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**REPORT TO:** Cabinet

**MEETING DATE:**

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

**SUBJECT:** Development Plan Scheme No 6

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## **1 PURPOSE**

- 1.1 To note the Council's sixth 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 6, as detailed in Appendix 1 to this report.

## **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 its 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 1 is the Council's sixth Development Plan Scheme.

- 3.4 The timing of the publication of the various statutory stages of the East Lothian Local Development Plan (ELLDP) has been dependent on progress on the Edinburgh and South East Scotland Strategic Development Plan (SDP). The SDP was approved by Scottish Ministers in June 2013, with a number of significant modifications. Ministers increased the overall number of houses that Local Development Plans (LDPs) across the SESplan area must plan to deliver. They required that Supplementary Guidance be prepared by SESplan to provide detailed further information for LDPs on how much of the total housing requirement should be met by the LDPs of each of the six SESplan authorities. The Supplementary Guidance is due to be finalised by June 2014. While LDPs are normally expected to be adopted within 2 years of SDP approval, Ministers did acknowledge when approving the SDP that their modifications would have implications for LDP programmes.
- 3.5 The Council's Planning service has considered that the East Lothian LDP Main Issues Report should be based on a confirmed housing requirement to avoid the potential for change and delay later in the process. While this has impacted on timescales at the initial stages in the plan preparation process, it has allowed 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 has also been given to Habitats Regulation Appraisal as part of the pre-MIR work.
- 3.6 The intention is now to publish and consult on a Main Issues Report in autumn 2014, moving swiftly to Proposed Plan by summer 2015, potentially allowing submission to Scottish Ministers late 2015 and adoption in late 2016. This would be within 2 years of approval of the SESplan Supplementary Guidance.

#### **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 an Equalities 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 Planning Series Circular 6/2013: Development Planning

7.5 Development Plan Scheme No 5, East Lothian Council, March 2013

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<b>DATE</b>	2/5/14



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**DEVELOPMENT  
PLAN SCHEME No 6  
(April 2014)**

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

**v 2.0**

29 April 2014

## **EAST LoTHIAN COUNCIL**

### **DEVELOPMENT PLAN SCHEME No 6 (April 2014)**

#### **What is a development plan scheme?**

- 1 Planning legislation requires all planning authorities to 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 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 is the development plan?**

- 3 The development plan sets out a planning authority's attitude to the use of land and buildings in its 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 There are three levels of statutory development planning in Scotland. 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. A draft of NPF3 has been consulted on and it is due to be finalised and published in June 2014 following Parliamentary scrutiny.

##### **Strategic Development Plans (SDP)**

- 6 These are prepared by the Strategic Development Planning Authorities in 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 local 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 SDP. 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 LDP cannot be submitted to Scottish Ministers until they have approved the relevant SDP.

## **Current development planning position in East Lothian (April 2014)**

- 8 The development plan for East Lothian is currently the approved 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.
- 9 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 was consulted on in late 2013 and has now been finalised by SESplan. It is due to be ratified by each Council and submitted to Scottish Ministers by June 2014.
- 10 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 16 and 17. This guidance is a material consideration in the determination of planning applications.
- 11 You can get more information on these documents from the Council's web site at [www.eastlothian.gov.uk](http://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**

- 12 As detailed above, the first SDP (SESplan) was approved in June 2013. Supplementary Guidance on Housing Land is due to be finalised by June 2014. Work has already commenced on the review of SESplan (SDP2). SESplan's most recent published Development Plan Scheme 5 dates from March 2013 but DPS6 covering the preparation of SDP2 is due to be published by the end of April 2014.
- 13 Further information on SESplan, including a copy of its Development Plan Scheme, can be obtained from its web site [www.sesplan.gov.uk](http://www.sesplan.gov.uk), by e-mailing [contactus@sesplan.gov.uk](mailto: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**

- 14 The timescales associated with preparation of the first SDP have had a significant bearing on the progress of the East Lothian Local Development Plan (ELLDP). 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 very recently, and will not be approved by Ministers until June 2014. In approving the SDP Ministers acknowledged that there would be implications for LDP programmes. It may therefore be reasonable to now expect an LDP to be adopted within two years of approval of the SESplan Supplementary Guidance. East Lothian Council has 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. This has allowed 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 has also been given to Habitats Regulation Appraisal as part of the pre-MIR work.
- 15 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. The programme indicates the associated stages of the ELLDP's Strategic Environmental Assessment (SEA) and its Appropriate Assessment under the Habitats Directive.

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

### **October 2014**

Publication of Main Issues Report, Monitoring Statement, and SEA Interim Environmental Report

