

## Members' Library Service Request Form

Date of Document	01/05/24
Originator	Keith Dingwall
Originator's Ref (if any)	
Document Title	Development Plan Scheme No 15 (2023)

Please indicate if access to the document is to be “unrestricted” or “restricted”, with regard to the terms of the Local Government (Access to Information) Act 1985.

Unrestricted	<input checked="" type="checkbox"/>	Restricted	<input type="checkbox"/>
--------------	-------------------------------------	------------	--------------------------

If the document is “restricted”, please state on what grounds (click on grey area for drop-down menu):

For Publication
-----------------

Please indicate which committee this document should be recorded into (click on grey area for drop-down menu):

East Lothian Council
----------------------

Additional information:

A requirement of the Development Plan process is the production of a Development Plan Scheme. It sets out how the process of reviewing the Local Development Plan and includes a Participation Statement.

Authorised By	Keith Dingwall
Designation	Chief Planning Officer
Date	01/05/24

For Office Use Only:	
Library Reference	60/24
Date Received	01/05/24
Bulletin	May 24

**REPORT TO:** Members' Library

**DATE:** May 2024

**BY:** Executive Director of Place

**SUBJECT:** Development Plan Scheme No.15

---

## **1 PURPOSE**

To note the Council's fifteenth 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.15, as detailed in Appendix 1 to this report. The DPS can also be viewed online (<https://arcg.is/155HD0>).

## **3 BACKGROUND**

- 3.1 The Planning (Scotland) Act 2019 requires that Local Planning Authorities prepare and publish a Development Plan Scheme (DPS) setting out the programme for reviewing their Local Development Plan, preparation of a replacement Local Development Plan, and how it will be implemented. It must also include a Participation Statement detailing how interested parties can get involved at the different stages of plan preparation.
- 3.2 The current Local Development Plan for East Lothian is the LDP 2018 which was adopted in September 2018. The LDP 2018 is supported by a series of statutory Supplementary Guidance documents and non-statutory Supplementary Planning Guidance documents.
- 3.3 In order to ensure that East Lothian maintains an up to date and compliant LDP for the area, work has already started on LDP2. This will be undertaken under the new Planning (Scotland) Act 2019, which introduced a number of new procedures for LDP preparation, including the requirement to prepare an Evidence Report covering issues set out in section 15(5) of the Act 2019, and a gate-check process.

- 3.4 The Planning (Scotland) Act 2019 requires the Development Plan Scheme to include proposed timetabling, with proposed timings for various stages of LDP plan preparation, by specifying the proposed year and quarter. The stages which require to be covered are:
- publication of the Evidence Report;
  - publication of the Proposed Plan;
  - submission of the Proposed Plan to the Scottish Ministers; and
  - expected adoption of the LDP.
- 3.5 This Development Plan Scheme no.15 sets out the timetable for preparing the Evidence Report, indicative timescales for the Gate Check process with the Scottish Government, preparation of the proposed Local Development Plan 2, and submission of the proposed plan or Examination. Finally, it proposes a target date for adoption of LDP2.
- 3.6 The Participation Statement provides details of how interested parties were able to get involved with the early stages of the next Local Development Plan. The first stage involved gathering information on the effectiveness of current policies, engaging with various East Lothian Council Services, Key Agencies, landowners, local interest groups and the general public, and also considering up to date background information on a range of social, economic and environmental matters for the county. There was also a wide range of awareness raising undertaken with local communities, including providing details of how to get involved in future stages of plan preparation.
- 3.7 The extensive consultation carried out on the Evidence Report stage was important for gathering views on current planning matters within East Lothian, and whether the evidence was sufficient to proceed towards submission to the Scottish Government. The timetable for this next stage is set out within the DPS 15.
- 3.8 The Planning (Scotland) Act 2019 also requires that the Development Plan Scheme is subject to a period of public consultation and engagement. A period of public consultation on Development Plan Scheme no.15 ran between 15<sup>th</sup> December 2023 and 19<sup>th</sup> January 2024. Three responses were received to the public consultation. These were from Homes for Scotland, Macktaggart & Mickel, and Taylor Wimpey.
- 3.9 The response from Homes for Scotland was overall positive towards the Council's proposed timetable for preparing the next Local Development Plan. Some suggestions were made for clarification of the Key Agencies or other bodies that would be involved in the process of providing technical information on various planning matters. No further clarification is considered necessary at this stage as the DPS already proposes ongoing engagement with Key Agencies (all relevant members of the Key Agency Group as set out by the Scottish Government) and all other interested parties. Other comments related to the Council's proposed Housing Land Requirement. As this matter was the subject to a separate

