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Date	30/04/20

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**REPORT TO:** Members' Library Service

**DATE:**

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

**SUBJECT:** Development Plan Scheme No.11

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## **1 PURPOSE**

To note the Council's eleventh annual Development Plan Scheme (DPS) outlining the programme for preparation of the next Local Development Plan for East Lothian (LDP2).

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Members note the contents of Development Plan Scheme No.11, as detailed in Appendix 1 to this report.

## **3 BACKGROUND**

- 3.1 Local Planning Authorities are required to prepare and publish a Development Plan Scheme (DPS) setting out the programme for reviewing their Local Development Plan and preparation a replacement Local Development Plan.
- 3.2 The East Lothian Local Development Plan 2018 was adopted in September 2018 under the Planning etc. (Scotland) Act 2006 (now superseded).
- 3.3 The previous DPS 10 set out East Lothian's Development Planning position prior to the emergence of the Planning (Scotland) Act 2019. The process of the 2018 LDP is almost complete. There is only one further Supplementary Planning Guidance (SPG) document to be completed, this being the Design Standards for New Housing Areas SPG. It is expected this work will be completed in April 2020.

- 3.4 Members will be aware that the Planning (Scotland) Act 2019 became effective from the 25<sup>th</sup> July 2019. The Act (2019) made several changes to Development Planning including removing the requirement to prepare Strategic Development Plans. For Edinburgh and South East Scotland, no further work on Strategic Development Plan 2 (SDP2) will take place.
- 3.5 A key part of the new Development Plan system is the production by the Scottish Government, of a National Planning Framework. This will incorporate Scottish Planning Policy.
- 3.6 The preparation of the National Planning Framework has now started. When the National Planning Framework for Scotland 4 (NPF4) is finalised, this, together with Local Development Plans, will form the two tiers of Development Planning in Scotland and will be a material consideration in decision-making. Scottish Ministers have set out a timetable for preparation of NPF4 and how Local Planning Authorities must contribute towards this process. There is now a new duty upon Local Planning Authorities to prepare Regional Spatial Strategies which will be a collaborative process with other LPAs.
- 3.7 Whilst the NPF4 is still emerging, and Regional Spatial Strategies are in the very early stages with discussions taking place between LPAs, in order to ensure that East Lothian maintains an up to date and compliant LDP for the area, work must now begin on the preparation of LDP2.
- 3.8 Local Development Plans will remain as a primary means by which Local Planning Authorities set out a development strategy for their area, and to protect and manage land and development at the local level. There are significant changes to the LDP process in the new Act (2019). One is the introduction of a new gate check procedure for preparing Local Development Plans whereby Local Planning Authorities must first prepare an Evidence Report. This Evidence Report must contain information on the matters set out in section 15(5) of the Act 2019 and must outline the approach for the forthcoming draft Local Development Plan. Further guidance on the preparation process and content of LDPs will be published by the Scottish Government in the coming months.
- 3.9 Finally, the act also introduces new powers for local communities to prepare Local Place Plans which once finalised, can form part of the adopted Local Development Plan, and would be a material consideration in decision-making. Local Planning Authorities are required to invite local communities to prepare Local Place Plans and to assist with their preparation. Again, further guidance on the content and purpose of these plans will emerge in the coming months.
- 3.10 LDP2 preparation will begin with evidence gathering and awareness raising with relevant parties including the public and Key Agencies. There will be opportunities for the public to get involved at various stages and this will be publicised as widely as possible.
- 3.11 Development Plan Scheme 11 sets out the intended programme for the preparation of the Evidence Report, followed by the preparation of a draft

LDP2, and periods of public consultation. These timescales are closely linked to the emerging NPF4 and Regional Spatial Strategies. If there are any significant changes to the timescales for national or regional level development planning, the Council will prepare and publish an updated Development Plan Scheme.

- 3.12 This Development Plan Scheme has been prepared under the Planning etc. (Scotland) Act 2006. The report attached as Appendix 1 is the East Lothian Council Development Plan Scheme No.11

#### **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 (Scotland) Act 2019  
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>	20/04/2020



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**DEVELOPMENT  
PLAN SCHEME No.11  
(December 2019)**

