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REPORT TO: Members' Library Service

DATE:

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Development Plan Scheme No.9

1 PURPOSE

- 1.1 To note the Council's ninth 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.9, 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.
- 3.3 Members will be aware that the proposed LDP was submitted to Scottish Ministers for Examination on 4th May 2017. The DPEA has confirmed on the 8th June 2017 that Stage 1 of the Examination, where conformity with the authority's participation statement under Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) is examined, is

now complete. Stage 2 of the Examination under Section 19(3) has now commenced.

- 3.4 Based on the timetable for the DPEA conducting the remaining stages of the Examination in Public, a Report of Examination will be produced by the 8th February 2018. The recommendations of this report will be largely binding on the Council. Following consideration of this report and any requirements for amendments to the Local Development Plan, the Council will adopt the proposed Local Development Plan. This is expected to be in March/April 2018.
- 3.5 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 ninth 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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**DEVELOPMENT
PLAN SCHEME No 9
(May 2017)**

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

EAST LoTHIAN COUNCIL

DEVELOPMENT PLAN SCHEME AND PARTICIPATION

STATEMENT No 9 (May 2017)

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.8 was published in March 2016. 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. The proposed Local Development Plan has now been submitted to Scottish Ministers and a link to the DPEA website is available below.

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

What is a Development Plan Scheme?

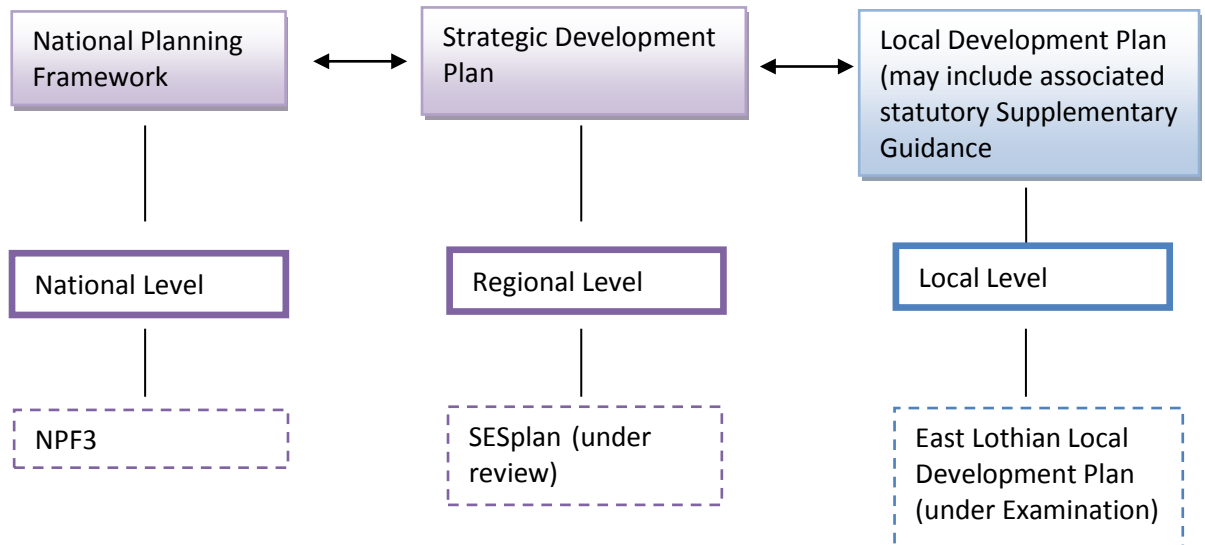
- 1.3. Planning legislation requires all planning authorities to prepare a **Development Plan Scheme (DPS)**. The DPS sets out a programme for preparing and reviewing their **development plans** and includes a **participation statement**.
- 1.4. East Lothian Council's DPS sets out the Council's programme 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 (MAY 2017)

- 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 2008. SESplan covers the areas of City of Edinburgh, East Lothian, Midlothian, West Lothian and Scottish Borders Councils, as well as the southern part of the Fife Council area. It was approved by Scottish Ministers in June 2013. The Local Plan was prepared by East Lothian Council and adopted in October 2008.
- 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 The replacement Local Development Plan for East Lothian is emerging. It has reached Proposed Local Development Plan stage and was submitted to Scottish Ministers on 4th May 2017 for Examination in Public. A total of 442 representations to the Proposed LDP were received from individuals and organisations, which resulted in 34 unresolved issues.
- 2.5 The DPEA has confirmed on the 8th June 2017 that Stage 1 of the Examination, where conformity with the authority's participation statement under Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) is examined, is now complete. Stage 2 of the Examination under Section 19(3) has now commenced.
- 2.6 The timetable for the DPEA conducting the remaining stages of Examination in Public suggests a Report of Examination will be produced

by the 8th February 2018. East Lothian Council anticipate that the Proposed LDP will be adopted in March/April 2018.

- 2.7 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.