paper and separate public consultation, no amendments were deemed to be necessary to the DPS at this stage.

- 3.10 The response from Mactaggart & Mickel highlighted the importance of engagement between the Council and developers and landowners in the plan-making process. It was suggested that specific workshops could be used to do this, focussing on key planning matters such as housing, infrastructure, and opportunities through the NPF4. The response was also supportive of the proposed Call for Sites stage in plan-making. The Council also notes the importance of engagement with developers and landowners, and has already undertaken extensive engagement at the Evidence Report stage. Further engagement will take place at the proposed plan stage. Details of how to participate in the Call for Sites exercise will be made available in due course. As such, no amendments to the DPS 15 are considered necessary at this stage.
- 3.11 The response from Taylor Wimpey reiterated the comments submitted by Homes for Scotland in their entirety and did not provide any additional comments of their own on the DPS. As these comments have already been analysed, no amendments are proposed as a result.
- 3.12 Following consideration of responses received during the public consultation, there are no amendments required to be made to the Development Plan Scheme 15, including the proposed timetable.
- 3.13 Should there be any matters arising that require an amendment to the proposed timetabling of the next Local Development Plan, the Council will prepare and publish an updated Development Plan Scheme.
- 3.14 Following the approval of the Development Plan Scheme, the Council will, as soon as reasonably possible, send two copies to the Scottish Ministers, publish the DPS electronically on the Council website, and place a copy in all public libraries in the area to which it relates.
- 3.15 The report attached as Appendix 1 is the East Lothian Council Development Plan Scheme No.15. The DPS is also available to view online (<https://arcq.is/155HD0>).

## **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 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019

7.2 The Town and Country Planning (Development Planning) (Scotland) Regulations 2023

7.3 Scottish Government Local Development Planning Guidance (May 2023)

7.4 Scottish Government Planning Series Circular 6/2013: Development Planning

<b>AUTHOR'S NAME</b>	Leigh Taylor
<b>DESIGNATION</b>	Planner (Policy & Strategy Team)
<b>CONTACT INFO</b>	X 7324
<b>DATE</b>	01/05/2024

# East Lothian Development Plan Scheme 2023

No 15 2023

Draft

**Development Plan Scheme**



Planning legislation requires all planning authorities to prepare a Development Plan Scheme (DPS). The DPS sets out a programme for preparing, reviewing and implementing their development plans and includes a participation statement.

East Lothian Council's DPS sets out the Council's programme for the main stages in the preparation and review of its Local Development Plan, what will be involved, and how and when people and organisations can participate.

## Development Plans

The Development Plan is, collectively, the documents that will be used to determine planning decisions.

They set out the locations for development types such as new homes and businesses and protect places of value to people or wildlife.

They contain policies and proposals to guide new development. The Development Plan is required by law and is the basis for making decisions on planning applications.

### Development plans

Development plans set out the long term vision for development in Scotland.

<https://www.gov.scot/policies/planning-architecture/development-plans/#:~:text=The%20development%20plan%20for%20any%20given%20area%20of,authorities%20C%20and%20are%20required%20to%20prepare%20an%20LDP>



# The Development Plan

In East Lothian the Development Plan is made up of the following documents:

## National Planning Framework 4 (NPF4)

NPF4 is prepared by the Scottish Government and its final version was approved in February 2023.

