



NATIONAL PLANNING FRAMEWORK NO.4 UPDATE, COMMENCEMENT OF MIDLOTHIAN LOCAL DEVELOPMENT PLAN NO.2, INVITATION TO PREPARE LOCAL PLACE PLANS AND APPROVAL OF DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN NO.15

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Committee on the adoption of the National Planning Framework No. 4 (NPF4) and to advise of the implications for Midlothian of NPF4 adoption, including the formal commencement of the preparation of Midlothian's next local development plan and engagement with communities with regard the preparation of local place plans. The report requests the Committee instruct the Planning, Sustainable Growth and Investment Manager to:
1. Commence preparation of the second Midlothian Local Development Plan (MLDP2);
 2. Issue invitations to local community groups to prepare Local Place Plans (LPPs) which will help inform production of MLDP2 (Appendix A);
 3. Establish a MLDP2 Officer Project Board, comprising senior managers from across the Council services, to ensure the spatial dimensions of other Council strategies are reflected in MLDP2;
 4. Arrange a series of workshops between elected members and officers on NPF4 and MLDP2;
 5. Publish the Development Plan Scheme for Midlothian no.15 (DPS15) (Appendix B); and
 6. Make any non-material changes necessary to the DPS15 and the Local Place Plan invitations prior to publication.

And the report invites the Committee to note the update on NPF4.

2 BACKGROUND

Adoption of National Planning Framework No.4 (NPF4)

- 2.1 The Planning (Scotland) Act 2019 (PSA19) introduced a number of changes to the development plan process, most significantly, the change in status of the National Planning Framework (NPF). On adoption and publication by Scottish Ministers NPF4 becomes part of the statutory development plan. The removal of the need for strategic

development plans (SESplan in Edinburgh and the South East of Scotland) under the same legislation means that the spatial strategy, national developments and the national planning policies set out in NPF4 have primacy in the determination of planning applications unless outweighed by material considerations (and subsequent appeals and notices of review). It will also influence the form and content of the next Midlothian Local Development Plan (MLDP2).

- 2.2 On 11 January 2023 the Scottish Parliament approved NPF4, which was then adopted and published by Scottish Ministers on Monday 13 February 2023. NPF4 along with the current Midlothian Local Development Plan (MLDP), which was adopted on 7 November 2017, forms the statutory development plan for Midlothian.
- 2.3 NPF4 sets out the Scottish Government's vision, ambition and policy for land use and development until 2045. It includes an updated collection of national planning policies, superseding the previous Scottish Planning Policy (SPP, 2014), and sets out a comprehensive land use plan for the future. NPF4 is ambitious in that it combines land use strategy and policy framework in their traditional forms, with the inclusion of wider environmental, economic, social, health and wellbeing and human rights and equality priorities.
- 2.4 Progress reports on the PSA19/NPF4 were reported to the Committee at its meetings of August 2019, November 2019, May 2021, January 2022 and 15 March 2022. In addition a NPF4 elected member seminar was held on 1 March 2022. It is recognised that since these reports and seminar local elections have taken place and as such additional workshops with elected members are essential to progress MLDP2.

Determination of Planning Applications

- 2.5 Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (by the 2006 Planning etc. Act and the PSA19) states: "Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise". NPF4 is part of the development plan, along with the MLDP and as such both documents provide the policy position against which planning applications and other applications made under the planning Acts are assessed.
- 2.6 As NPF4 is a more recent document than MLDP, and as such is seen as being more up to date, where there is an incompatibility in policies between NPF4 and MLDP, NPF4 will carry more weight in the decision making process in policy terms – however, the local planning authority can determine that material considerations are such that the policy position set out in MLDP is the position the Council wants to adopt in the assessment of an application especially until MLDP2 is adopted. If there are policy and development strategy matters in the MLDP that are not addressed in NPF4, then the MLDP will be the primary planning policy document.

- 2.7 The development land allocations made and confirmed in the MLDP remain and are not amended as a result of the adoption of NPF4.

3 NPF4 POLICY DIRECTION AND HOUSING TARGETS

- 3.1 NPF4 is the Scottish Government's national spatial strategy for Scotland. It sets out the Scottish Government's spatial principles, regional priorities, national developments and national planning policy.
- 3.2 It represents a radical shift in national policy requirements for the country's planning system, with a real focus and drive on the climate crisis, sustainability and biodiversity. While it contains policy on the wide range of matters that form part of the planning system, it places great emphasis and significance on:
- The climate and nature crisis;
 - Biodiversity – its safeguarding and enhancement;
 - Sustainability and quality environments;
 - Location and quality of different types of development;
 - Living locally and the 20 minute neighbourhoods concept;
 - Community wealth building and a wellbeing economy;
 - Infrastructure and services; and
 - Renewable energy.
- 3.3 NPF4 sets out that local development plans should allocate sufficient land for business and industry to ensure a range of sites are available to meet market demand. It will be for MLDP2, using business and industry land audits, to ensure sufficient land is available. Unlike with housing, no specific quantity of economic land to be allocated is identified in NPF4. NPF4 identifies a housing land requirement for Midlothian.

Midlothian Housing Requirement from NPF4

- 3.4 NPF4 contains a Minimum All Tenure Housing Land Requirement (MATHLR) for each planning authority (the Council's housing target). For Midlothian the MATHLR requirement is 8,850 homes. NPF4 sets out in Annex E (page 143) that the 8,850 Midlothian MATHLR figure is the *minimum* number of new homes that should be provided in Midlothian for a 10 year period (the lifespan of MLDP2). NPF4 sets out the MATHLR is expected to be exceeded in each planning authority's local development plan. This means that MLDP2 is expected to provide land for a figure in excess of 8,850 new homes. A very significant amount of housing land is already allocated through MLDP that can help meet this requirement.
- 3.5 Existing housing land allocations will not be removed by NPF4. The Council will need to ensure MLDP2 identifies land allocations for the 8,850 requirement and for any additional units. In identifying any new development land requirements, it will be for the Council to select the land it considers most appropriate for a place making approach that is in line with the policy direction of NPF4. The NPF4 housing requirement figures are based on demand from 2022 to 2036, but have been

annualised and converted into a ten year requirement forming a development plan target. MLDP2 when adopted, as required by the PSA19, needs to cover a 10 year period and will need to identify land for in excess of 8,850 homes as informed by the MLDP2 Evidence Report and the subsequent Proposed Plan.