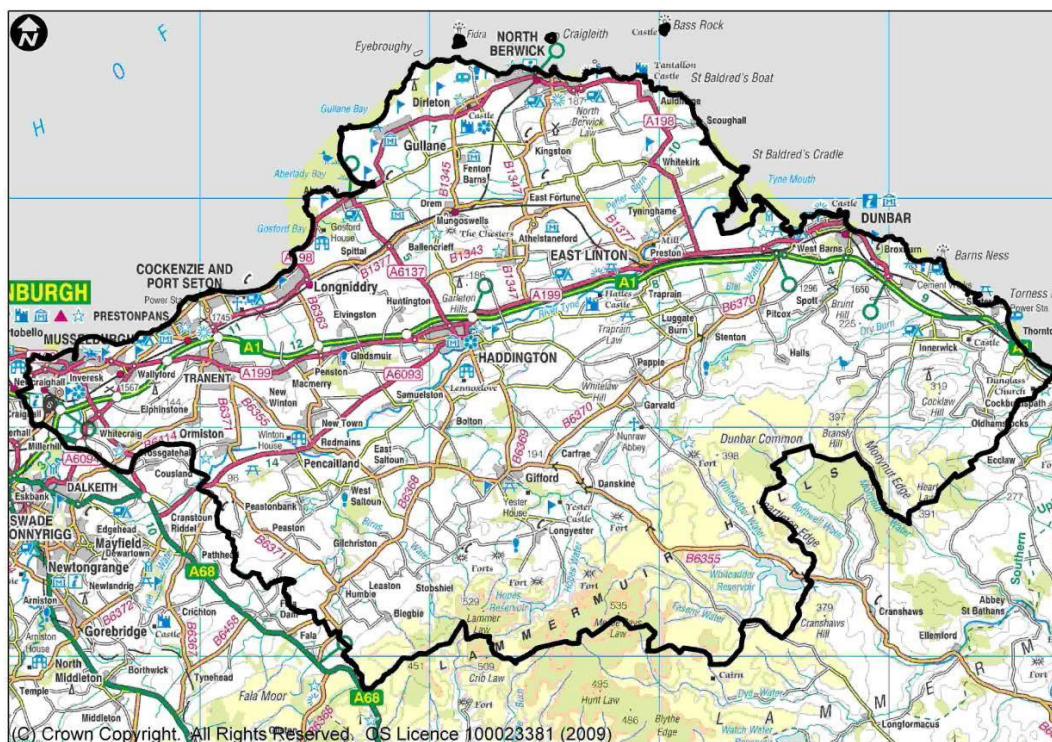
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**East Lothian Council  
Policy & Strategy  
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John Muir House  
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EH41 3HA**

# EAST LOTHIAN COUNCIL DEVELOPMENT PLAN SCHEME AND PARTICIPATION STATEMENT No.11 (December 2019)

## 1 INTRODUCTION

1.1 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**.



East Lothian Council boundary and Local Development Plan area

1.9 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.

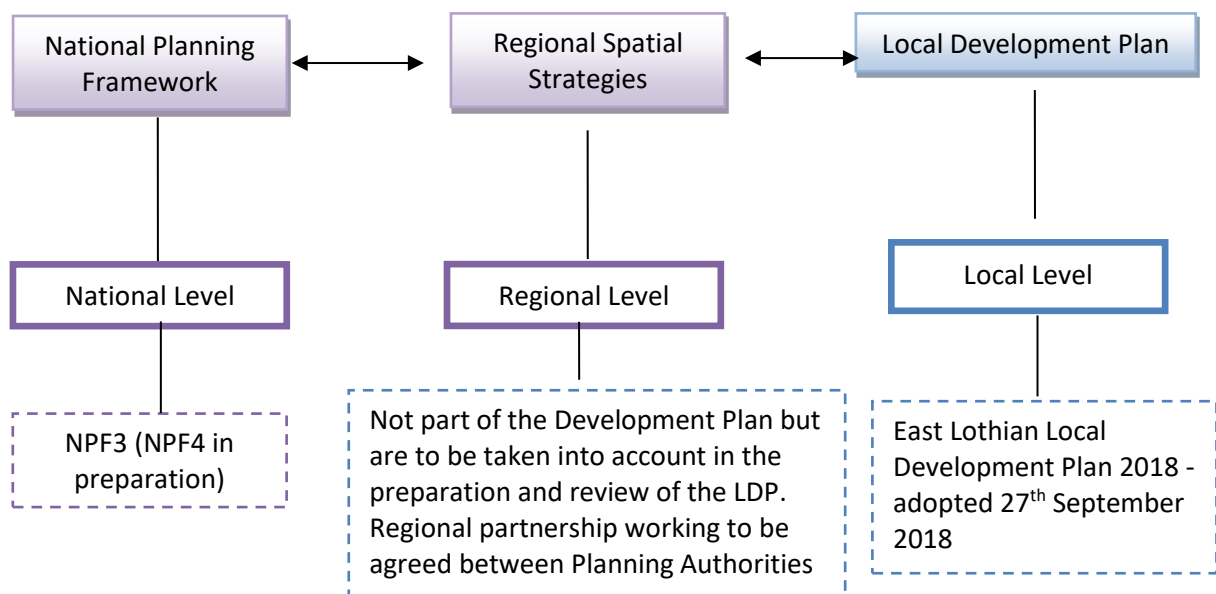
1.10 The previous Development Plan Scheme for East Lothian No.10 was published in October 2018. This updated Development Plan Scheme no.11 considers the timetable for preparation and adoption of Local Development Plan 2 (LDP2). The DPS also outlines the timetable for the review of ELLDP 2018, and the preparation of an Evidence Report, the first significant stage towards preparation of the next Local Development Plan (ELLDP2). During the plan-making process, regular progress updates will appear on the Council's website [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk).

