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REPORT TO: Members' Library Service

MEETING DATE:

BY: Executive Director (Services for Communities)

SUBJECT: Development Plan Scheme No 5

1 PURPOSE

- 1.1 To approve the fourth review of the Council's Development Plan Scheme for the preparation of the East Lothian Local Development Plan and related planning guidance.

2 RECOMMENDATIONS

- 2.1 Approval of Development Plan Scheme No 5, as detailed in Appendix One to this report, is recommended.

3 BACKGROUND

- 3.1 The Planning etc (Scotland) Act 2006 requires that each 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 their local or strategic development plan.
- 3.2 Regulations require that the DPS must contain a timetable, specifying the month the authority expects to publish its main issues report, its proposed plan and when that plan will be submitted to Scottish Ministers.
- 3.3 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. The report attached as Appendix One is the Council's fifth Development Plan Scheme.

- 3.4 The timing of the publication of the various statutory stages of the East Lothian Local Development Plan (ELLDP) is dependent on progress on the Edinburgh and South East Scotland Strategic Development Plan (SDP). Ultimately, the ELLDP cannot be submitted to Scottish Ministers until they have approved the SDP. SESplan, the strategic development planning authority of which this Council is a partner, approved its current DPS for that plan in March 2012.
- 3.5 SESplan's Proposed Plan was submitted to Scottish Ministers in July 2012. It is currently at Examination, with an expectation that the examination report will shortly be submitted to Scottish Ministers, at which time it will become public. SESplan's final approval will be subject to Ministerial timetables but approval is expected by summer 2013.
- 3.6 The SDP timetable influences progress on the ELLDP: it cannot progress beyond the equivalent stage of the SDP. It has become apparent through communication from the Examination Reporter that consideration is being given to recommending a significant increase in SESplan's overall housing land requirement from that submitted in the Proposed Plan. This could have significant implications for the Council's East Lothian Local Development Plan. If its Main Issues Report were to be published on the basis of the requirements of SESplan's Proposed Plan as submitted to Scottish Ministers, there is a significant risk that it could be planning for an amount, broad distribution and phasing of housing land that is not consistent with an approved SESplan. Ultimately this could require the withdrawal and amendment of the Main Issues Report and its accompanying Environmental Report.
- 3.7 Given that the SESplan Examination Report is imminent, the intention is now to hold back on publication of the MIR, consider the implications of the Examination report and use this as the basis for the MIR. The intention would be to have this approved in September 2013, with publication of the Proposed Plan now in May 2014 and submission to Scottish Ministers in November 2014. This will still be within the Scottish Government's expectation that the LDP's Proposed Plan should be adopted within two years of SDP approval.

4 POLICY IMPLICATIONS

- 4.1 None

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required.

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 Circular 1/2009, Development Planning
- 7.5 Development Plan Scheme No 4, East Lothian Council, March 2011
- 7.6 Report by SDP Project Manager to SESplan Joint Committee meeting of 5 March 2012, Development Plan Scheme 4

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DATE	25 March 2013

**DEVELOPMENT
PLAN SCHEME No 5
(March 2013)**

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

v 1.0

25 March 2013

EAST LoTHIAN COUNCIL DEVELOPMENT PLAN SCHEME No 5 (March 2013)

What is a development plan scheme?

- 1 The Planning etc (Scotland) Act 2006 requires that all planning authorities prepare a **Development Plan Scheme** (DPS). The DPS sets out their programme for preparing and reviewing their **development plans** and includes a **participation statement**.
- 2 This East Lothian Council DPS sets out the Council's programme for the main stages in the preparation of the development plan for East Lothian, what will be involved and how and when people and organisations can participate in its preparation. A DPS must be prepared at least annually.

What is the development plan?

- 3 The development plan sets out each Council's attitude to the use of land and buildings in their respective areas, and contains policies and proposals to guide new development. It is required by law and is the basis for making decisions on planning applications.
- 4 The Planning etc (Scotland) Act 2006 has introduced new development planning requirements that Scotland's councils have to administer. The previous two-tier development plan system comprising structure and local plans is being phased out and replaced by three levels of statutory development planning. These are:

The National Planning Framework for Scotland (NPF)

- 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. NPF2 was published in 2009 and is currently under review.

Strategic Development Plans (SDP)

- 6 These are prepared by the new Strategic Development Planning Authorities that have been set up for Scotland's four main city regions. 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. Strategic Development Plans are approved by Scottish Ministers, following examination and any subsequent modification by Ministers.

Local Development Plans (LDP)

- 7 These are prepared by each Council as planning authority and set out for their area more detailed policies and proposals to guide the use of land and buildings over a 10 to 20 year period. If a planning authority is within a strategic development plan area then its LDP must be consistent with the strategic development plan. Local Development Plans are adopted by the planning authority, after submission to Scottish Ministers and having taken account of the findings of any required examination. A LDP cannot be submitted to Scottish Ministers until they have approved the relevant SDP.

