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REPORT TO: Members' Library Service

DATE:

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Development Plan Scheme No.10

1 PURPOSE

1.1 To note the Council's tenth annual Development Plan Scheme (DPS) outlining the programme for preparation of Supplementary Guidance and Supplementary Planning Guidance to support the adopted East Lothian Local Development Plan 2018 (ELLDP 2018). The DPS also sets out the programme for reviewing the ELLDP 2018, the preparation of a Main Issues Report (MIR2) and the preparation of the next East Lothian Local Development Plan (ELLDP2).

2 RECOMMENDATIONS

2.1 It is recommended that Members note the contents of Development Plan Scheme No.10, 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 for examination.

3.3 Members will be aware that following confirmation from Scottish Ministers that they do not propose to issue a Direction in the case of the ELLDP 2018, the ELLDP 2018 was adopted on 27th September 2018 and constituted as part of the Development Plan for East Lothian. From the

12th October 2018, the publication date of the ELLDP 2018, a 6-week legal challenge period began and will end on the 23rd November 2018.

- 3.4 Following the decision of East Lothian Council at the meeting on the 30th October 2018, statutory Supplementary Guidance on Developer Contributions Framework has been approved and will now be submitted to Scottish Ministers for a 28-day review period prior to final adoption. Also at that meeting, the Action Programme to support the ELLDP 2018 and non-statutory Supplementary Planning Guidance on Cultural Heritage and the Built Environment, Development Briefs, Farm Steadings Design Guidance and Special Landscape Areas, were all approved.
- 3.5 Following a further decision of the Council at the meeting on the 30th October 2018 to approve for consultation Supplementary Guidance on Town Centre Strategies, and Supplementary Planning Guidance on Design Standards for New Housing Areas, and Green Network Strategy, these documents will be made publically available for a 6-week consultation period. All comments made will be considered and any amendments to these documents will be made prior to being considered for approval.
- 3.6 The Report of Examination for the proposed Strategic Development Plan 2 (SDP2) prepared by SESplan was issued by Scottish Ministers on 24th July 2018. Whilst SDP2 is not yet approved, due to the timescales associated with the preparation of the first Strategic Development Plan (SDP1) and the resultant effects on the programme for preparation of the ELLDP 2018, work must begin on the review of ELLDP 2018 as soon as possible. This is to ensure that the timescales associated with the preparation of the next Local Development Plan align with the any approval of SDP2. The DPS therefore sets out the intended programme for this process and a Participation Statement detailing how the public can get involved at each stage.
- 3.7 There is no requirement to consult on the content of a DPS, as this merely sets out the timescales and approach to consultation on the Local Development Plan. The report attached as Appendix 1 is the Council's tenth 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.10
(October 2018)**

**East Lothian Council
Policy & Strategy
Development Division
Partnerships & Services for Communities
John Muir House
Haddington
EH41 3HA**

EAST LoTHIAN COUNCIL DEVELOPMENT PLAN SCHEME AND PARTICIPATION STATEMENT No.10 (October 2018)