### National Planning Framework 4

Link to framework and supporting documents

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/02/national-planning-framework-4/documents/national-planning-framework-4-revised-draft/national-planning-framework-4-revised-draft/govscot%3Adocument/national-planning-framework-4.pdf>

## 2018 East Lothian Local Development Plan (LDP1).

This was produced by East Lothian Council and adopted in September 2018.

### Local Development Plan

Development Plan for East Lothian

[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)

East Lothian Council has also approved Supplementary Guidance and other planning policy guidance derived from and supportive of the Local Development Plan 2018.

This Supplementary Guidance is planning policy and is part of the Development Plan.

The Supplementary Planning Guidance is a material consideration in the determination of planning applications.

## **Programme for LDP 2**

The following are the key stages in the development of LDP2 along with an estimate of when they will take place.



## **Evidence Report**

Quarter 1 2024

The Evidence Report is submitted to the Scottish Government and then progresses through an independent Gatecheck. This process aims to ensure that the right information is available to produce the LDP.

## **Gatecheck**

Q2 2024


## **Proposed Plan**

Q1 2025

The Proposed Plan sets out the spatial strategy for the County and the policy context through which Planning decisions will be made. As part of the development of Proposed Plan in Spring 2024 we will carry out a focussed call for sites. This will feed into the development of the spatial strategy. Local Place Plans have been encouraged to be submitted in May 2024 for similar reasons.

## **Submission of Proposed Plan to Scottish Ministers**

Q3 2025



After Consultation the Proposed Plan is sent to the Scottish Ministers for independent Examination. This process looks at any unresolved issues.

## **Adoption of LDP2**

Q1 2026

Once the Examination report is received the Council can make the recommended changes to the LDP and then adopt the LDP.

## **Changes to the LDP timescales since the last Development Plan Scheme**

Since the 2022 Development Plan Scheme the timescale for all the stages of the next LDP have moved back slightly with the Proposed Plan now being completed in early 2024 rather than late 2023.

The reason for this change is simply the level of work involved in the new planning process.



### **Supplementary and Other Planning Guidance**

The 2019 Planning Act removes the opportunity for Planning Authorities to produce Supplementary Guidance (SG).

However, there are many areas of policy such as planning obligations, town centre strategies and development briefs that are important parts of the Development Plan.

Through the production of LDP2 the Council will consider how best to incorporate the areas currently covered by SG into the new LDP to ensure the continuation of their policy aims.

As part of the review of the LDP the Council will also look to review its Supplementary Planning Guidance (SPG). A full list of the current SG and SPG can be found on the Councils website.

## **Local Development Plan**

Development Plan for East Lothian

[https://www.eastlothian.gov.uk/info/210547/planning\\_and\\_building\\_standards/12242/local\\_development\\_plan/2](https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan/2)

All current SG remains in force until the new LDP is approved by Council. As SPG is not policy but guidance it will not necessarily be superseded by changes to the Development Plan but may become out of date depending on the level of change made through NPF4 and LDP2 policy.



# Participation Statement

The Planning etc (Scotland) Act 2019 requires that a Development Plan Scheme includes a participation statement.

The aim of the participation statement is to encourage engagement in the preparation and delivery of development plans. It sets out 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 planning authority is to seek the views of the public at large as to the content of the Participation Statement. This should include seeking views on who should be engaged at different stages, and on the best approach to involving people.

This participation statement focuses on how East Lothian will progress its second Local Development Plan (LDP2). The Planning (Scotland) Act 2019 puts particular emphasis on empowering and engaging with local communities in the preparation of local development plans, and the council is committed to adhering to these principles.

There will be many opportunities to become involved in the preparation of LDP2. These will be clearly advertised, through social media, updates on our websites, invitations to everyone who has registered on our mailing list and advertisements in the local newspapers.