Current development planning position in East Lothian (March 2012)

- 8 The development plan for East Lothian is currently the Edinburgh and the Lothians Structure Plan 2015 read in conjunction with the adopted East Lothian Local Plan 2008. The structure plan was prepared jointly by the City of Edinburgh, East Lothian, Midlothian and West Lothian Councils and was approved by Scottish Ministers in June 2004. The local plan was prepared by East Lothian Council and adopted in October 2008.
- 9 The 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 20 to 21. This guidance is a material consideration in the determination of planning applications.
- 10 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.

Our intended development plan programme

The Edinburgh and South East Scotland Strategic Development Plan

- 11 Planning regulations require that a strategic development plan is prepared for the Edinburgh City Region and that this will be prepared by the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils, acting jointly. When approved, this will replace the approved structure plans in these areas, including the Edinburgh and the Lothians Structure Plan 2015.
- 12 In June 2008 these six Councils set up the Edinburgh and South East Scotland Strategic Development Planning Authority (SESplan) to oversee the delivery of the Edinburgh and South East Scotland Strategic Development Plan.

- 13 Scottish Ministers approved the boundary of this strategic development plan area in November 2008. The boundary includes the full areas of the City of Edinburgh, East Lothian, Midlothian, Scottish Borders and West Lothian Councils, and part of Fife Council's area.
- 14 In March 2012, SESplan approved its Development Plan Scheme No 4. This sets out its timetable for the preparation of the main stages of the Edinburgh and South East Scotland Strategic Development Plan. It also includes the required Participation Statement. The programme is set out below:

Programme for preparation of the Edinburgh and South East Scotland Strategic Development Plan	
May 2010	Publication of Main Issues Report (MIR) and draft Environmental Report (ER)
Nov 2011	Final approval/publication of Proposed Strategic Development Plan, Environmental Report and Action Plan Programme
July 2012	Submission of Strategic Development Plan to Scottish Ministers, including Action Programme and ER
Summer 2013 (est)	Ministerial approval following examination of any outstanding objections

- 15 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, Claremont House, Ground Floor, 130 East Claremont Street, Edinburgh EH7 4LB or by telephoning 0131 524 5165.

The East Lothian Local Development Plan

- 16 The above SDP timescales have a significant bearing on the programming of the subsequent stages of the East Lothian Local Development Plan (ELLDP) that will supersede the East Lothian Local Plan 2008. Since this must be consistent with the Strategic Development Plan (SDP), it cannot be submitted to Scottish Ministers until they have approved the SDP. Scottish Ministers expect LDPs in SDP areas to be adopted within two years of approval of the relevant SDP.
- 17 Regulations require that the DPS must contain a timetable, specifying the month the authority expects to publish its Main Issues Report, its

Proposed Plan and when that plan will be submitted to Scottish Ministers. The proposed timescales for the preparation of the ELLDP are set out below. They are tied to the appropriate stage in SDP preparation and therefore subject to amendment should its timescales change. The programme indicates the associated stages of the ELLDP's Strategic Environmental Assessment (SEA) and its Appropriate Assessment under the Habitats Directive.

- 18 Some element of 'twin tracking' LDP progress with that of SESplan would have been desirable, allowing perhaps for the publication of an ELLDP Main Issues Report (MIR) based upon the SESplan MIR rather than waiting for approval of the SESplan Proposed Plan. However, events since later last year suggest otherwise. It has become apparent through communication from the SESplan Examination Reporter that consideration is being given to recommending a significant increase in the overall housing land requirement from that submitted to Scottish Ministers in the SESplan Proposed Plan. This could have significant implications for the Council's East Lothian Local Development Plan.
- 19 If the Local Development Plan's Main Issues Report were to be published with a preferred spatial strategy based on the requirements of SESplan's Proposed Plan, in the form submitted to Scottish Ministers, then there is a significant risk that it could be planning for an amount, broad distribution and phasing of housing land that is not consistent with an approved SESplan. Ultimately this could require the withdrawal and amendment of the Main Issues Report and its accompanying Environmental Report. This is a risk which this Council is not prepared to take. On the assumption that Scottish Ministers will approve the SESplan Proposed Plan, with any required amendments, in summer 2013 the Council will publish the East Lothian Local Development Plan MIR in September 2013. Subsequent preparation stages follow from this and are detailed in the following table.

