

REPORT TO: East Lothian Council

MEETING DATE: 25 February 2020

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Development Planning: National Planning Framework 4/Regional Spatial Strategies and Local Development Plan

1 PURPOSE

- 1.1 This report deals with the Council's input into the production of a draft National Planning Framework 4 (NPF4) and supporting Regional Strategies. It seeks agreement on the key points that will be submitted to the Scottish Government as part of the preparation of NPF4. It also seeks approval of nominees for the new Edinburgh and South East Scotland City Deal (ESESCRD) Oversight Committee being put in place for future regional strategy work, and updates Members on the proposed timescales for the next East Lothian LDP.

2 RECOMMENDATIONS

It is recommended that Council:

- (i) agrees the key points set out in this report as the basis for a Council response, both independently and through a joint submission with the other South East Scotland local authorities, to the Scottish Government on NPF4;
- (ii) delegates authority to the Head of Development and the Cabinet Spokesperson for the Environment for finalisation and approval of the Council's response to the NPF4 Call for Ideas process;
- (iii) endorses East Lothian's Cabinet Spokesperson for the Environment and Cabinet Spokesperson for the Economic Development and Tourism as East Lothian Council's representatives on the new City Deal Oversight Committee; and
- (iv) notes that until secondary legislation and transitional arrangements for Development Planning are published by Scottish Government, no replacement to the adopted Local Development Plan (ELLDP2018) will be formally progressed. Monitoring,

technical studies and internal reviews in readiness have already been initiated and will continue to be undertaken as necessary.

3 BACKGROUND

- 3.1 The Planning Act 2019 sets out a wide range of new planning processes covering both Development Management and Development Planning. While the Planning Act was granted royal assent in 2019 it will be enacted through a series of secondary legislation over the next two years. The first substantive part of the new Development Plan legislation to be enacted is that which deals with the production of the National Planning Framework. Under the new Act the National Planning Framework will form part of the Development Plan that future Local Development Plans for East Lothian will need to take account of; it will also be a material consideration in determining planning applications.

Regional Structures and Member Representation

- 3.2 In the context of delays encountered in bringing forward the Planning Act, Members will recall that the Scottish Government has commenced a hugely challenging programme for the production of NPF4. They intend to have a draft available by the autumn of 2020 with the final document being approved in late 2021. Public engagement has started with a Call for Ideas for which responses are sought by the end of March 2020: <https://www.transformingplanning.scot/national-planning-framework/get-involved/>. The Scottish Government is clear that detailed responses are not expected at this stage, and that only initial ideas are to be submitted for consideration by Scottish Ministers. Scottish Ministers will provide for their own publicity and consultation stages for NPF4 as they develop it.
- 3.3 As previously reported to Council, the South East Scotland local authorities intend to respond to the NPF4 process through the production of an Indicative Regional Spatial Strategy / Regional Growth Framework that would set out the key strategic direction for the region.
- 3.4 It is intended that this strategy will be completed by the end of June 2020 for submission to the Scottish Government. This strategy will have a wider role than just land use planning and also provide an integrated economic, housing and infrastructure strategy for the region. This strategy will be prepared and agreed through an amended ESES City Region Deal Structure (see Appendix A). This structure will also be used for the development of future regional strategies.
- 3.5 One of the main member-related changes to this structure is the introduction of a member's oversight committee. Each of the six local authorities have been asked to nominate members for this committee. Given the content of future regional strategies will cover economic and planning issues it would be appropriate for the existing member leads for both the economy and planning to attend this committee. Therefore it is proposed that the Cabinet Spokesperson for the Environment and the Cabinet Spokesperson for Economic Development and Tourism are

nominated for membership. Elected Members will be kept fully informed during the process of developing the Indicative Regional Spatial Strategy / Regional Growth Framework and this and future strategies will be presented to Council for approval.

- 3.6 Within the context of the Scottish Governments NPF4 'Call for Ideas' consultation it is important that East Lothian Council and other South East Scotland local authorities submit high-level planning-related content of the Regional Strategy by the end of March to ensure that they are fully considered in the drafting of NPF4.