## **Overriding Principles of Consultation**

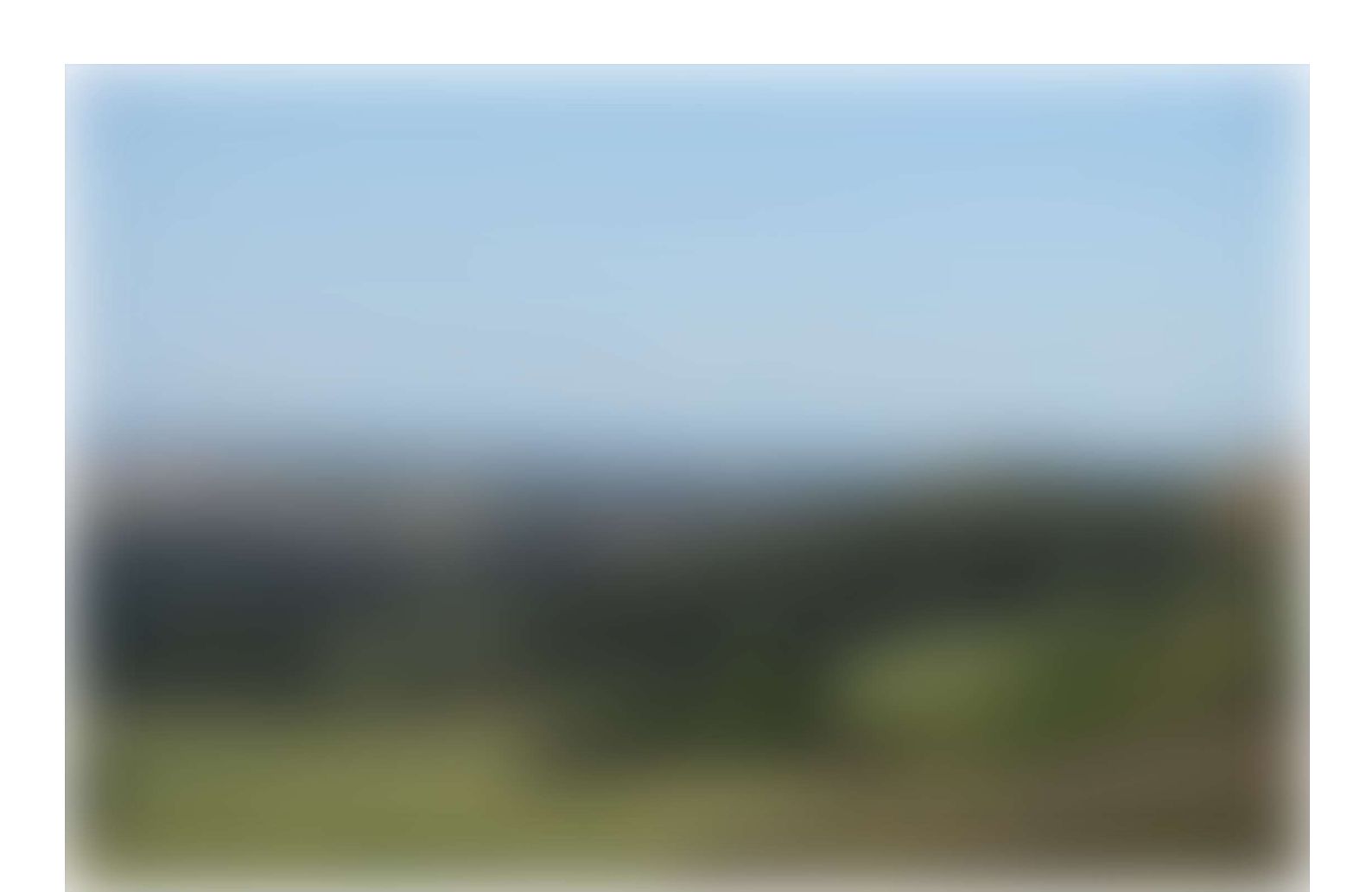
Although the preparation of the LDP has several distinct phases there are some overriding principles that the Council will employ across the progression of the plan and as afterwards through its implementation:

- Participation in the plan-making process is open to everyone;
  - The Council is aware of its responsibilities to be as inclusive as possible;
  - and will make efforts to reach out to groups not usually involved in the planning process and aim to overcome barriers to their participation;
  - We will make the best use of our resources to establish and maintain meaningful engagement with stakeholders. This includes individuals;
1. local communities, employers, community councils, community planning;
  2. partners, community interest groups, key agencies, the development;



3. industry, infrastructure providers, council service providers and Scottish Government.