## What are Development Plans?

1.3 A development plan is a document that sets out how places should change and what they could be like in the future. It sets out 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?

1.4 Following the introduction of the Planning (Scotland) Act 2019, there are to be two levels of development planning in Scotland:



## The National Planning Framework for Scotland (NPF)

1.5 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](#) (the third National Planning Framework) was published in June 2014. It contains a number of 'National Developments' and other provisions, some with relevance to East Lothian.

The next NPF(4) is currently being prepared and is likely to be published in draft next year with adoption likely to be in 2021. Planning Authorities are required to provide information to the Scottish Ministers to assist with preparing NPF4. Under the Planning (Scotland) Act 2019, the NPF can now be amended at any time.

## **Regional Spatial Strategies**

The Planning (Scotland) Act 2019 allows for the preparation of Regional Spatial Strategies (RSS). Although not part of the Development Plan, these documents will still provide a framework for both the preparation of the NPF and Local Development Plans. East Lothian Council will work collaboratively with other planning authorities to prepare a Regional Spatial Strategy and/or a Regional Growth Framework.

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

1.7 Local Development Plans 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-year period. Local Development Plan preparation process will firstly comprise of an Evidence Report setting out the Council's position of a range of social, economic and environmental planning matters (as per regulation 15(5)). This is then submitted to Scottish Ministers for review (gate check). Following confirmation that the Scottish Ministers are content with the Evidence Report, Local Planning Authorities can then progress with the Local Development Plan. This will then be submitted to Scottish Ministers and subject to Examination. Following this, Planning Authorities can then adopt their Local Development Plan, taking into account the findings and recommended modifications from the examination.

1.8 The National Planning Framework and the Local Development Plan will in future form the statutory Development Plan for East Lothian.



## **2 DEVELOPMENT PLANNING POSITION IN EAST LoTHIAN (December 2019 )**

2.1 Under the new Planning (Scotland) Act 2019, Strategic Development Plans will be abolished. However, until the approval of NPF4, the current Development Plan for East Lothian consists of the Strategic Development Plan for Edinburgh and South East Scotland (SDP1), read in conjunction with the adopted East Lothian Local Development Plan 2018. The SDP covers the areas of the 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 current Local Development Plan 2018 was prepared by East Lothian Council and adopted on 27<sup>th</sup> September 2018.

### **LDP 2018 - Action Programme, Supplementary Guidance and Supplementary Planning Guidance**

2.6 The Council has prepared an Action Programme for the ELLDP 2018, a statutory requirement under the Development Planning (Scotland) Act. The Action Programme sets out how the Council proposes to implement the plan, and includes policy actions, a list of supplementary guidance, and infrastructure requirements. It also reflects the most up-to-date information on developer contributions and specific interventions and projects included within the emerging statutory Supplementary Guidance: Developer Contributions Framework. The Council must consult on its draft version with the Key Agencies, the Scottish Ministers and anyone the Council proposes specifying by name in the Action Programme. The Council must also consider their views when finalising the Action Programme for adoption. Under the new Planning (Scotland) Act 2019, Action Programmes are being re-cast as Delivery Programmes, and East Lothian Council will prepare its own Delivery Programme alongside the LDP beginning in 2020.

2.7 To support the ELLDP 2018 and to assist with decision making, the Council prepared the first series of guidance documents including statutory Supplementary Guidance on Developer Contributions Framework and Town Centre Strategies, and non-statutory Supplementary Planning Guidance on Affordable Housing, Development Briefs, Cultural Heritage and the Built Environment, Farm Steading Design Guidance, Green Network Strategy SPG, Sustainable Drainage Systems SPG, and Special Landscape Areas. These were all published for 6-week periods of consultation.