- 3.6 As set out in the 2022 Housing Land Audit (2022 HLA), presented to Committee at its meeting in November 2022, the established housing supply in Midlothian is 11,966 units as of 31 March 2022. This is the sum of the remaining capacity of all sites known to Midlothian Council, whether allocated through development plans or granted planning permission. Of these, 11,276 units are effective and 690 are constrained. Existing housing allocations will be able to meet much of the MATHLR requirement. On the basis of programming in the 2022 HLA, by April 2026 there will be a remaining effective supply of 7,663 houses. Safeguarded Sites identified in the development plan would provide further supply of 1,250 units (bringing the total up to 8,913 units) – there is active developer interest in most of these sites, the Safeguarded Sites table in the Audit provides further information about likely phasing. A future stream of windfall sites (sites not currently known about and not identified in the plan) could provide a further 680 units over 10 years if the windfall build rates in the last decade are maintained – this would bring the total of potential units to 9,593, exceeding the MATHLR figure of 8,850 units, although this is dependent on Safeguarded Sites being delivered during the life of MLDP2 and windfall sites coming forward as anticipated. Windfall sites are often considered as ‘additional’ units rather being set against housing targets and for certainty it would be prudent not to be dependant on windfall sites to meet the MATHLR target.
- 3.7 The identified sources of supply listed above would potentially meet the majority of the MATHLR for MLDP2 (excluding windfall sites). Set against this, other factors such as de-allocation of sites or demolitions may diminish the housing land supply. Determining the degree of additional housing allocation to meet the MATHLR will be a key requirement of MLDP2’s Evidence Report and the “Gate Check” process to be overseen by the Scottish Government’s Directorate of Planning and Environmental Assessment. Furthermore, the Council may wish to consider new housing allocations to support its own ambitions which may be to deliver additional affordable housing and/or ‘starter’ homes, housing to support the rural economy of Midlothian or for place-making or economic reasons.
- 3.8 It should be emphasised that the MATHLR is an All-Tenure requirement. MLDP2 will have to address demands for affordable, specialist and wheelchair accessible housing through site allocations and policy. This will also be a key requirement of MLDP2’s Evidence Report and the “Gate Check” process.
- 3.9 NPF4’s Quality Homes section states that areas that may be suitable for new homes beyond the 10 year local plan period are also to be identified. The 10 year lifespan of MLDP2 is expected to be 2026-2036.

Therefore MLDP2 should be considering its position on housing and possible locations for it beyond 2036 into MLDP3. No housing targets for the post 2036 period are given in NPF4.

4 MIDLOTHIAN LOCAL DEVELOPMENT PLAN NO.2 (MLDP2)

Authority to Commence Preparation of MLDP2

- 4.1 This report requests the authority of the Committee to formally launch the MLDP2 process, which will trigger a period of widespread engagement and the drafting of a new local plan. An indicative timescale for the production of MLDP2 is set out in the below table. MLDP2 will be prepared in accordance with the Scottish Governments Local Development Planning regulations and guidance (currently in draft, but expected to be adopted in March 2023) and when adopted will supersede the current adopted MLDP.

Indicative Timescale for Production of MLDP2

	Key Stage	Approval Body	Timescale
1	Formal commencement of MLDP2	Planning Committee	February 2023
2	Invitations to community groups to prepare Local Place Plans (LPPs)	Planning Committee	March 2023
3	Widespread engagement to inform production of the MLDP2 Evidence Report*	Planning Committee	2023
4	Approval of MLDP2 Evidence Report for submission to Scottish Ministers "Gate Check"	Full Council	January 2024
5	Reporting the results of/feedback from Scottish Ministers "Gate Check" of the MLDP2 Evidence Report	Planning Committee	From March 2024
6	Approval of MLDP2 Proposed Plan for publication for representations (a 12 week formal consultation period)	Full Council	March/April 2025
7	Approval of the MLDP2 Draft Delivery Programme for publication	Full Council	March/April 2025
8	Approval of MLDP2 Proposed Plan for submission to Scottish Ministers – this may include a Modification Report making changes to the Proposed Plan following representations received	Full Council	December 2025
9	Examination into unresolved issues from representations received on MLDP2 Proposed Plan	N/A	From March 2026
10	Report of Examination Received from the Reporter from the Directorate for Planning and Environmental Appeals (DPEA) appointed by Scottish Ministers	N/A	September 2026
11	Adoption of MLDP2	Full Council	December 2026
12	Adoption of MLDP2 Delivery Programme	Planning Committee	March 2027

Note: the dates set out in the table maybe subject to change.

* Widespread engagement to inform production of the MLDP2 Evidence Report will take place with elected members, local communities, groups identified in planning legislation, key agencies, third sector organisations, private sector organisations, landowners and the construction and development industry.

New Style Local Development Plans (LDPs)

- 4.2 Every planning authority shall prepare a local plan for their district which sets out proposals and policies for the development and use of land and for the protection and conservation of natural assets and amenity. The local plan shall also include a map showing the said proposals.
- 4.3 Changes introduced by the PSA19 have amended the process which the Council followed when it prepared the current MLDP. The previous requirement to produce a Main Issues Report and then prepare a Proposed Plan to take to Examination and for ultimate adoption has been replaced by a requirement to produce an Evidence Report, followed by the production of a Proposed Plan, which will be published to invite representations and then go forward for Examination, and ultimate adoption by the planning authority. Further detail of this new process is provided later in this report and in the Development Plan Scheme for Midlothian no.15 (DPS15) which is appended to this report as Appendix B. In summary the production process of the MLDP2 will be (for which an indicative timetable is provided in the above table):
1. Preparation of the Evidence Report by Midlothian Council and the Preparation of Local Place Plans by community groups;
 2. Scottish Ministers “Gate Check” of the Evidence Report;
 3. Preparation of MLDP2 Proposed Plan;
 4. Examination of unresolved representations to the MLDP2 Proposed Plan;
 5. Adoption of final MLDP2 by Midlothian Council followed by monitoring and delivery of MLDP2.
- 4.4 As a result of PSA19 new LDPs must be reviewed at intervals of no more than 10 years. Previously the review period was every five years. It is important to note that Midlothian currently has an up to date LDP. The LDP establishes where development should occur and where it should not. Without an up to date LDP planning applications would have to be assessed on a case by case basis without an up to date locally informed policy framework. The LDP process allows Midlothian Council to consider the future of the district in conjunction with the climate emergency and the requirements for growth as set out in NPF4.
- 4.5 The purpose of planning is to manage the development and use of land in the long term public interest. MLDP2 will define how Midlothian will develop over the 10 year period 2026-2036. It will include policies and allocations for the uses of the land. PSA19 changes the construct of the development plan - as NPF4 will form part of the development plan,

many of the policies used to determine planning applications will instead be provided by this national document. MLDP2 should not duplicate and include policies that are in NPF4, although MLDP2 can seek to clarify interpretation of NPF4 in a local context. MLDP2 should provide policy and detail on matters unique to Midlothian, that are not in NPF4 and that can also help deliver the aspirations of NPF4. This approach for the LDP process is intended to help produce a strategy and policy framework more directly suited to the local area.