- Through the different plan stages we will include an explanation of why we are consulting, how we will be consulting and what will happen with the responses when they are received;
- We want to ensure that anyone taking the time and making the effort to actively engage in the process can do so in the knowledge that their contribution matters and can make a difference.
- It is important that people are aware of the process and of the opportunities to comment, particularly at key stages in the production of LDP 2, and we will use the media, newspaper notices and the council's website to achieve this. We will also employ the council's extensive area partnership network and will work through our community councils to share and distribute information;
- We will make every effort to produce clear, concise and accessible documents that are written in everyday language and which people can readily understand.
- While it is anticipated that an increasing amount of engagement and exchange of information is likely to take place via the internet, we recognise that not everyone has access to an online facility or broadband and some people may choose not to use them.
- We will therefore seek to adopt and offer alternative consultation and engagement methods wherever possible.
- Above all, the East Lothian Council is committed to actively engaging and involving as many communities and stakeholders in the preparation of the second Local Development Plan.



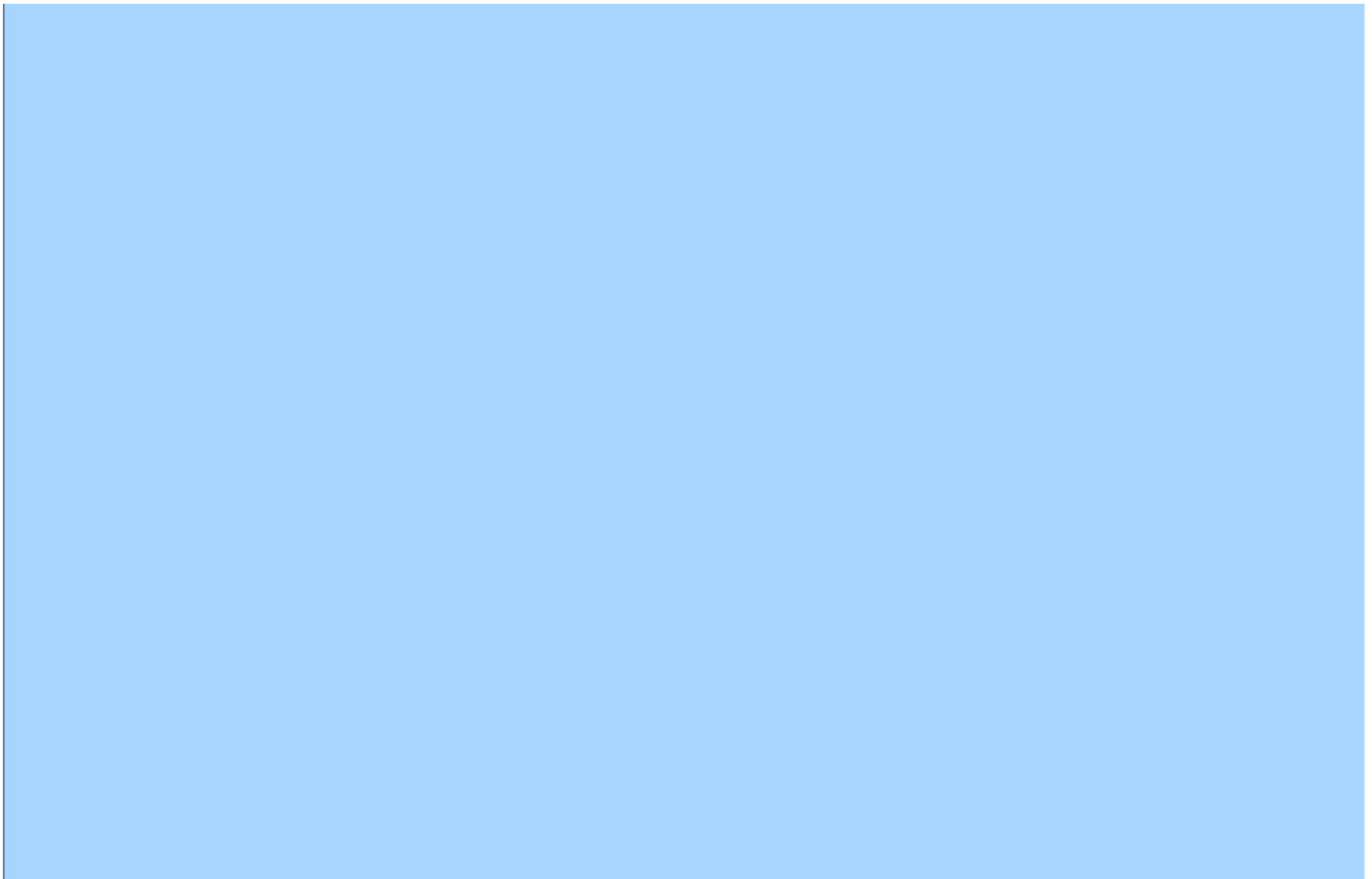
We are consulting on this Participation Statement to gather views on the best way to get people involved in the development of the LDP and to check whether there are any sectors that should be added to the consultation list.