- 2.8 Work has now commenced on the second SDP (SESplan2). Following the publication of the Main Issues Report 2015, SESplan published the Proposed Strategic Development Plan on 13th October 2016. SESplan have reviewed the representations and prepared responses to them. These Schedule 4s have been agreed by Joint Liaison Committee except for Transportation. Work is ongoing in order to progress this for submission to Scottish Ministers for examination. The SESplan Development Plan Scheme no.9 March 2017 would suggest approval of SDP2 by Spring 2018 at the earliest.

3 OUR INTENDED DEVELOPMENT PLAN PROGRAMME

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

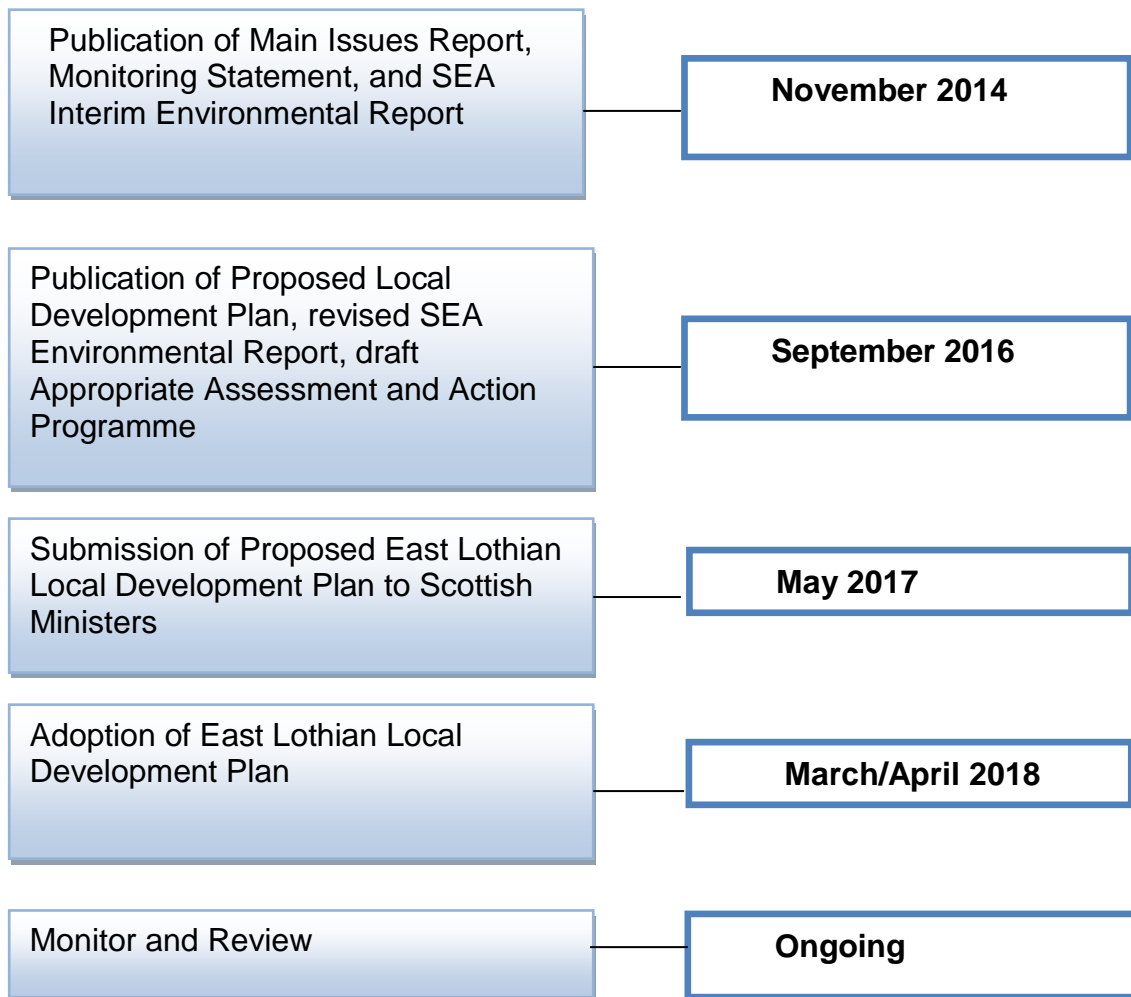
- 3.1 As detailed above, the first SDP (SESplan) was approved in June 2013. Supplementary Guidance on Housing Land was adopted in October 2014. Work is progressing on preparation of SESplan2 (SDP2). SESplan's most recent published Development Plan Scheme 9 dates from March 2017 and sets out the anticipated 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 the SESplan 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