- 4.6 The expectation from the planning system is that the LDP focusses on delivery. There is a statutory requirement for the MLDP2, under section 16(2)(a)(i) of the Town and Country (Planning) Scotland Act 1997, to take NPF4 and its content into account when MLDP2 is being prepared. The production of MLDP2 is also required by section 4ZB of the Town and Country (Planning) Scotland Act 1997 to have regard to any relevant Regional Spatial Strategy. The Interim Regional Spatial Strategy covering Midlothian was approved by SESplan in June 2021.
- 4.7 New style LDPs are expected to be place-based, with an increased emphasis on maps and site briefs rather than policy wording. The LDP should be used to co-ordinate development and service provision.

Key Issues for MLDP2

- 4.8 Key issues for the MLDP2 will include:
- Mitigation and adaptation to the climate emergency and nature/biodiversity crisis;
 - The protection and enhancement of natural, historical and cultural assets;
 - Housing land supply to meet the NPF4 housing targets;
 - Continuing support for the provision of affordable and specialist housing;
 - Support for economic development, businesses and job creation with an emphasis on community wealth building and a well-being economy;
 - The provision of infrastructure and services;
 - Support for the rural economy;
 - Support for public transport and active travel; and
 - Community building and place-making to create great places to live, work, play and invest.

Evidence Report

- 4.9 The first stage in preparing MLDP2 is to prepare the Evidence Report. This will be the main focus of MLDP2 plan preparation and work in 2023. The Evidence Report is required to provide the evidence base for what to plan for in MLDP2 and be informed by those who are anticipated to be affected by MLDP2. The Evidence Report will be subject to an examination process known as “the Gate Check” to be overseen by the Scottish Government Directorate for Planning and Environmental Appeals (DPEA). This is to ensure that it provides sufficient information

and evidence to go to the next stage in the MLDP2 production, namely the preparation of a Proposed Plan for MLDP2. The Evidence Report is not required to provide all the information collected, but should provide a summary and analysis of what the evidence means for MLDP2 and its preparation. PSA19 places requirements on the planning authority to engage with a wide range of groups when preparing the Evidence Report, including but not limited to elected members, local communities, groups identified in planning legislation, key agencies, third sector organisations, private sector organisations, landowners and the construction and development industry. The Evidence Report must include a statement of how it has sought to include the views of these identified groups in the plan preparation process.

- 4.10 The Evidence Report will not contain details of possible future development sites. Detailed site and location considerations occur at the Proposed Plan preparation stage. The Evidence Report is only intended to contain information to inform preparation of the strategy and the policy framework of the Proposed Plan.

Local Place Plans (LPPs)

- 4.11 The PSA19 introduces a system of Local Place Plans (LPPs). Planning authorities are required to formally invite community groups to prepare LPPs. A schedule of known community groups has been compiled by the Planning, Sustainable Growth and Investment Service in anticipation of issuing an invitation to these groups to prepare an LPP. A copy of the draft invitation is attached to this report as Appendix A.
- 4.12 LPPs are documents to be produced by a community body setting out their ambitions for the development and use of land in their communities. LPPs need to meet identified legislative requirements and be verified by the planning authority, in part to demonstrate the community group has engaged and consulted with the wider local community covered by the local place plan. Where they are verified by the planning authority they must be taken into account in preparing the LDP. The LPPs must take account of NPF4 and MLDP (as the existing local plan) during preparation, but they are also an opportunity for community groups to formally express their aspirations for their local areas in a document that must be demonstrably considered and taken into account in the preparation of a LDP.
- 4.13 This means the LPP can include aspirations on land, buildings, the environment (built and physical), facilities, footpath, cycle and road connections and public transport. It can also include information on what is valued in a community. The key point is that they are prepared by local communities. They can be short and “low tech” documents. Their appearance is not important, it is the content that is important as that is what will be used to help inform preparation of MLDP2. Importantly, community groups should seek to work together, in instances where more than one local community group wishes to prepare a local place plan for the same location or area – the local

planning authority cannot verify multiple LPPs for an area. A community can also choose not to submit a LPP.

- 4.14 The invitation to community groups to prepare a LPP (attached as Appendix A) and the Proposed Development Plan Scheme for Midlothian No.15 (DPS15) (attached as Appendix B) provide more background on LPPs. Before preparing the LDP, planning authorities must publish an invitation to community bodies to prepare LPPs. The planning authority must also provide information on the date and manner by which LPPs are to be prepared in order that they can be taken into account in preparing the LDP. The planning authority must also identify the support it can offer to community bodies for the preparation of LPPs. The invitation provides this information and sets a date of submitting LPPs as prior to November 2023.
- 4.15 Initial discussions on LPPs have been had with the Federation of Midlothian Community Councils and an information event for Midlothian Community Councils on LPPs has been arranged for the end of March 2023. An information pack and website information will be made available to communities. The invite and the information pack will be sent to all organisations in the district which appear to the Council to meet the definition of a community body set out in the Scottish Government Planning Circular 1/2022: Local Place Plans.

Infrastructure and Services

- 4.16 Midlothian is, and has been for some time, the fastest growing district in Scotland (in percentage growth of population terms). This brings particular challenges to infrastructure (including health, education, transport and water/sewage). NPF4 sets out an infrastructure first approach to land use planning that puts infrastructure at the heart of place making. MLDP2 will need to set out the infrastructure requirements to deliver its spatial strategy. This needs to be informed by evidence on infrastructure capacity, condition, need and deliverability (including the cost and by whom, when and where it will be delivered). The MLDP2 will need to align with relevant Council, local, regional and national infrastructure plans. It will also need to take account of the Scottish Government infrastructure investment hierarchy (available on its website) and sustainable travel and investment hierarchies in developing the spatial strategy.
- 4.17 The NHS, Scottish Water, and Transport Scotland are treated as 'Key Agencies' within the meaning of the Planning Acts. This means that these bodies have a duty to co-operate with planning authorities as they prepare their development plans. Regular meetings will occur with Key Agencies to provide the information needed for the Evidence Report and MLDP2.
- 4.18 Through the proposed internal officer project board referred to in this report, the input of Council services, such as Education, Transport, Housing, Property/Estates, Finance, Land and Countryside, Waste and Environmental Health and the Midlothian Community Planning

Partnership will be sought for inclusion in the Evidence Report and consideration for the preparation of MLDP2.
Member Workshops on NPF4 and MLDP2

- 4.19 This report raises a wide range of matters in terms of new policy (NPF4), the need to understand and document current land use and service pressures (the preparation of the Evidence Report) and the ambition of setting a new land use strategy for Midlothian (the Proposed Plan). Subject to Committee's approval, this report requests that the Planning, Sustainable Growth and Investment Manager arranges a series of workshops with elected members to further inform them of the implications of NPF4 and to capture their ambitions for MLDP2.
- 4.20 Workshops and/or engagement will also be undertaken with local communities, groups identified in planning legislation, key agencies, third sector organisations, private sector organisations, landowners and the construction, the development industry and other Council Services.

