LOCAL DEVELOPMENT PLAN PROGRAMME SUMMARY

	2014			2015			2016			2017		
Publish MIR				■	■							
Consider responses				■	■	■	■	■				
Prepare Proposed Plan							■	■	■			
Publish Proposed Plan (6 weeks)							■	■				
Consider responses										■		
<i>If no notifiable modifications</i>												
Submit to Ministers											■	
Examination										■	■	
Consider report											■	
Adopt Plan											■	
<i>If notifiable modifications required</i>												
Prepare modifications										■		
Publish modifications (6 week representation period)										■	■	
Submit to Ministers											■	
Examination										■	■	
Consider report												■
Adopt Plan												■

Comments

6.1 Any comments on the East Lothian Local Development Plan can be submitted to us at 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

6.2 You can also phone the following planners for further information:

- Sinead Moloney 01620 827865
- Emma Taylor 01620 827258
- Jean Squires 01620 827370 (*Monday to Wednesday*)
- Andrew Stewart 01620 827257
- Paul Zochowski 01620 827264

6.3 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

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