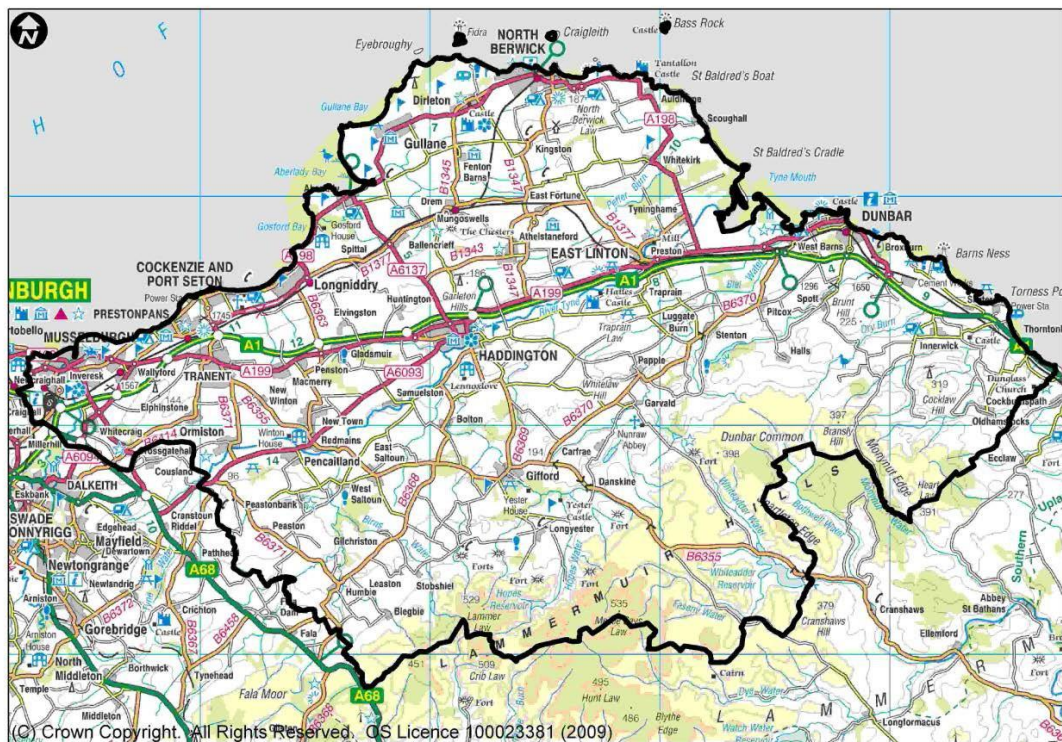
Supplementary and Other Planning Guidance

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. The Developer Contributions Framework Supplementary Planning Guidance and the Development Briefs were consulted on at the same time as the Proposed LDP. The intention is to adopt these along with the LDP and any consequential modifications arising from the Examination of the LDP. *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 9 (March 2017) (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 Proposed East Lothian Local Development Plan was published for consultation from the 19th September 2016 to 7th November 2016. The Council received 441 representations to the Proposed Plan during the seven week period of publicity. From these representations a total of 34 unresolved issues were raised. The Council considered all representations and made no modifications to the Proposed Plan as a result. The Council approved the Proposed Plan at its meeting on 28th March 2017. The Proposed Plan and the Schedule 4s, together with all supporting documentation, was subsequently submitted to Scottish Ministers on 4th May 2017 for Examination.

Methods

4.3.19 The Proposed Plan's availability, content and purpose was extensively advertised including:

- 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) were sent to community councils, partner SDP planning authorities, adjoining planning authorities, and key agencies
- availability for inspection in local libraries and at the planning authority's offices in Haddington

Key participants

4.3.20 Key participants were individuals, groups, businesses, and organisations that wished to submit representations either in support of or against any matter contained in the Proposed Local Development Plan.

Subsequent Stages

4.3.21 The Examination is likely to be held over a period of nine months beginning Summer 2017. Regular updates will be announced on the Council's website and also on the Scottish Government's Planning and Environmental Appeals Division (DPEA) website (<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117989>) . Copies of all correspondence between the Council and the DPEA will also be published here including any further information requests and details of any oral sessions (hearings/inquiries) to be held. The Council's website will also be kept up to date throughout the examination.

4.3.22 The recommendations of the examination will be largely binding on the Council. Any changes will be incorporated as modifications to the Proposed Plan. The plan is expected to be adopted in March/April 2018 as per the programme summary below. The modifications and modified plan will be available for inspection in the planning authority's offices, in public libraries and on the Council's website.

6 CONTACT US

Comments

- 6.1 Any queries regarding progress of the East Lothian Local Development Plan can be submitted to us at ldp@eastlothian.gov.uk or sent by post to:

Policy and Strategy
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:

- Jenny Sheerin 01620 827594 (*Monday to Thursday*)
- Jean Squires 01620 827370 (*Monday to Thursday*)
- Andrew Stewart 01620 827257
- Leigh Taylor 01620 827324
- Paul Zochowski 01620 827264

- 6.3 For further information on progress on the examination of the LDP please check the Development Planning page of the Council's website at: http://www.eastlothian.gov.uk/info/204/local_development_plan/1818/propose_d_ldp_submitted_to_scottish_ministers_for_examination or visit the DPEA website available at: <http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117989>

Depute Chief Executive
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