5 DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN NO.15

- 5.1 Preparation of the Development Plan Scheme (DPS) is a statutory requirement. Each year local planning authorities are required to prepare, publish and submit a DPS to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plan for their area over the coming 12 months.
- 5.2 A DPS is required to contain:
- the proposed development plan programme (including the proposed timetable and details of what is likely to be involved at each stage of preparation or review); and
 - the participation statement (including an account of when and with whom consultation is likely to take place, its format and the steps to be taken to involve the public at each stage).
- 5.3 Consultation on the DPS is not required at present, however the PSA19 will require formal consultation on participation statements in future. As in previous years, DPS15 includes a question seeking views on the Council's proposed engagement activities and welcomes comments from interested parties. After approving the DPS, the local planning authority is required to publish it (including electronically), place it on deposit in public libraries and send it to Scottish Ministers (for information only, not for approval).
- 5.4 Midlothian's current local development plan was adopted on 7 November 2017. Under the PSA19 local development plans must be prepared at intervals of no more than 10 years. The timetable in DPS15 reflects the approval of NPF4 by the Scottish Parliament in January 2023. Although NPF4 took six months longer than anticipated to be approved, the MLDP2 production timetable set out in DPS15 has an adoption date of 2026 for the plan to help ensure MLDP is not more than 10 years old at the time of its replacement.

6 RECOMMENDATIONS

- 6.1 It is recommended that the Committee note the update on NPF4 and agree to instruct the Planning, Sustainable Growth and Investment Manager to:
1. Commence preparation of the second Midlothian Local Development Plan (MLDP2);
 2. Issue invitations to local community groups to prepare Local Place Plans (LPPs) which will help inform production of MLDP2 (Appendix A);
 3. Establish a MLDP2 Officer Project Board, comprising senior managers from across the Council services, to ensure the spatial dimensions of other Council strategies are reflected in MLDP2;
 4. Arrange a series of workshops between elected members and officers on NPF4 and MLDP2;
 5. Publish the Development Plan Scheme for Midlothian no.15 (DPS15) (Appendix B); and
 6. Make any non-material changes necessary to the DPS15 and the Local Place Plan invitations prior to publication.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 20 February 2023
Contact Person: Grant Ballantine, Lead Officer Conservation and Environment
grant.ballantine@midlothian.gov.uk

Background Papers: 2022 HLA Report to 22 November 2022 Committee

Appendices:

Appendix A: Invitation to Midlothian Community Groups to Prepare a Local Place Plan

Appendix B: Proposed Development Plan Scheme for Midlothian No.15

INVITATION TO PREPARE LOCAL PLACE PLANS

**Town and Country Planning (Scotland) Act 1997- Section 15A + Schedule 19: LPPs
The Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021**

Local Place Plans are a way for communities to achieve change in their local area. They are a tool to help communities think about how they can make their 'place' better - agreeing priorities and working with others to make change happen.

Midlothian Council invite community groups

to prepare Local Place Plans, setting out proposals for the development or use of land in their area. These plans may also identify land and buildings that community groups consider to be of particular significance. More information is on our website at: www.midlothian.gov.uk/LPP



Process and Timescale

In preparing a Local Place Plan, a community group must fully comply with the legislation noted above, which includes:

- having regard to the Midlothian Local Development Plan (LDP), the National Planning Framework (NPF) and any locality plan for the area
- setting out reasons for considering that the adopted LDP should be amended
- complying with requirements as to the form and content of the Local Place Plan and steps to be taken before preparing the plan

Local Place Plans will be taken into account by the Council during the preparation of their new LDP and should therefore be submitted to the Council before November 2023.

Assistance

Community groups will take the lead in preparing Local Place Plans. Midlothian Council can provide assistance and support to communities, including an initial meeting and advice relating to:

- preparing plans
- relevant resources, guidance, precedents and templates
- events, training and knowledge sharing
- funding opportunities
- existing data for the local area
- relevant local and national planning policies
- best practice for community engagement (including Place Standard)
- draft plan (meeting subject to officer availability)
- compliance with legislative and validation requirements
- online district register and map of all valid Local Place Plans

Contacts

To find out more you can contact Midlothian Council:

Address:

Local Place Plans, Planning Service,
Place Directorate, Midlothian Council
Fairfield House, 8 Lothian Road,
Dalkeith, EH22 3ZN



Email:

LPP@midlothian.gov.uk



Twitter:

@MidGov



Website:

www.midlothian.gov.uk/LPP



Development Plan Scheme for Midlothian Number 15

March 2023



1. Introduction

1.1 This is the 15th **Development Plan Scheme** (DPS) for Midlothian. On 11 January 2023 the Scottish Parliament approved National Planning Framework 4 (NPF4). NPF4 will come into force on 13 February 2023. This signals the start of the process to replace the adopted Midlothian Local Development Plan.

1.2 In the last year the Scottish Government has made regulations on the preparation of Local Place Plans. The Scottish Government has still to make some further regulations on development planning, to complete implementation of the Planning Scotland Act 2019. The draft regulations and guidance on local development plans have been taken into account in this DPS. More information is available in the Scottish Government's Transforming Planning website [Transforming Planning Link](#)

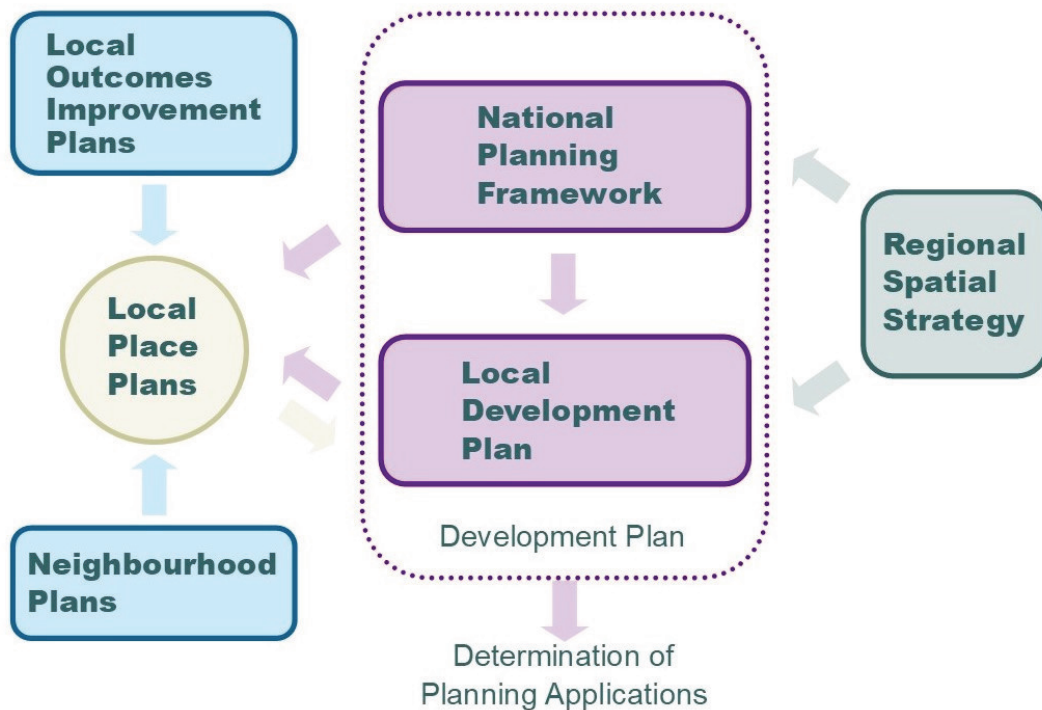
1.3 The DPS sets out the **timetable for preparing the Local Development Plan (LDP)**, and other related planning guidance. It also includes a **Participation Statement** which describes how and when you can get involved in the preparation of the plan. We will prepare a new Development Plan Scheme every year.