Responding to the NPF – Process

- 3.7 East Lothian proposes to submit two responses to the NPF consultation, a joint one through the City Deal Joint Committee and a separate East Lothian response. The content of these will complement each other. The joint response to the NPF will be considered by the City Deal Joint Committee in March.
- 3.8 Given the timescales set by the Scottish Government to make a response to the initial Call for Ideas stage, it is not possible to bring these final responses back to local authority committees. However, Members are asked to input into an East Lothian response through consideration and comment on the summary of key points set out in this report. Based on these timescales it is recommended that finalisation and approval of East Lothian's NPF4 responses is delegated in accordance with recommendation 2(ii) of this report.
- 3.9 Both the East Lothian Council and joint responses will be lodged in public within the Members' Library Service once they have been submitted to the Scottish Government.
- 3.10 The main issues that will be inputted into East Lothian's responses are set out below. They are mainly based on the position that was set out in SDP2 with additional spatial and policy considerations based on the most current thinking on issues like climate policy.

Response to National Planning Framework 4

- 3.11 National Planning Framework 4 will be set at a very strategic level so it will contain spatial elements that are of national importance and providing direction for the future growth of regional areas. One further change from previous NPFs is the combining of NPF with Scottish Planning Policy. The aim of the government is to provide a set of national policies that remove the need for duplication through LDPs. LDPs will still be expected to provide more local detail on policy. As a result the submission proposed and set out below covers both spatial and policy elements.

Summary of Key Points for NPF Submission

Blindwells/Cockenzie/Climate Change Zone

3.12 For the submission these three proposals will be identified as being of national importance with the possibility of them together being an area of opportunity and co-ordinated action. They provide the opportunity for the progression of influential, innovative and carbon neutral places. The submission will focus on the following points:

- Blindwells new settlement should be identified in NPF4 as being of national importance. It is one of seven key strategic sites within the Edinburgh and South East Scotland City Region Deal. The Scottish Government has committed to help enable the delivery of such sites. The Blindwells Development Area is unique. The ELLDP2018 plans for a future expansion of Blindwells from the 130 hectares BW1 allocated site into the 410 hectare safeguarded BW2 site; this safeguarded expansion land is subject to demonstrable collective landowner willingness to promote a comprehensive solution for the Blindwells Development Area, the satisfactory outcome of ongoing technical work, the formation of a public-private partnership, the development of a viable business case and a comprehensive solution and delivery vehicle that will ensure the delivery and completion of a single new town. There is also scope to consider the innovative deployment of powers within the 2019 Act, such as a Masterplan Consent Area, as well as the potential use of other similar statutory instruments.
- The Blindwells New Town Development Area and former Cockenzie Power Station site, taken together, are 625 hectares, the vast majority of which is previously developed land. This is likely the largest such opportunity in Scotland. Over 30 years, these projects could enable significant new employment and economic development opportunities. They could deliver a substantial quantum of new homes, including affordable homes, as well as a new regional town centre and new infrastructure, including green and blue and low carbon infrastructure.
- The former Cockenzie Power Station site is also unique and requires to be identified of national importance in the NPF. It provides around 70 hectares of land now in public ownership (much of it brownfield). Circumstances have changed in relation to previous ambitions within NPF3 for the delivery of thermal generation and carbon capture and storage here. Although the package of uses for the Cockenzie sites continues to be explored, there will be a focus on employment, and low and zero carbon energy, and there could be a focus on a port and sustainable construction.
- Within this sub-regional area, there is also scope to consider how the space between these sites and communities offers scope to enable a low carbon place. The proposal for an overall comprehensive approach to this should therefore also be

promoted as a nationally important exemplar. This Climate Change Zone proposal would be situated between, and include parts of, the neighbouring regenerating communities and strategic development sites of the former coalfield. It would aim to knit this place together and to balance built development in the area with the enhancement of shared green and blue networks, as well as make provision for other shared grey and low and zero carbon infrastructure, including movement and active travel networks. The proposal would also explore how to address this sub-regional area's challenges by converting them into opportunities and multiple benefits, while promoting a transition to carbon neutral.