1 INTRODUCTION

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

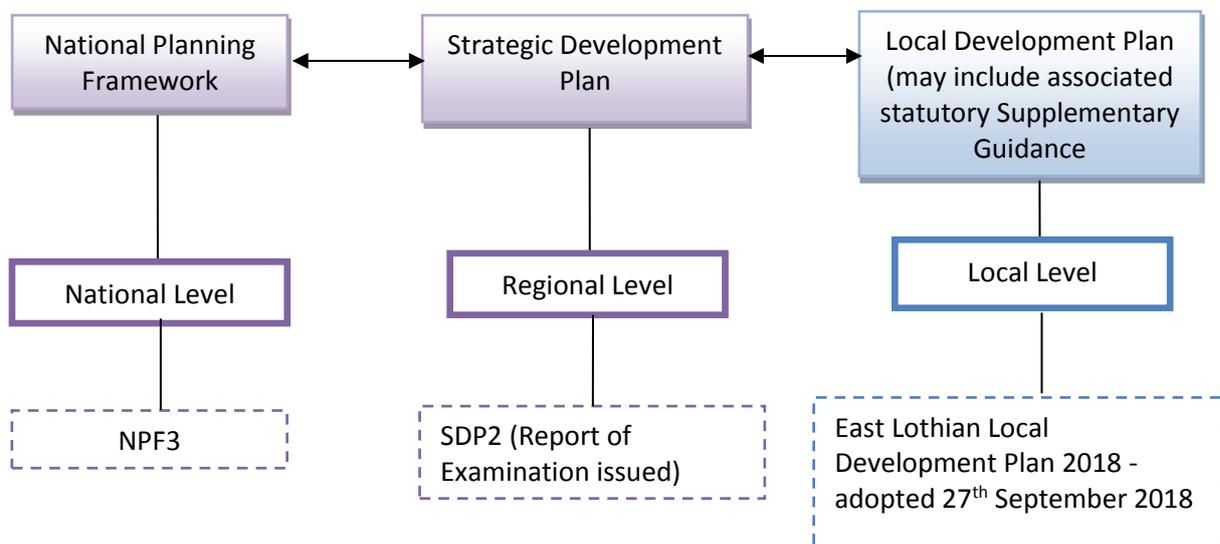
1.2 As part of the Scottish Government's previous (2006) reforms of the planning system, all planning authorities are responsible for the preparation of a Local Development Plan (LDP). The LDP will be prepared to set out the detailed planning policies and land allocations that follow from the approved Strategic Development Plan (SDP) for Edinburgh and South East Scotland area, undertaken by the South East Scotland Strategic Development Planning Authority (SESplan). Local Development Plans replaced Local Plans.

What are Development Plans?

1.3 A development plan is a document that sets out how places should change and what they could be like in the future. It sets out what type of development should take place where, and which areas should not be developed. It sets out the best locations for new homes and businesses and protects places of value to people or wildlife. It contains policies and proposals to guide new development. It is required by law and is the basis for making decisions on planning applications.

What types of Development Plans are there?

1.4 There are three levels of statutory development planning in Scotland:



The National Planning Framework for Scotland (NPF)

1.5 This is prepared by the Scottish Government and sets out a broad spatial strategy for the development of Scotland as a whole and what Scottish Ministers consider to be priorities for that development. [NPF3](#) (the third National Planning Framework) was published in June 2014; the NPF has to be reviewed every 5 years. It contains a number of 'National Developments' and other provisions, some with relevance to East Lothian. The Scottish Ministers intend to review NPF3 (and to prepare NPF4) during the timescale of preparatory stages of preparing LDP2 at which stage any transitional arrangements between the 2018 Planning Bill coming into force and replacing the 2006 Planning Act are as yet unclear at the time of writing. On this basis, the Council will progress the development of LDP2 under the provisions of the 2006 Act, and aim to publish a proposed Local Development Plan 2 before NPF4 is approved by the Scottish Ministers. The Council understands that the review of NPF3 is intended to begin in winter 2018 with a view to adoption of NPF4 (likely as a statutory part of the development plan in accordance with the Planning Bill) in winter 2020.

Strategic Development Plans (SDP)