1.4 Changing Context for Development Planning

1.5 The Planning (Scotland) Act 2019 received Royal Assent in July 2019. The Act changes many features of the current system of development plans, including:

- removing the requirement to prepare Strategic Development plans
- removing provisions which allowed Supplementary Guidance to form part of the development plan
- making the Scottish Government's National Planning Framework part of the Development Plan
- introducing Regional Spatial Strategies to provide long term spatial development frameworks at regional level
- replacing Main Issues Reports with a new requirement to prepare an Evidence Report
- Changing the regulations to allow the Proposed Plan to be more of a consultative document
- Introducing a longer 10 year timescale for development plans, rather than 5 years at present
- Introducing potential for local communities to prepare new Local Place Plans

1.6 The relationship between the parts of the new development plan system is shown in the diagram below.



Relationship between new plans and strategies

1.7 More information on the main changes introduced by the Planning (Scotland) Act 2019 may be found in the report to Midlothian Council on 27 August 2019 (available through this link [2019 Act Committee Report](#)). More information about the programme to implement the Act can be found on the Scottish Government website (available through this link [Scottish Government planning reform](#))

1.8 The Scottish Government has adopted regulations for **local place plans** which came into force on 22 January 2022. These LPPs will be prepared by local communities. The accompanying Circular sets out the duties of the planning authority and how those plans are handled through the planning system [Local Place Plan Circular](#)

1.9 Recognising that all planning authorities are at different stages of their plan preparation, transitional arrangements have been published, see [Transitional arrangements document](#). As Midlothian will base its replacement LDP on NPF4 and the new regulations, the 'stop' provisions in the transition arrangements for old style plans 'started but not finished' will not apply.

1.10 The Planning (Scotland) Act 2019 introduces new requirements to seek and have regard to any views expressed by the public as to the content of the participation statement in the Development Plan Scheme: the regulations that give effect to this change are expected to come into force later in 2023. In advance of this becoming a formal requirement, Midlothian Council would like to know what you think of its proposed consultation arrangements, see the question 'HAVE YOUR SAY' at the end of section 6.

1.11 Fourth National Planning Framework for Scotland (NPF4). NPF4 was approved by Parliament in January 2023, and took effect from 13 February. From this date the Strategic Development Plan for Edinburgh and South East Scotland and the old Scottish Planning Policy (4) ceased to be operative. The approved NPF4 may be viewed on the Scottish Government website [Approved NPF4](#). NPF4 forms part of the development plan for Midlothian. Amongst other things, it sets a minimum all tenure housing requirement to be met by the LDP. NPF4 replaces the Edinburgh and South East Scotland Strategic Development Plan and Scottish Planning Policy. This is a major change because not only will it have a direct influence on the form and content of the next Midlothian Local Development Plan (MLDP), but will be a primary consideration in the determination of planning applications and any subsequent appeals.

1.12 To inform the preparation of development plans, the planning authorities in the South East Scotland area have prepared an **interim Regional Spatial Strategy**. This is not a document of equivalent weight to the Strategic Development Plan but sets a framework for the future development of the region - [Regional Strategy link](#)

2. The Development Plan for Midlothian

2.1 Current Development Plan

WHAT DEVELOPMENT PLANS EXIST AT PRESENT IN MIDLOTHIAN?

The adopted development plan for Midlothian is provided by the National Planning Framework for Scotland 4 (NPF4) and the Midlothian Local Development Plan (MLDP) 2017. The National Planning Framework may be viewed through this link [Approved NPF4](#) The MLDP may be viewed online by clicking on this link [Development Plans and Policies](#) The MLDP may also be viewed in paper copy at any Midlothian library.

WHAT DOES A DEVELOPMENT PLAN DO?

Development Plans allocate land for development and contain policies which will be used to assess applications for planning permission.

2.2 There are a number of ongoing tasks associated with the adopted MLDP. A revision of the current Action Programme (AP) was adopted by the Council in June 2021. The AP is a requirement of the 2006 Planning Scotland Act, and identifies the actions which will help implement the policies and proposals of the plan. The next Action Programme is due in June 2023.

2.3 Midlothian Council also carries out post adoption monitoring, looking at the performance of the plan, progress on implementing proposals, how policies are being interpreted and applied in determining planning applications, and the impact of the policies and proposals on a number of environmental factors. This links to ongoing responsibilities under the Environmental Assessment legislation.

2.4 Supplementary Guidance

2.5 The Midlothian Local Development Plan requires Supplementary Guidance (SG) and planning guidance (pg) to be prepared. The Supplementary Guidance, once adopted has the same status as a policy in the plan (the Planning (Scotland) Act 2019 will change the status of SG, see below). Planning guidance has a lesser status but is an aid to applicants and to decision making on development proposals. The table below shows the planned SG and pg, and progress at the start of 2023. Approved guidance and emerging guidance subject to consultation may be viewed online through the [Midlothian planning portal](#)

Supplementary Guidance	Status
Midlothian Green Network (SG)	Adopted
Special Landscape Areas (SG)	Adopted
Resource Extraction (SG)	Adopted
Development in the Countryside and the Green Belt (SG)	Adopted
Food and Drink and Other non Retail Uses in Town Centres (SG)	Adopted
Community Heating (SG)	Under review
Low Density Rural Housing (SG)	Adopted
Nature Conservation (PG)	Adopted
Dalkeith Shop Front Design Guide (PG)	Adopted
Dalkeith Townscape Heritage Initiative (THI) Homeowners Guide: 'Repair and Maintenance of Historic Buildings in Dalkeith, Home Owners Guide' (PG)	Adopted
Masterplans (for Ec3 and sites allocated in 2017 MLDP where not already commenced)	Likely to be issued for consultation 2023
Wind Energy Development in Midlothian	Under review

2.6 Adopted and forthcoming Supplementary (SG) and planning guidance (pg)

2.7 The Planning (Scotland) Act 2019 repeals those provisions of the 1997 Town and Country (Planning) Scotland Act which allowed SG to form part of the development plan, although there are transitional arrangements relating to this change, and the status of the approved SG is unchanged.