The Council is currently preparing updated Design Standards for New Housing Areas.

Under the new Planning (Scotland) Act 2019, Supplementary Planning Guidance cannot be prepared to form part of the Local Development Plan.

However, East Lothian Council will continue to prepare non-statutory guidance to support the delivery of the plan strategy and policies.

### **3 OUR INTENDED DEVELOPMENT PLAN PROGRAMME**

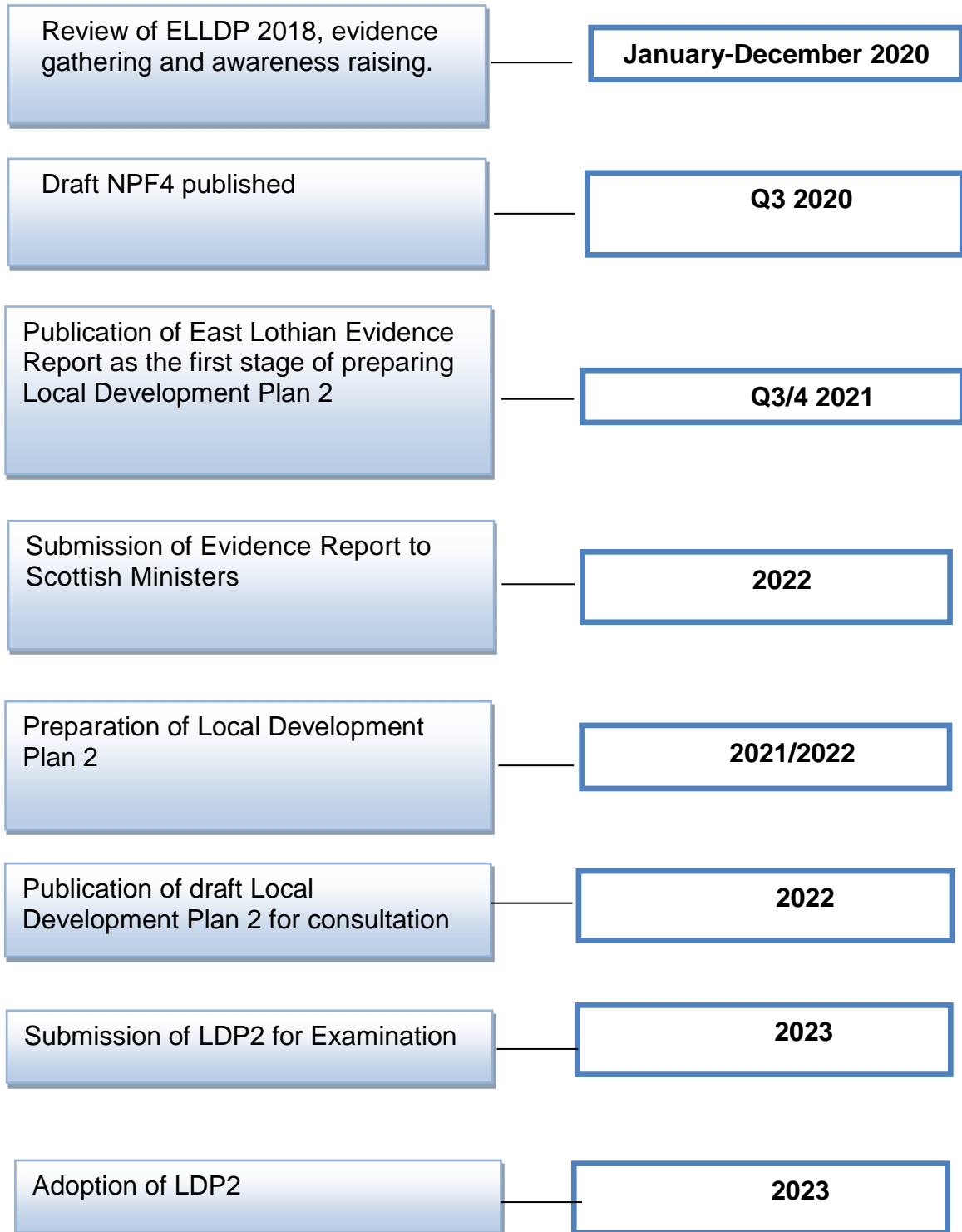
#### **The Edinburgh and South East Scotland Strategic Development Plan (SDP)**

- 3.1 The second Strategic Development Plan (SDP2) was rejected by Scottish Ministers in 2019. Subsequently, the strategic planning context for South East Scotland is still provided by SDP1 although SDP2 can be taken into account as a material consideration. This will be until such time as the NPF4 is produced.