- These proposals provide the opportunity for enhancement to the national rail network which would have positive impact both for Scotland and the rest of the United Kingdom. Proposals for four-tracking the east coast main rail line, or for delivering an extension to the High Speed Rail Network to Scotland, which could deliver a new railway station and all-purpose overbridge of the rail line should be included in the NPF.
- The role of East Lothian in providing future growth will also be identified in the response. East Lothian has and will continue to accommodate a large amount of growth over the next decade through sites in its existing LDP. To address current and emerging climate legislation and policy it is important that future growth is sustainable and linked to the vision of a zero carbon new settlement at Blindwells.

Policy-related Content

3.13 The NPF consultation does not require specific policy wording but is looking for ideas on which the NPF should focus. For East Lothian's response it will highlight the following points:

- There needs to be an alternative methodology for setting out housing requirements that is not so numbers based allowing more time to focus on the delivery of quality. A more appropriate measure would be the provision of housing land as this would remove the problem of local authorities and communities being penalised for not achieving housing delivery targets which are beyond their control;
- While the national government has a plan for repopulating rural areas it is important to maintain the recognition that rural areas close to urban centres, such as in East Lothian, experience very different pressures and that it is appropriate to maintain a high degree of control over housing development in such areas.
- The ability to increase carbon targets on new development and to implement more localised energy on site generation will require to be legislated for and policy provided at a national level.

Local Development Plan Update

- 3.14 The new Planning Act has brought in substantial changes to the Local Development Plan process. For example the first substantive stage is now an evidence report rather than a main issues report. This part of the new Act has not come into effect yet and will require secondary legislation which will not be introduced until the latter part of 2021.
- 3.15 Without this legislation the LDP cannot be formally commenced. However, this does not mean that work will not begin on the new LDP. One key part of the new process is engagement and assessment of issues across the LDP area. Prior to the latter part of 2021 the Planning Team will begin a review of the existing plan policies and proposals and commence a comprehensive programme of engagement through a wide range of stakeholders including the Area Partnerships to gather information on the land use issues across the county. This early LDP work will also link into the processes such as the education estates review and the further development of the climate change strategy.
- 3.16 Within this timescale we will be able to substantially review the LDP and do this prior to the existing plan becoming more than 5 years out of date in October 2023. In terms of housing land supply the Council currently has over six years land supply. It is not possible to determine land supply beyond next year as housing figures will be provided in the NPF. However, our submission into the NPF process will be based on SDP2 figures which are lower than those currently being used to assess housing land supply.
- 3.17 This approach is in line with the majority of other Scottish local authorities who are waiting to use the new planning system.

4 POLICY IMPLICATIONS

- 4.1 The National Planning Framework will form part of the Development Plan and be used as the context for LDP2 and in the determining of planning applications. Input into the NPF process is therefore vital to help ensure positive East Lothian related content.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 This subject of this report does not directly affect the wellbeing of the community or have a significant impact on equality, the environment or economy. Impact Assessments will be carried out by the Scottish Government as part of the NPF process.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – No direct financial implications arising from this report beyond staff time.

6.2 Personnel - the Council's Planning Service already strategic planning work and will continue to contribute towards the work of inputting into the development of an Indicative Regional Spatial Strategy and National Planning Framework 4.

6.3 Other - none

7 BACKGROUND PAPERS

7.1 Council report on Regional Spatial Strategies October 2019 (Item 9) - https://www.eastlothian.gov.uk/meetings/meeting/16435/east_lothian_council