2.8 The Transitional Arrangements for the new planning Act envisage that a period of 24 months after the coming into force of the development plan regulations, will be allowed for the adoption of supplementary guidance associated with local development plans adopted under the 2006 Act. After this point, no further supplementary guidance will be allowed to come forward for adoption. The outstanding Supplementary Guidance is comprised:

DPS 15

Advertisements, Flooding and Water Environment, Planning Obligations and Affordable Housing, and Quality of Place; as well as planning guidance for Open Space Standards, Shop Front Design Guide, Hillend Country Park and site masterplans.

2.9 The Council will reflect on how the outstanding guidance is to be provided, in recognition of the fact that supplementary guidance will not be part of the new development plan system. Now that the NPF4 will form part of the development plan, it is appropriate for the Council to consider the new national policies and decide if it is best to continue bringing forward supplementary guidance in all cases.

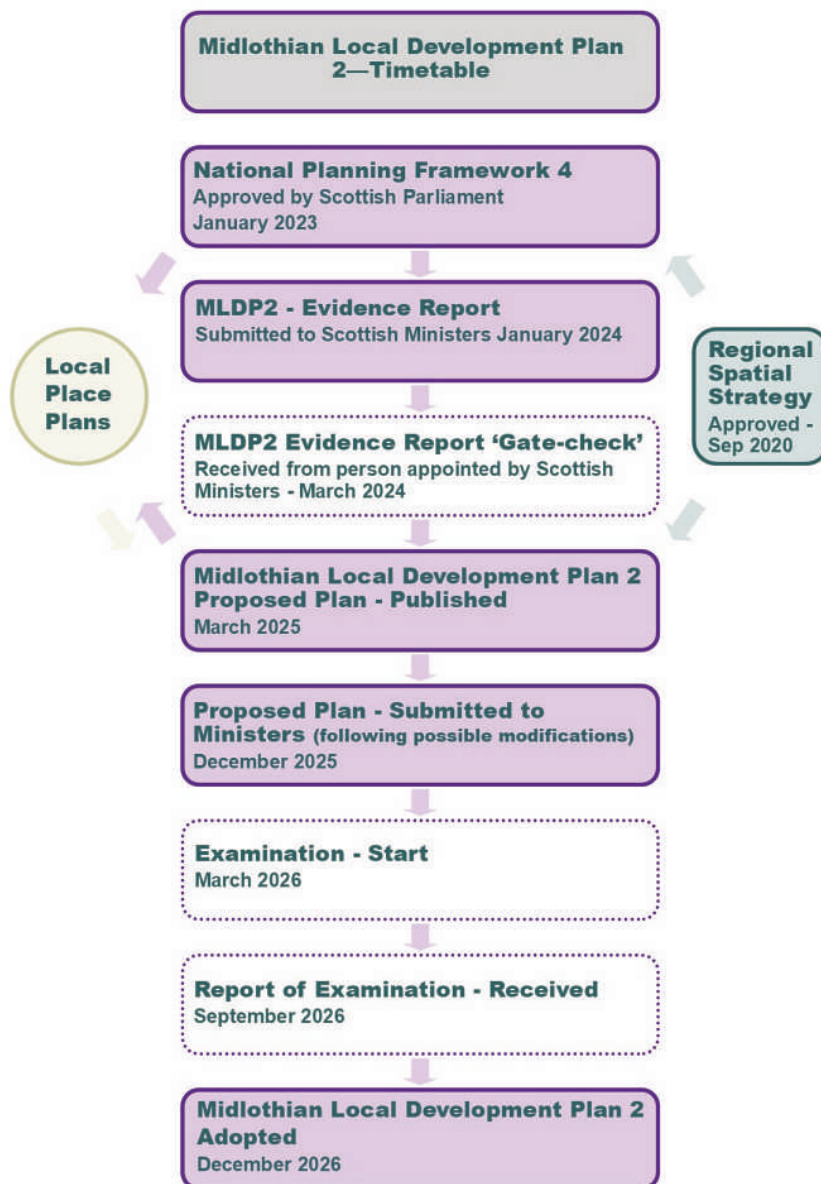
3. Production of the Second MLDP

3.1 Under the new system LDPs will be replaced every 10 years and replacement LDPs should be prepared within 5 years of National Planning Framework approval.

3.2 Midlothian Council decided to wait until NPF4 was adopted rather than prepare a further LDP based on the 2013 SDP. Midlothian Council will use the Action Programme process to review implementation of the adopted plan and in particular to assess the adequacy of the housing land supply (as described in paragraph 2.3.9 of the MLDP).

3.3 The timetable in Section 4 below is Midlothian Council's best estimate of how long the new processes will take, starting with approval of NPF4 in 2023. We expect to adopt MLDP2 in 2026, so within 5 years of NPF4 being approved.

4. Timetable for LDP2



5. Local Place Plans

5.1 Local Place Plans have been introduced by the Planning (Scotland) Act 2019. Regulations on Local Place Plans (including the roles of local communities and the planning authority) came into force on 22 January 2022. LPPs are plans relating to the development and change of use of land in a community. A Local Place Plan is not produced in isolation - it must have regard to the Local Development Plan for the area and the National Planning Framework.

5.2 Key duties on planning authorities in relation to Local Place Plans are:

- Publish an invitation to local communities to prepare Local Place Plans.
- Publish information on the manner and date by which such Local Place Plans are to be prepared in order to be taken into account in the preparation of the Local Development Plan.
- Provide information on the assistance that the authority may offer to communities wishing to produce a Local Place Plan.
- Maintain a register of Local Place Plans
- Maintain a map, which shows the land where LPPs are registered.

5.3 The Council will work with its Community Planning Team and the Federation of Community Councils to raise awareness of LPPs and engage in a discussion about how LPPs may be progressed. It must be stressed that these will be the communities' plans, and the Council will not be leading this process. It is likely that in most cases it will be the Community Council that will lead preparation of the LPP, as these are established bodies with an existing interest in land use planning bodies. However, other community based bodies that meet the definition in the Community Empowerment (Scotland) Act 2015 may come forward (for example a group concerned with the regeneration of a particular locality), or perhaps a group constituted solely for the purpose of preparing an LPP.