Programme for preparation of the East Lothian Local Development Plan¹

September 2013

Publication of Main Issues Report, Monitoring Statement, SEA Environmental Report and Appropriate Assessment

May 2014

Publication of Proposed Local Development Plan, revised SEA Environmental Report, revised Appropriate Assessment and Action Programme

November 2014

Submission of Proposed East Lothian Local Development Plan to Scottish Ministers

August 2015

Adoption of East Lothian Local Development Plan

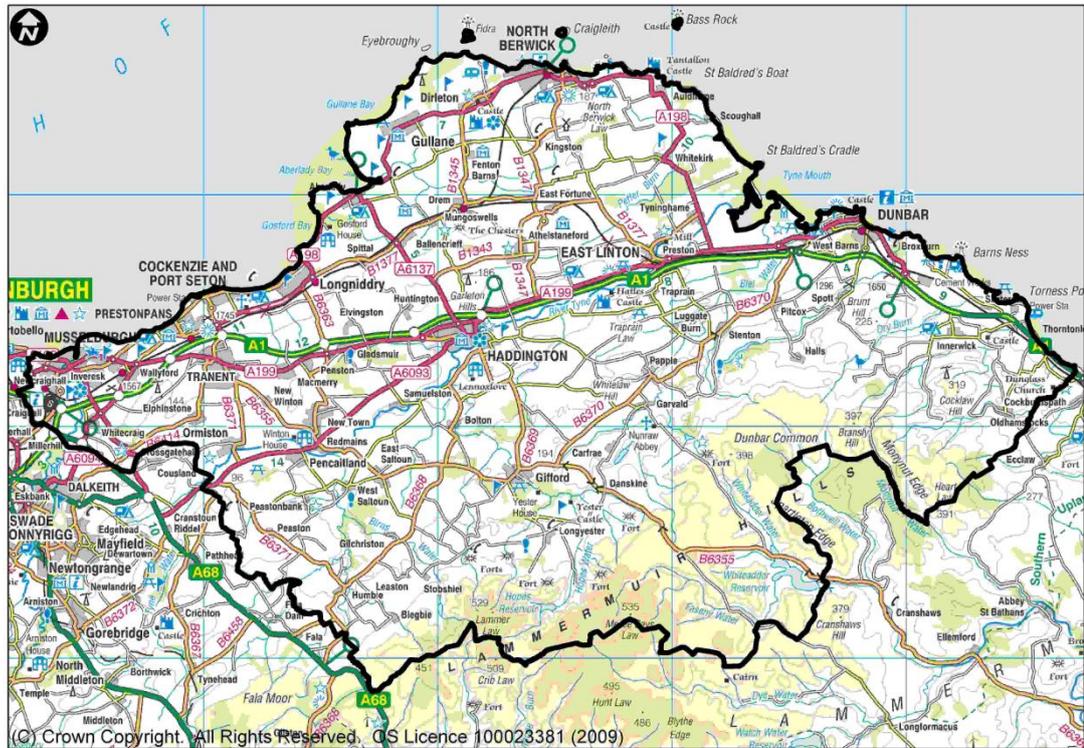
Note: this timescale is conditional on the timescale for the submission of the SESplan Examination report to Scottish Ministers and their subsequent approval of the SESplan strategic development plan.

Supplementary and Other Planning Guidance

- 20 The Council's *Design Standards for New Housing Areas* are recently approved and there are no current plans to review them. The position will be monitored in response to the technical application of the policy principles. The *Affordable Housing Policy*, including its percentage affordable land requirement, is part of the East Lothian Local Plan 2008. An updated implementation note will be prepared to assist its delivery. *Planning Guidance for the Location and Design of Wind Turbines in the Lowland Areas of East Lothian* was approved in 2010. The *East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines* was approved in December 2011.
- 21 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 been approved, as has a framework for a business use allocation at **Old Craighall Junction**, Musselburgh.

¹ Note: the timescales presented here do not include any allowance for modifications that would change the proposed plan's underlying aims or strategy, and hence require a new proposed plan to be prepared and published. If this stage were required then the timescales would have to be amended accordingly.

Area covered by East Lothian Local Development Plan



East Lothian Council Development Plan Scheme: Participation Statement

What is a participation statement?

- 21 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

- 22 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 4 (see paragraph 14 for timescales and paragraph 15 for contact details).

The East Lothian Local Development Plan: proposed consultation programme

April/May 2011: awareness raising

Purpose

- 23 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 and the opportunities for participation. 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

- 24 Awareness raising was by means of public notice and press releases, and 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, on its web site and at all East Lothian libraries. 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 consultation database for all those wishing to engage in the plan preparation process was established and expressions of interest in participating canvassed and recorded. A dedicated local development plan page was set up on the Council's web site.