This engagement process will continue alongside the development of the Evidence Report and Proposed Plan where the Council will undertake a wide range of engagement to gather the views of key stakeholders, hard to reach groups and the public at large.

The Scottish Governments draft Development Plan Guidance recommends that through *'early engagement, connections and efficiencies can be made with other plans and strategies, such as the Local Outcomes Improvement Plan, Locality Plans, Regional and Local Transport Strategy, Local Housing Strategy, Strategic Housing Investment Plan or Local Economic Strategy to avoid consultation fatigue'*.

The Council is following this recommendation and will where possible engage on the LDP as part of wider consultations to

ensure a corporate approach to evidence gathering and decision-making and avoid the consultation fatigue mentioned above.



1 mi  Powered by Esri

## **Preparation and engagement on the Evidence Report**

Over the summer the Council has engaged in joint consultations to gather the views of communities and other stakeholders on the issues that LDP2 should address and the sufficiency of the Evidence available to prepare LDP2. The main activities were as follows:

- Workshops were held in the main towns, alongside engagement on the economic strategy, poverty plan, tree and woodland strategy and heat network strategy.
- A wide range of engagement took place with primary and secondary schools to gather their views on where they lived;
- Online engagement on issues throughout the summer;
- meetings with key agencies and other partners; and

- discussion of issues with community councils and area partnerships.

The results of this engagement will be set out in the Evidence Report and its accompanying summary of engagement report.

**For the remainder of the LDP process it is intended to engage in the following manner.**

### **Gate Check**

The Gate Check is the stage in the process where it will be decided by an independent assessment whether the Council has enough information to prepare an LDP. It will be carried out by a Reporter appointed by Scottish Ministers. Should the Reporter decide there is sufficient information, then Council will be allowed to move to the next step in the plan process and prepare and publish their Proposed Plan.

Additional information may be sought from those who have been involved in the discussions on issues, leading up to the production of the Evidence Report.

**Engagement will take the form of meetings or written submissions. Format and content of requests will be the responsibility of the reporters unit.**

5,000 ft  Powered by Esri

## **Preparation of Proposed Plan**

The Proposed Plan highlights allocated areas where the different types of development should take place. It should coordinate development and service provision and an infrastructure first approach should inform its preparation and support its delivery.

New style plans are expected to be place-based: there should be greater emphasis on maps, site briefs and masterplans. When required, policy wording will develop the NPF4 national policies into the East Lothian context.