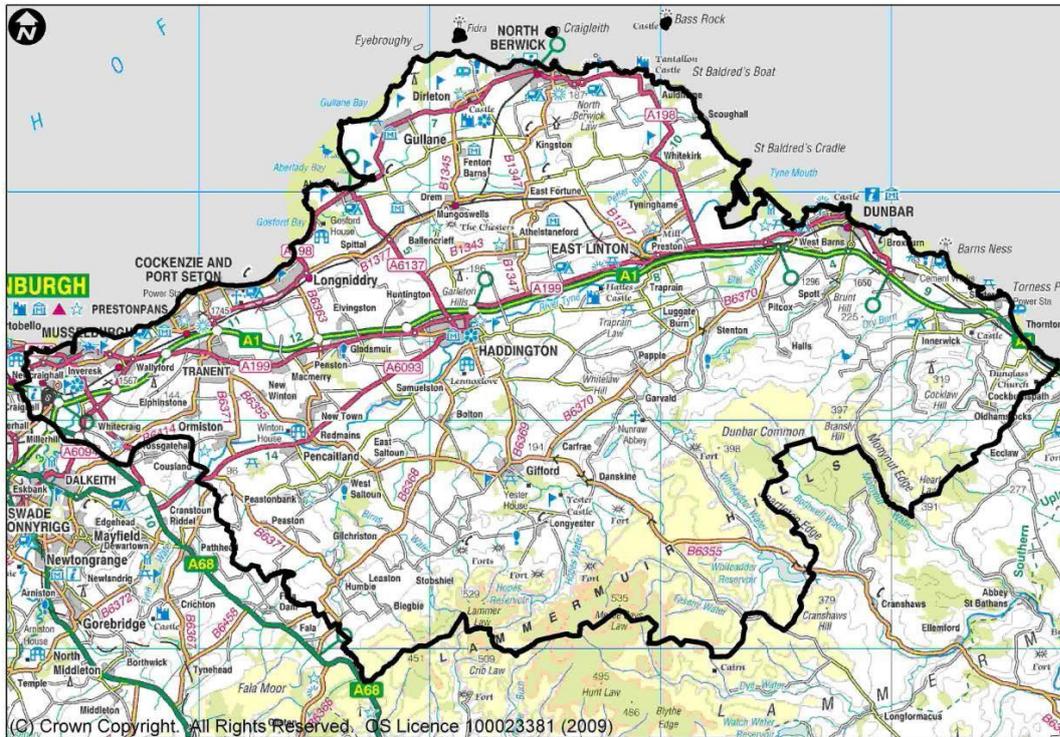
1.6 These are prepared by the Strategic Development Planning Authorities in Scotland's four main city regions of Glasgow, Edinburgh, Aberdeen and Dundee. They set out a long term (20 years or more) spatial planning strategy, indicating in broad terms where future development will be located and what is needed to deliver it. East Lothian falls under the Strategic Development Authority for Edinburgh and South East Scotland ([SESplan](#)). Development Plans are approved by Scottish Ministers, following examination and any subsequent modification by Ministers. The examination of the second South East Scotland Strategic Development Plan (SDP2) has concluded and the Report of Examination was published in July 2018. It has subsequently been submitted with post-Examination changes for the consideration of Scottish Ministers and no comment has been made by the Ministers at the time of writing. The Council will consider the implications of this report and the decision of the Ministers for the development of LDP2.

Local Development Plans (LDP)

1.7 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. If a planning authority is within a Strategic Development Plan area then its Local Development Plan must be consistent with the Strategic Development Plan. 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.

1.8 The approved Strategic Development Plan and the adopted Local Development Plan form the statutory Development Plan for East Lothian.

Area covered by East Lothian Local Development Plan



1.9 East Lothian Council's DPS sets out the Council's programme for the main stages in the preparation and review of the development plan for East Lothian, what will be involved, and how and when people and organisations can participate. A DPS must be prepared at least annually.

1.10 The previous Development Plan Scheme for East Lothian No.9 was published in May 2017. This updated Development Plan Scheme no.10 considers the timetable for preparation and adoption of statutory Supplementary Guidance and non-statutory Supplementary Planning Guidance to support the adopted Local Development Plan 2018. It also outlines the timetable for the review of ELLDP 2018, and the preparation of a Main Issues Report 2 (MIR2) for the next Local Development Plan (ELLDP2). During the plan-making process, regular progress updates will appear on the Council's website www.eastlothian.gov.uk.

2 DEVELOPMENT PLANNING POSITION IN EAST LoTHIAN (OCTOBER 2018)

2.1 The current Development Plan for East Lothian is the Strategic Development Plan for Edinburgh and South East Scotland (SDP1), read in conjunction with the recently adopted East Lothian Local Development Plan 2018. The SDP covers the areas of the City of Edinburgh, East Lothian, Midlothian, West Lothian and Scottish Borders Councils, as well as the southern part of the Fife Council area. It was approved by Scottish Ministers in June 2013. The current Local Development Plan 2018 was prepared by East Lothian Council and adopted on 27th September 2018.

2.2 Local Authorities must prepare a new Local Development Plan to replace existing Local Plans. A Local Development Plan must be consistent with the Strategic Development Plan (SDP) and with its Supplementary Guidance. The timescales associated with the preparation of the first East Lothian Local Development Plan (ELLDP 2018) were as a result of the first Strategic Development Plan preparation, examination and approval programme. 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 had to plan for was only confirmed through SDP1 Supplementary Guidance on Housing Land, approved in November 2014. In approving the first SDP, Ministers acknowledged that there would be implications for LDP programmes. The ELLDP was submitted to Scottish Ministers for Examination in Public on the 3rd May 2017 as per the timetable detailed in Development Plan Scheme no.9.