Key participants

- 25 Key participants contacted include 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 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 March 2013: issues and options engagement

Purpose

- 26 This stage in the plan preparation process is an opportunity for individuals and organisations to engage in the identification and assessment of land use planning issues and options for East Lothian. SESplan's Proposed Strategic Development Plan was published in November 2011. The Proposed Plan indicates 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 provides a context for that engagement. It helps the Council reach its conclusions on the preferred development option for East Lothian, consistent with SDP strategy, and any reasonable alternatives, for subsequent inclusion in the local development plan's Main Issues Report (MIR)

Methods

- 27 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

- 28 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.

September 2013: publication of Main Issues Report (MIR)

Purpose

- 29 This stage in the plan preparation process is an opportunity for individuals and organisations to submit their views on the proposals in the MIR. This is also a key stage in the process of the Strategic Environmental Assessment of the local development plan. The MIR will be accompanied by a draft Environmental Report that will also be open to comment.

Methods

- 30 The availability of the MIR and draft Environmental Report will be advertised in the local press and on the Council's web site, including its Consultation Hub. Key participants and those who have expressed a desire to engage in the plan-making process will be advised of its availability. Public notice will be given about how and by when representations may be made. The period allowed for receipt of representations will be at least six weeks.
- 31 Copies of the report will be sent to community councils, community planning partners, partner SDP planning authorities, key agencies and other infrastructure providers. The MIR will be accessible on the Council's LDP web site page and will be available for inspection in local libraries and in the planning authority's offices in Haddington. Comments will be accepted in writing or via a dedicated local development plan e-mail address.

Key participants

- 32 The key participants in this process will be 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 and those who have expressed a desire to engage in the plan's preparation.

May 2014: publication of Proposed Local Development Plan, SEA Environmental Report, Appropriate Assessment and Action Programme

Purpose

- 33 The publication of the Proposed East Lothian Local Development Plan is the opportunity for individuals and organisations to submit formal representations to the Council on the contents of the Proposed Plan. Having had regard to the representations received on the MIR, the Council will have reached a view on its form and content. The Council will now be looking to provide information and facilitate representations rather than seeking further engagement. An Environmental Report and Action Plan will accompany the plan's publication.

Methods

- 34 The Proposed Plan's availability, content and purpose will be extensively advertised in the local press, on the Council's web site, including its Consultation Hub, and by contacting key participants and those who have expressed a desire to engage in the plan-making process. The Council will allow a period of at least six weeks during which formal representations can be made to the proposed plan. Public notice will be given about how and by when representations may be made.
- 35 Copies of the report will be sent to community councils, community planning partners, partner SDP planning authorities, key agencies and other infrastructure providers and will be available for inspection in local libraries and at the planning authority's offices in Haddington. It will also be available on the Council's web site.
- 36 All comments submitted to the Council on the MIR will be available for inspection on the Council's web site. Copies will also be available for inspection in local libraries and at the planning authority's offices in Haddington.
- 37 In accordance with Regulations, the Council will notify owners, lessees or occupiers of premises on sites, and those of premises on neighbouring land, which the proposed LDP specifically proposes to be developed and which would have a significant effect on the use and amenity of that site or of that neighbouring land.

Key participants

- 38 Key participants will be any individual, group, business or organisation that wishes to submit representations either in support of or against any matter contained in the Proposed Local Development Plan

Subsequent stages

- 39 Following publication of the Proposed LDP and an assessment of the representations received, the Council will consider if it should make any significant changes to the plan. Any 'notifiable' modifications will be advertised and all objectors, and those who have previously engaged in the plan process, will be notified by letter.
- 40 Any unresolved objections will be considered at an examination, likely to be held in early 2015. The recommendations of any examination will be largely binding on the Council. Required changes will be incorporated as modifications to the Proposed Plan.
- 41 Any modifications will be advertised and all objectors, and those who have previously engaged in the plan process, will be notified by letter. 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.
- 42 The final stages in plan preparation involve the Council submitting the plan (modified as required) to Scottish Ministers, along with supporting documentation. After 28 days the Council may adopt the plan unless directed not to do so by Ministers. On the basis of the above timescales this is likely to be August 2015.

Contact us

Comments

Any comments on the East Lothian Local Development Plan can be submitted to us at localplan@eastlothian.gov.uk or sent by post to:

Policy and Projects
Environment Department
East Lothian Council
John Muir House
Haddington
EH41 3HA

You can also phone the following planners for further information:

Phil McLean 01620 827017
Jean Squires 01620 827370 (*Monday to Wednesday only*)
Andrew Stewart 01620 827257
Paul Zochowski 01620 827264

For further information on progress on **ELLDP_{one}** please check the Development Planning page of the Council's website at www.eastlothian.gov.uk/ldp

Executive Director (Services for Communities)
East Lothian Council
25 March 2013

EAST LoTHIAN COUNCIL

DEVELOPMENT PLAN SCHEME NO. 5, March 2013: Development Plan programme summary