The agreed issues from the Gatecheck process will be used to develop the content of the Proposed Plan.

## **Engaging on the Proposed Plan**

We will discuss potential policy direction with the key agencies to ensure policy alignment and deliverability.

As part of the development of the The Development Plan Guidance we will carry out a focussed call for sites exercise.

The Delivery Programme will be developed alongside the Proposed Plan and we will engage with all those who have a responsibility to progress proposals, particularly national developments, to ensure that costs and timescales are accurately reflected in the Delivery Programme.

**The Delivery Programme will be developed alongside the Proposed Plan and we will engage with all those who have a responsibility to progress proposals, particularly national developments, to ensure that costs and timescales are accurately reflected in the Delivery Programme.**

**The Proposed Plan will be published for a period of at least 12 weeks during with those interested can submit letter of support or objection to the proposals.**

Following on from the publication of the Proposed Plan and alongside its consultation we will engage with the following groups to get their views on the content of the plan:

- **Young People;**
- **Key agencies and other Council services;**
- **Communities where land use change may be identified;**  
and
- **The general public.**

## **Proposed Plan Consultation**

The Proposed Plan's availability, content and purpose will be extensively advertised:

- **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;**

- through copies of the report (and/or weblinks, as appropriate) being sent to community councils, neighbouring planning authorities and key agencies;
- in the local press;
- as available for inspection in local libraries and at the planning authority's offices in Haddington;
- through public notices about how and by when representations may be made;
- 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;
- A consultation database for all those wishing to engage in the plan preparation process will be established and expressions of interest in participating canvassed and recorded.

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.



## Local Place Plans

The Council advertised to community groups the possibility of producing a Local Place Plan. The Council has recommended that they should be prepared by the spring of 2024 so they can be taken into account in the development of the spatial and place making elements of the Proposed Plan.

Information is available of the Council website to guide communities in preparing their Local Place Plans.

### **LDP2 and Local Place Plans**

NPF4 and LDP2

[https://www.eastlothian.gov.uk/info/210547/planning\\_and\\_building\\_standards/12726/ldp2\\_and\\_local\\_place\\_plans/7](https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12726/ldp2_and_local_place_plans/7)

## Modifications and Examination

The 2019 Planning Act allows the planning authority to make alterations to the Proposed Plan prior to it moving to the Examination stage.

The examination is the opportunity for the consideration by an independent reporter of any issues raised during the formal consultation on the Proposed Plan that have not been resolved through modifications.

**Any 'notifiable' modifications will be advertised and all objectors, and those who have previously engaged in the plan process, will be notified.**

**The process for arranging the Examination and notifying participants will be the responsibility of the DPEA.**

**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.**

## **Plan Adoption**

The plan once adopted constitutes part of the Development Plan which, alongside NPF4 will be the basis against which to make decisions on planning applications.

Within 3 months of the plan being adopted, the planning authority must adopt and publish the associated Delivery Programme.

Further consideration will be given on how to engage on the bi annual review of the Delivery Programme.

## **Mediation in Planning**

In line with the advice set out in Circular 2/2021 (Guidance on the promotion and use of mediation in the Scottish Planning System) and the Draft 2021 Development Plan Guidance, the Council will consider the use of mediation if conflicts should result during the development of the Local Development Plan. Opportunities for informal mediation and mediation will be tailored to local circumstances and the issues being dealt with in the plan. We will

look to use the place standard both through the engagement on the Evidence Report and any mediation required through the plan process. The extent of the need for mediation is unknown at present until the levels of future development are agreed through the Gatecheck and local areas of conflict are identified.

## **Comments**

Should you have any views on the Participation Statement set out above then we would be grateful if you could respond through the Councils consultation hub.

To be added to the LDP newsletter mailing list or for any questions on the LDP process then please e mail [ldp@eastlothian.gov.uk](mailto:ldp@eastlothian.gov.uk) or send by post to:

Policy & Projects

Development

East Lothian Council

John Muir House Haddington EH41 3HA

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)