### **May 2015**

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

### **Late 2015\***

Submission of Proposed East Lothian Local Development Plan to Scottish Ministers

### **Late 2016\***

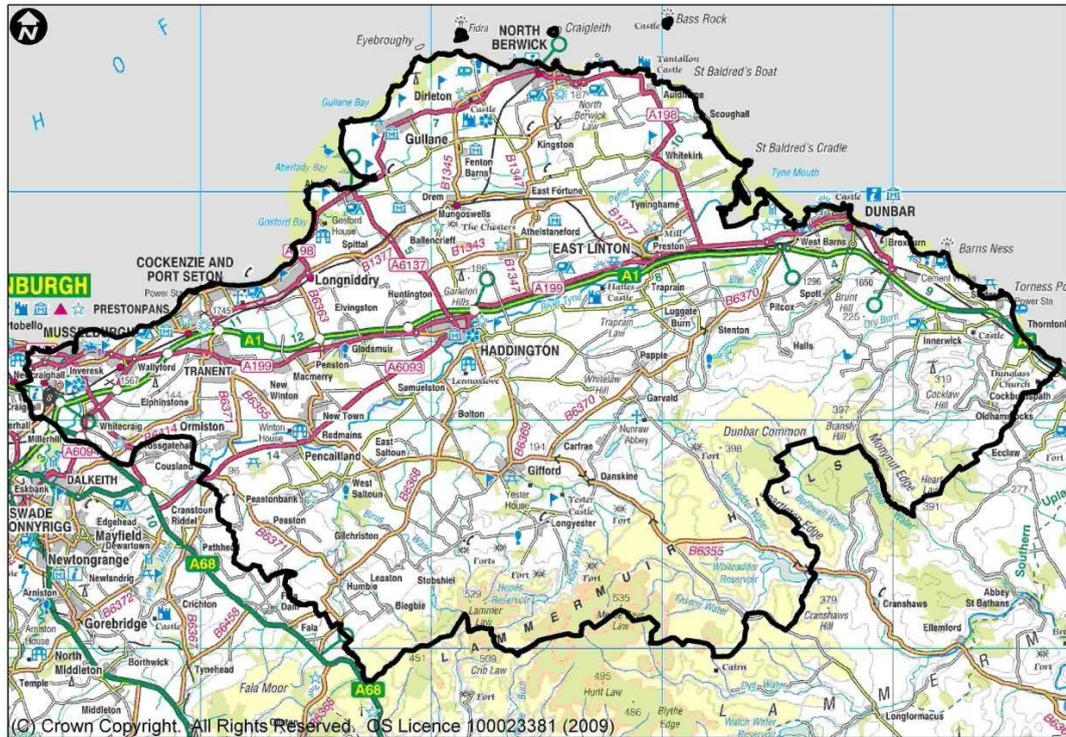
Adoption of East Lothian Local Development Plan

\*assumes no notifiable modifications

## **Supplementary and Other Planning Guidance**

- 16 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'. 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. *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 approved in December 2013, pending approval of the East Lothian Local Development Plan.
- 17 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



## **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 5 (see paragraph 13 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 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

- 26 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

- 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.

### **June 2013 to September 2014: scenario testing and site assessment**

#### Purpose

- 29 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 has been carrying out further work on environmental and infrastructure matters to understand the impacts of different scenarios, as well as preparing an updated Monitoring Statement. This will inform a preferred development option for East Lothian, consistent with the approved SDP strategy, and any reasonable alternatives, for subsequent inclusion in the local development plan's Main Issues Report (MIR). A significant amount of work on the Strategic Environmental Assessment has also progressed, and initial stages of the Habitats Regulations Appraisal.

#### Methods

- 30 Meetings have been held with certain key agencies, infrastructure providers and neighbouring planning authorities, and information has been shared by email.

#### Key participants

- 31 Engagement at this stage has focused on key agencies, other infrastructure providers, and neighbouring planning authorities.

### **October 2014: publication of Main Issues Report (MIR)**

#### Purpose

- 32 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 an interim Environmental Report that will also be open to comment.

#### Methods

- 33 The availability of the MIR and interim 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 no less than six weeks.
- 34 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 webpage and will be available for inspection in local libraries and in the planning authority's offices in Haddington. Comments will be accepted in writing, either in hard copy or via a dedicated local development plan e-mail address, or preferably online using the Consultation Hub.

#### Key participants

- 35 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, all those who have expressed a desire to engage in the plan's preparation, and members of the general public.

## **May 2015: publication of Proposed Local Development Plan, SEA Environmental Report, Appropriate Assessment and Action Programme**

### Purpose

- 36 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 no less than 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.
- 40 Any unresolved objections will be considered at an examination. This is likely to be held in early 2016 if there are no 'notifiable' modifications, or in summer 2016 if there are 'notifiable' modifications. 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. 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 late 2016.

## Local Development Plan programme summary

	2014				2015				2016				2017			
<b>Publish MIR</b>																
Consider responses																
Prepare Proposed Plan																
<b>Publish Proposed Plan</b>																
Consider responses																
<i>If no notifiable modifications</i>																
Submit to Ministers																
Examination																
Consider report																
<b>Adopt Plan</b>																
<i>If notifiable modifications required</i>																
Prepare modifications																
Publish modifications																
Submit to Ministers																
Examination																
Consider report																
<b>Adopt Plan</b>																

<b>Contact us</b>
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## **Comments**

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

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

You can also phone the following planners for further information:

- Phil McLean 01620 827017
- Laura Chamberlain 01620 827250
- Jean Squires 01620 827370 (*Monday to Wednesday only*)
- Andrew Stewart 01620 827257
- Paul Zochowski 01620 827264

For further information on progress on **ELLDP<sub>one</sub>** please check the Development Planning page of the Council's website at [www.eastlothian.gov.uk/ldp](http://www.eastlothian.gov.uk/ldp)

**Depute Chief Executive – Partnerships and Services for Communities**  
**East Lothian Council**  
29 April 2014