5.4 The Council will place information on its website to act as an information hub for parties interested in LPPs. Midlothian Council has set up a local place plan email address where any queries about LPPs may be sent. LPP@midlothian.gov.uk

5.5 Midlothian Council will shortly issue invitations to community bodies to prepare LPPs. This will set out the assistance that the Council can give, and provide guidance to ensure that LPPs are prepared that meet the requirements of the legislation. Midlothian Council expects to issue its invitation to prepare LPPs in early 2023, at the same time as MLDP2 is commenced.

5.6 For an LPP to be taken into account in the preparation of the MLDP2, it is important that the Scottish Government regulations are taken into account. Reference should be made to the [Circular](#) and [Regulations](#) but the main requirements are:

DPS 15

- LPP must be prepared by a community body as defined under the Community Empowerment (Scotland) Act 2015
- The LPP must be focused on proposals for the development and change of use of land within a defined community boundary
- In preparing the Local Place Plan, the Community Body must have regard to other plans including the NPF, the LDP and any locality plan published for the area
- When submitting the LPP to the planning authority, a statement indicating the degree of community support for the proposals contained in the LPP together with the extent and outcome of engagement undertaken must be included

5.7 Midlothian Council will maintain a register of valid LPPs and will also list these in future editions of the DPS.

5.8 WHEN SHOULD LPPs BE PREPARED? To have the greatest influence on the MLDP, it would be advisable to submit LPPs in order to be taken into account in the preparation of the Evidence Report. As Midlothian Council propose to submit the Evidence Report in January 2024, LPPs would need to be submitted to us by 31st October 2023, to be taken into account at this stage of the LDP process. LPPs submitted after that date could still be taken into account in the preparation of the plan. It is likely that the planning authority would need to receive and validate any further LPPs around 6 months before the Proposed Plan is published. This points to final submission of LPPs being required by 1 September 2024 so that they may be taken into account in the preparation of the LDP. We will work closely with Community Bodies preparing LPPs, and endeavour to be as accommodating as possible, while recognising our own very challenging timetable.

6. Participation Statement

6.1 A Participation Statement sets out how, when and with whom the Council will consult and engage on its Development Plan. Independent planning Reporters from the Directorate for Planning and Environmental Appeals (DPEA) appointed by Scottish Ministers, will review the Council's engagement activities to see that they match what the Council said it would do in the Participation Statement. The timescale for activities may change depending on progress on secondary legislation associated with the Planning (Scotland) Act.

6.2 Engagement is at its most effective at the early stages of plan preparation. Within the framework of the new planning system, the Council will seek to maintain open channels of communication so that a wide range of ideas on policy can be exchanged in advance of publication of the Proposed Plan.

6.3 The new LDP should align with the work of the Community Planning Partnerships (CPPs) who have drawn together public, voluntary and private sector bodies, and local communities to develop a shared 'plan' to improve the lives of local people: the [Single Midlothian Plan](#)

6.4 The Climate Emergency Community Planning Group has identified as one of its priorities '*Place the Climate Emergency as the Central theme of the Midlothian Local Development Plan. 2*'. More generally the Council recognises that there is widespread interest and knowledge in the community on a variety of topic areas which can be used to improve the next LDP.

Aims

- To raise awareness of Local Development Planning in Midlothian
- To design an approach to engagement that is as open and inclusive as possible
- To provide meaningful opportunities to shape the next LDP, allowing input to the plan before it is written

Our Approach

- To seek to use best practice, looking at the approach of other organisations including Planning Aid for Scotland
- Produce information across a variety of formats, including our website, consultation portal and social media, alongside traditional written material

DPS 15

- To work closely with neighbourhood planning and community planning partnerships
- To advise and assist communities in preparing Local Place Plans
- Collaborate with Key Agencies and other interested parties - we will explore the potential for co-production of parts of the second LDP
- Seek to continuously improve by carrying out annual review of our engagement activities
- Make information available as early as possible
- Use clear, plain language in all our material
- To ensure that events and materials are accessible as far as is practicable
- To consider all engagement activity in the context of the Councils public sector equality duty
- Use graphics and maps where appropriate
- Provide events in communities throughout Midlothian
- Where special arrangements for the Covid-19 pandemic are in place, to seek meaningful engagement opportunities which preserve public health.

6.5 A revised DPS may be brought out the next planned update in April 2024 if a changing situation justifies it. Online engagement will remain a key tool for communicating with stakeholders but parallel in person events and activities will be undertaken, in part so that those who do not have internet access or whose preference is not to use online engagement are not excluded from participating in the LDP process, and to get the benefits of face to face engagement.

Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS15 (April 2023-April 2024).

Activity	Description	What we plan to do	Timescale
Development Plan Scheme 15	Sets out Midlothian Council's programme for reviewing its development plans.	Publish online and distribute to Community Councils. Seek views on participation statement. Place in libraries	April 2023
Report and members briefing to initiate MLDP2 project	To formally launch the MLDP2 replacement plan project. This will be an opportunity to inform members of new style of development planning and seek views on the issues for Midlothian	Report to Planning Committee, followed by Members' Seminar. Further seminars could be held on geographic, or topic basis, depending on members wishes.	February 2023, with seminar shortly thereafter.
Prepare Community Council briefing	Inform Community Councils of forthcoming LDP, and discuss issues. Also discuss support for Local Place Plan process.	Seminar	Spring 2023
Evidence Report	The Evidence Report is a new requirement of the Planning (Scotland) Act 2019. The planning authority are to set out its view on the principal characteristics of the area.	Report Evidence Report to committee. Engage with public at large as well as groups defined in legislation. This will involve: (i) awareness raising through email 'mailshot' to consultee database inviting comments/feedback; (ii) local media releases; (iii) awareness raising among Council staff;	Through 2023 to Committee Report in January 2024

DPS 15

Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS15 (April 2023-April 2024).

Activity	Description	What we plan to do	Timescale
		(iv) publishing information online and using all Council channels to raise awareness; (v) meeting and discussing issues with stakeholder groups expressing Interest on request. (vi) Virtual and face to face engagement to collect information	
Report on 'Gatecheck'	Report on Scottish Government Gatecheck on Evidence Report	Committee Report	March 2024
Seek contacts for future engagement	Promote online engagement and promote and encourage registration on consultation database	Use all channels including the 'Register an Interest' page in this DPS to facilitate this process	Throughout 2023-2024
Awareness raising with Community Planning Partnership (particularly through Climate Emergency Group of the Partnership)	Develop understanding of new plan and seek ideas/input.	Attend events with Community Planning partners regarding the new LDP, and raise awareness of Local Place Plans.	2023-24

Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS15 (April 2023-April 2024).