#### **Review of East Lothian Local Development Plan 2018**

- 3.2 Following the Planning (Scotland) Act 2019, the Council will follow the new procedure for preparing the next Local Development Plan for East Lothian. This will begin with a period of evidence gathering which will be combined to create an Evidence Report.

## Programme for preparation of East Lothian Local Development Plan 2



### **When will we update our Development Plan Scheme?**

- 3.3 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.

### **Consultation on LDP 2018 Supplementary Planning Guidance**

Consultation on the Action Programme, Town Centre Strategies Supplementary Guidance, Developer Contributions Framework Supplementary Guidance, and Supplementary Planning Guidance each ran for 6 weeks. Publicity for the consultation was carried out by:

- Placing Press Adverts in the East Lothian Courier;
- Publication on the Consultation Hub of online survey with consultation documents;
- Displaying of consultation documents and information on how to get involved with the consultation at Public Libraries throughout East Lothian, and
- Publication on a dedicated East Lothian Council web page of documents for consultation and a link to the Council's Consultation Hub.

4.7 Through each of these publicity methods, details have been provided of the different ways in which comments can be made on the documents (i.e. using the online survey, by email to LDP inbox, or in hard copy to the Planning Service).

### **Review of East Lothian Local Development Plan 2018: forthcoming awareness raising, engagement and consultation programme**

4.8 The ELLDP 2018 review process will begin early 2020. This will initially involve a policy review and period of evidence gathering, particularly focussing on gathering the views of land use related matters from a wide variety of groups as set out in the new Planning Act (2019) .

Based on the results from the above work, including the early engagement, and the findings from technical/background work, the Council will prepare an Evidence Report setting out those matters as required by the new Planning (Scotland) Act 2019.

. Once finalised, the Evidence Report will be submitted to Scottish Ministers for review under the gate check process. Once confirmation is received from Scottish Ministers that they are satisfied with the content of the Evidence Report, this will be taken forward to prepare a proposed Local Development

Plan 2. Once the proposed LDP2 has been prepared, there will be a period of consultation on this, involving the following (as a minimum):

- Placing Press Notices in the East Lothian Courier regarding consultation period for draft LDP2, including where and when the documents can be accessed/viewed, and how to submit comments;
- Relevant consultation documents to be placed in all libraries across East Lothian;
- Publication on the East Lothian Council Consultation Hub
- Publication on the ELC website

Following this period of public consultation, any comments will be taken into account in finalising the proposed LDP2. Subsequent stages will involve the following:

- Submission to Scottish Ministers for Examination in Public
- Period of Examination in Public including any Further Information Requests, Public Enquiries or Hearing Sessions;
- Scottish Ministers issuing of the Report of Examination and recommended post-examination modifications;
- Council to consider the Report of Examination and recommended modifications;
- Modify the LDP2 (as necessary);
- Publish modified LDP2;
- Submitting the LDP2 (as modified or otherwise) to Scottish Ministers stating the Council's intention to adopt the plan;
- Issuing of Direction from Scottish Ministers that the Council can adopt the LDP2 (if applicable), and
- Period of 6 weeks for legal challenge of LDP2.

## 5 LOCAL DEVELOPMENT PLAN PROGRAMME SUMMARY

	2019			2020			2021			2022			2023		
ELLDP 2018 review															
Evidence Gathering															
Publish Evidence Report															
Gate Check															
Prepare draft LDP2															
Publish draft LDP2															
Consider responses															
Submit to Ministers															
Examination															
Consider report															
Adopt LDP2															



## 6 CONTACT US

6.1 If you have any queries regarding progress on the East Lothian Local Development Plan 2018 adoption or the preparation of the next Local Development Plan, please contact the Environment Reception on 01620 827216, email us at [ldp@eastlothian.gov.uk](mailto:ldp@eastlothian.gov.uk) or send any correspondence to:

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

6.2 Further information on Development Planning in East Lothian can be found on the Council's website:

[https://www.eastlothian.gov.uk/info/210547/planning\\_and\\_building\\_standards/12242/local\\_development\\_plan](https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan)

6.3 For details on the examination and progression towards adoption of the ELLDP 2018, please visit the DPEA website:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117989>