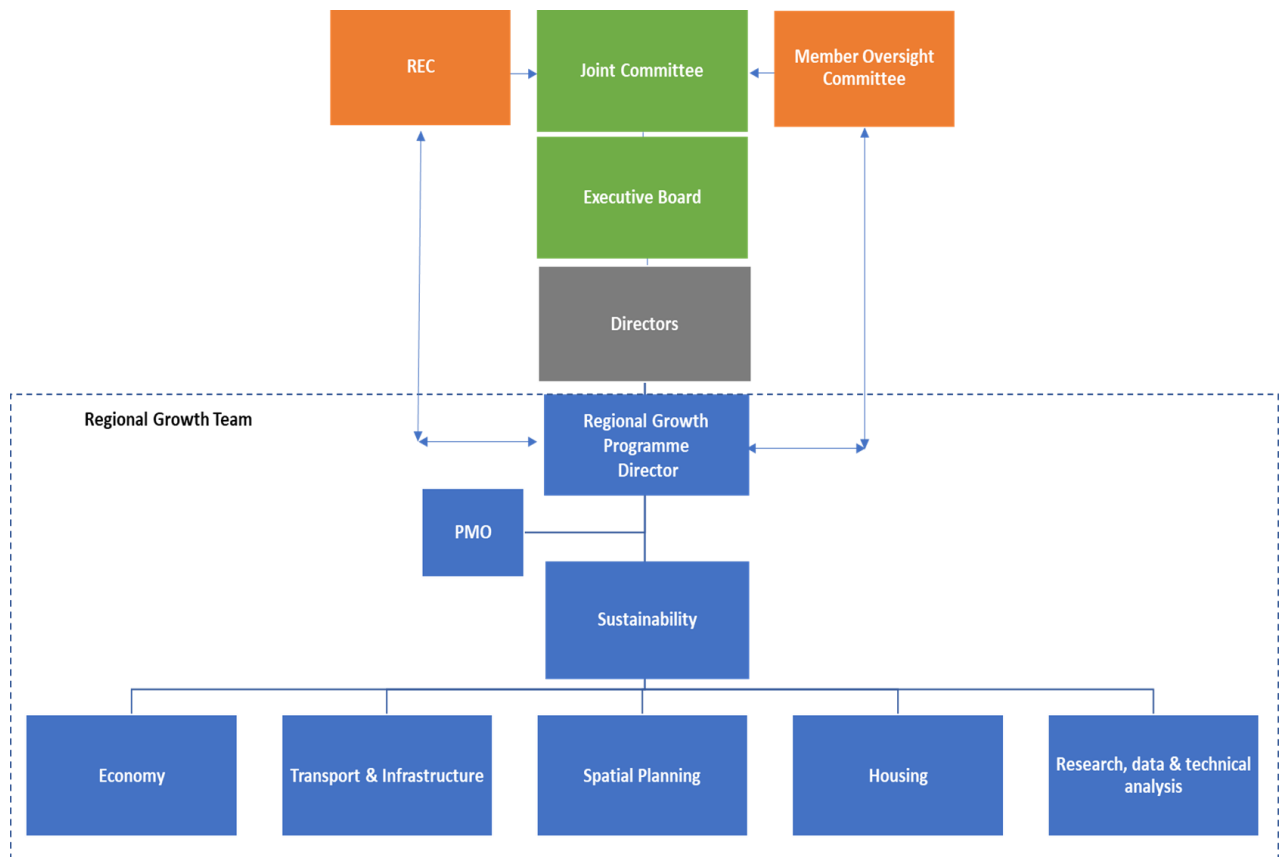
7.2 Council update on NPF4 and Regional Spatial Strategies – Dec 2019 (Item 7)

https://www.eastlothian.gov.uk/meetings/meeting/16436/east_lothian_council

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DATE	12 February 2020

Appendix A – A Proposed Governance Structure for Delivery

An indicative regional growth project team and reporting structure is outlined below. At this early stage of project development, this is intended to be illustrative. East Lothian has a strong input into this process with representation on all of the officer groups.



It is anticipated that a dedicated project team is required to work on the development of a Regional Growth Framework. As outlined above, a dedicated Programme Director would lead the project and report up through the existing City Region Deal Governance structure.

The Regional Enterprise Council represents private and third sector interests and will provide advice and guidance to the Joint Committee members to help shape the development of the Regional Growth Framework.

An Elected Member Oversight Committee will be established consisting of two elected members with relevant portfolio areas (planning, transport, housing and economy) from each local authority area (see report recommendation for East Lothian membership). This Committee will oversee and advise the Joint Committee and guide the development of the Regional Growth Framework.

The Scottish Government, UK Government and key agencies are all represented on various City Region Deal groups, boards and thematic areas. It is recommended that this continues with regular engagement on the Growth Framework sought to shape the Framework jointly alongside the Directors Group.