Activity	Description	What we plan to do	Timescale
Links with Key Agencies	Key Agencies are organisations defined in planning legislation; Planning authority is required to engage with them and they in turn to engage with development plan preparation.	Regular discussions with Key Agencies, Community Planning Partnership and other Council services.	Throughout 2023-24
Understanding needs of Children and Young People people with disabilities, and gypsies and travellers in respect of LDP2	Planning (Scotland) Act 2019 requires planning authorities to seek to engage with these groups in preparation of the Evidence Report.	An engagement package focussed on these groups is being developed, in conjunction with other Council services.	Carry out engagement in 2023-24 (subject to school access and conformity with curriculum) and use to inform preparation of Evidence Report

LOOKING AHEAD TO THE EVIDENCE REPORT

The programme diagram above envisages publication of the Evidence Report at the start of 2024 and the Proposed Plan in March 2025.

The Evidence Report will set out the Council's view on the characteristics of the area including the capacity of infrastructure and the need for additional development land. This is a key engagement stage under the Planning (Scotland) Act 2019 .

It is a requirement of the Planning Act that the views of the key agencies, children and young people (in particular school pupils, youth councillors and youth parliament representatives), and the public at large are taken into account in its preparation.

DPS 15

After preparing the Evidence Report, the Council will submit it to Scottish Ministers, who will appoint a person to determine whether it contains sufficient information to enable the authority to prepare the plan. This is known as the Gatecheck process.

There will be a statement in the Evidence Report setting out how the Council sought views in preparing it, and how they were taken into account.

As well as the specific actions listed above, Midlothian Council expect to carry out the following actions in support of engagement for the Evidence Report.

- Publish material online for consultation and place paper copies of material at libraries.
- Encourage engagement on Evidence Report through scheduled drop in events, discussions with stakeholders and social media activity.
- Meet and discuss issues with stakeholder groups expressing interest or concern on request.
- Hold structured workshop events to look at places and topics in greater detail. These may use the 'Place Standard' tool or another technique to understand the needs of a community.
- Raise awareness through email 'mailshot' to customer database inviting comments, (including use of online surveys), local media releases, awareness raising among Council staff: publishing articles in e-staff newsletter.

6.6 Following the Evidence Report and 'Gatecheck', the draft Development Plan Regulations envisage a 'Call for Ideas' stage to inform the preparation of the Proposed Plan. This should be open to everyone to propose ideas for any aspect of the plan. The Council will consider this further as the Regulations are finalised.

THE PROPOSED PLAN

Under the new planning system introduced by the Planning (Scotland) Act 2019 it remains the case that the Proposed Plan represents the plan that the Council proposes to adopt. However, there is provision under the Planning (Scotland) Act 2019 to make modifications after the representation period, before submitting to Scottish Ministers. Any unresolved representations will be considered by a Reporter from the Directorate for Planning and Environmental Appeals (DPEA) appointed by Scottish Ministers, as part of an examination of the plan at a later date.

MAKING SURE EVERYONE IS INVOLVED

The 2019 Planning (Scotland) Act introduces a particular requirement when preparing the Evidence Report to consult with

- disabled persons
- gypsies and travellers
- children & young people on the Evidence Report.

A planning authority must also make arrangements that they consider appropriate to promote and facilitate participation by children and young people in the preparation of the LDP more generally.

FAIRER SCOTLAND DUTY

The Fairer Scotland Duty places a legal responsibility on public bodies to pay due regard to how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

Midlothian Council is a public body and the MLDP2 is a strategic decision making document, so it is covered by the duty.

Involving communities and facilitating participation are central to good policy making

The Council will measure progress on meeting the requirements of the duty at key stages, through its Integrated Assessment process

PUBLIC SECTOR EQUALITY DUTY

The Public Sector Equality Duty was established in the Equality Act 2010.

There is a requirement for public authorities in the exercise of their functions to advance equality of opportunity between people who share a relevant protected characteristic and those who do not.

Protected characteristics includes age, disability and race - including gypsies and travellers.

DPS 15

In preparing the first MLDP the Council prepared an Equality Impact Assessment (EqIA), which assessed the impact of the plan on the identified protected characteristics groups (which include age, disability, and race).

The EqIA approach was useful as it involved systematic assessment of the plan in respect of the protected groups to ensure there was no disadvantage and that opportunities were not missed. The EqIA also considered the approach to consultation and engagement. Midlothian Council will use the successor tool to EqIA, known as Integrated Assessment, to provide a similar assessment process for MLDP2. The participation statement requires tailored consultation for targeted groups: as we prepare the Evidence Report in 2023 we will provide further detail on how this will be carried out

6.7 HAVE YOUR SAY

Question 1

What is your view of our participation statement and our planned consultation activities? Please let us know if you have any suggestions to improve engagement

If you are viewing the DPS as a paper copy and you wish to respond to the question above, you can use the contact details below.

CONTACT US

If you have any questions about the Local Development Plan or this Development Plan Scheme, please get in touch.

by email: ldplan@midlothian.gov.uk

by writing: Midlothian Council Planning, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3AA

7. Register an interest

Are you interested in being involved in the second Midlothian Local Development Plan?

Follow this link to register as an interested party in the Second Midlothian Local Development Plan.

[Link to register as a consultee or agent with Midlothian Council](#)

Once we have your contact details we can send you information about events, documents for comment and keep you informed about progress with the MLDP.

COMMUNICATING CLEARLY

We are happy to translate on request and provide information and publications in other formats, including Braille, tape or large print.

如有需要我們樂意提供翻譯本，和其他版本的資訊與刊物，包括盲人點字、錄音帶或大字體。

Zapewnimy tłumaczenie na żądanie oraz dostarczymy informacje i publikacje w innych formatach, w tym Braillem, na kasecie magnetofonowej lub dużym drukiem.

ਅਸੀਂ ਮੰਗ ਕਰਨ ਤੇ ਖੁਸ਼ੀ ਨਾਲ ਅਨੁਵਾਦ ਅਤੇ ਜਾਣਕਾਰੀ ਤੇ ਹੋਰ ਰੂਪ ਵਿੱਚ ਪ੍ਰਕਾਸ਼ਨ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ, ਜਿਨ੍ਹਾਂ ਵਿੱਚ ਬਰੇਲ, ਟੇਪ ਜਾਂ ਵੱਡੀ ਛਪਾਈ ਸ਼ਾਮਲ ਹਨ।

Körler için kabartma yazılar, kaset ve büyük nüshalar da dahil olmak üzere, istenilen bilgileri sağlamak ve tercüme etmekten memnuniyet duyarız.

اگر آپ چاہیں تو ہم خوشی سے آپ کو ترجمہ فراہم کر سکتے ہیں اور معلومات اور دستاویزات دیگر شکلوں میں مثلاً بریل (بڑا افساد کے لیے) انگریزی سے ہونے والے حروف کی نگاہی) میں، ٹیپ پر یا بڑے حروف کی نگاہی میں فراہم کر سکتے ہیں۔