2.3 During the examination, the Council received 21 Further Information Requests. No oral sessions including hearings or public enquiries were required during the process. All documents associated with the Examination in Public and subsequent stages are available to view on the DPEA website: <http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117989>

2.4 The Reporter concluded their examination of the ELLDP and issued their Report of Examination and recommended post-examination modification to the Council on 12th March 2018. The Council considered the recommended modifications and, with the exception of two, made all other post-examination modifications. The ELLDP (as modified) was approved by the Council on the 29th May 2018 for submission to Scottish Ministers, stating the Council's intention to adopt the ELLDP 2018.

2.5 Scottish Ministers have a minimum initial period of 28 days in which to consider the documents submitted as the Council's intention to adopt the ELLDP 2018. The Council cannot adopt the ELLDP until Scottish Ministers issue a Direction stating that the plan can be formally adopted. On the 4th July 2018, the Council received notification that the 28-day period was to be extended up to 86

days, meaning at the time of writing Scottish Ministers need not provide clearance to the Council to adopt the LDP until 30th August 2018. This period was further extended to 27 September 2018.

2.6 On 27 September 2018 the Scottish Ministers confirmed that they would not issue a Direction in respect of the ELLDP and that the Council could therefore adopt it. In terms of the Council's decision of 29 May 2018 Members agreed that the plan be adopted at the time the Ministers confirmed they would not make a Direction in regard to the plan. Therefore as of 27 September 2018 the plan became the adopted ELLDP2018.

Action Programme, Supplementary Guidance and Supplementary Planning Guidance

2.6 The Council has prepared an Action Programme for the ELLDP 2018, a statutory requirement under the Development Planning (Scotland) Act. The Action Programme sets out how the Council proposes to implement the plan, and includes policy actions, a list of supplementary guidance, and infrastructure requirements. It also reflects the most up-to date information on developer contributions and specific interventions and projects included within the emerging statutory Supplementary Guidance: Developer Contributions Framework. The Council must consult on its draft version with the Key Agencies, the Scottish Ministers and anyone the Council proposes specifying by name in the Action Programme. The Council must also consider their views when finalising the Action Programme for adoption. The Action Programme was published for public consultation between the 6th July and 17th August 2018.

2.7 To support the ELLDP 2018 and to assist with decision making, the Council prepared the first series of guidance documents including statutory Supplementary Guidance on Developer Contributions Framework, and non-statutory Supplementary Planning Guidance on Affordable Housing Quota and Tenure Mix, Development Briefs, Cultural Heritage and the Built Environment, Farm Steading Design Guidance, and Special Landscape Areas. These were all published for 6-week periods of consultation. All comments made through the consultation process were taken into consideration.

2.8 Following the meeting of East Lothian Council on 30th October 2018, the Developer Contributions Framework Supplementary Guidance was approved, and will now be submitted to Scottish Ministers for a 28-day review period prior to final adoption. Also at the meeting of the Council on 30th October 2018, the Action Programme, Cultural Heritage and the Built Environment SPG, Development Briefs SPG, Farm Steading Design Guidance SPG, and Special Landscape Areas SPG were all approved.

2.8 The second series of statutory Supplementary Guidance on Town Centre Strategies, and non-statutory Supplementary Planning Guidance on Green Network Strategy SPG, and updated Design Standards for New Housing Areas have now been prepared. At the meeting of East Lothian Council on the 30th October 2018, these documents were approved for consultation.

2.10 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) remain in place as previous.

3 OUR INTENDED DEVELOPMENT PLAN PROGRAMME

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

- 3.1 As detailed above, the second Strategic Development Plan (SDP2) has been subject to examination and the examination report has now been published. SESplan's most recent published Development Plan Scheme no.10 dates from March 2018 and sets out the anticipated timetable for the remaining stages towards approval of SDP2. Approval is expected to be in summer 2018 with supplementary guidance prepared around autumn 2018 and approval in spring 2019. With the examination report having recently been published, approval of SDP2 is anticipated as likely to be in winter 2018/19.
- 3.2 Further information on SESplan, SDP2, and the most recent Development Plan Scheme no.10 can be viewed or downloaded from the website: www.sesplan.gov.uk, by emailing contactus@sesplan.gov.uk, by writing to SESplan, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF, or by telephoning 01506 282883.

Review of East Lothian Local Development Plan 2018

- 3.3 Once SDP2 is approved, the Council will, within 2 years of its approval, be expected to prepare a Local Development Plan that is compliant with SDP2. Based on the timescales for approval of SDP2, in order to ensure that East Lothian Council remains compliant with legislation and to ensure that an up to date Local Development Plan is maintained for the area, work must now begin on the review of the ELLDP 2018. This will begin with the preparation of a Main Issues Report (MIR2).
- 3.4 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 ELLDP2 are set out below. The programme also 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 2



When will we update our Development Plan Scheme?

3.5 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 The proposed second Strategic Development Plan (SDP2) was submitted to Scottish Ministers for examination on the 26th June 2017. The Reporter assessed conformity with the participation statement and following completion of this, the examination formally began in August 2017. The Report of Examination on SDP2 was published in July 2018. At this stage, SDP2 approval is expected to be winter 2018/19.

East Lothian Local Development Plan 2018 submission and adoption

4.3 The East Lothian Local Development Plan 2018 (ELLDP 2018) was, on the 7th June 2018, submitted to Scottish Ministers stating the Council's intention to adopt the plan.

4.4 All representees were notified of the submission of the ELLDP 2018 (as modified) through either a letter sent via email to the address provided on the representation, or in writing (again to the address provided on the representation). The modified plan has also been made available on the Council's website, at Public Libraries throughout East Lothian and in hard copy for inspection during opening hours at the office of the Planning Authority.

4.5 Following adoption of the ELLDP 2018, the Council notified all representees of the adoption through either a letter sent via email to the address provided on the representation, or in writing (again to the address provided on the representation). The adopted ELLDP 2018 was made available on the Council's website, at Public Libraries throughout East Lothian, and in hard copy for inspection during opening hours at the office of the Planning Authority.

Consultation on Action Programme, and first series of Supplementary Guidance/ Supplementary Planning Guidance

Consultation on the Action Programme, Developer Contributions Framework Supplementary Guidance, and first series of Supplementary Planning Guidance ran for 6 weeks (either between the 8th June and 20th July 2018 or the 6th July 2018 and 17th August 2018). Publicity for the consultation was carried out by:

- Placing Press Adverts in the East Lothian Courier;

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

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

Consultation on second series of Supplementary Guidance/Supplementary Planning Guidance

4.6 Consultation will be carried out for a period of 6 weeks on the recently prepared draft Supplementary Guidance on Town Centre Strategies, and Supplementary Planning Guidance on Design Standards for New Housing Areas, and Green Network Strategy. The consultation will involve (as a minimum):

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

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

4.8 The ELLDP 2018 review process will begin autumn/winter 2018. This will initially involve a policy review and period of information gathering. Following this, the Council will undertake publicity/awareness raising and call for sites/ideas exercises.

Based on the results from the above work, including the early engagement, and the findings from technical/background work, the Council will prepare a Preferred Spatial Strategy, Preferred Sites and Reasonable Alternatives. These will, together with other policy and strategy topic areas, form the Main Issues Report 2 (MIR2). A period of consultation on this will run during May-July 2019 and will include the following (as a minimum):

- Placing Press Notices in the East Lothian Courier regarding consultation period for MIR2, including where and when the documents can be accessed or inspected, and how to submit comments;

- Relevant consultation documents to be placed in all libraries across East Lothian;
- Publication on the East Lothian Council Consultation Hub;
- Publication on the ELC website

Any comments received during the consultation process will be taken into account and will help to inform the preparation of a proposed Local Development Plan 2. Once the proposed LDP2 has been prepared, there will be a further period of consultation on this, involving the following (as a minimum):

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

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

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

5 LOCAL DEVELOPMENT PLAN PROGRAMME SUMMARY

	2018				2019				2020				2021				2022			
Adopt ELLDP 2018																				
ELLDP 2018 review																				
Call for sites																				
Prepare MIR2																				
Publish MIR2																				
Consider responses																				
Prepare ELLDP2																				
Publish ELLDP2																				
Consider responses																				
<i>If no notifiable modifications</i>																				
Submit to Ministers																				
Examination																				
Consider report																				
Adopt ELLDP2																				
<i>If notifiable modifications required</i>																				
Submit to Ministers																				
Examination																				
Consider report																				
Adopt ELLDP2																				

6 CONTACT US

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

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

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

https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan

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

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