



IMPLEMENTING THE PLANNING (SCOTLAND) ACT 2019

Report by Director Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Committee with regard; the Government's programme to implement the new planning reforms set out in the Planning (Scotland) Act 2019, and the impact the reforms have on the review of the Midlothian Local Development Plan (MLDP).

2 BACKGROUND

- 2.1 The Planning (Scotland) Bill 2017 received Royal Assent on 25 July 2019 and became the Planning (Scotland) Act 2019. The Committee considered a report on the changes to the planning system arising from the new Act at its meeting on 27 August 2019.
- 2.2 In terms of the development plan process the key changes include:
- the enhancement of the status of the National Planning Framework (NPF) which now constitutes part of the development plan and, amongst other things, sets the Housing Supply Targets for each authority to be included in their Local Development Plan;
 - the removal of the requirement to prepare Strategic Development Plans and the introduction of Regional Spatial Strategies in their place;
 - a more prescriptive approach to the form and content of a Local Development Plan, in particular how the plan meets the housing needs of older people and disabled people;
 - the removal of Supplementary Guidance as part of the development plan; and
 - the introduction of Local Place Plans to be prepared by communities.
- 2.3 In September 2019, the Government published its programme for implementing the Act. A copy of this document is available on the CMIS and online at - <https://www.gov.scot/publications/transforming-planning-practice-post-bill-work-programme/>

3 IMPLEMENTATION PROGRAMME

- 3.1 The Government's programme sets out its rationale for implementing the legislation. It proposes to bring forward additional guidance and regulations for each section of the Act. It is also going to publish transitional arrangements for Local Development Plan.
- 3.2 The first commencement regulations come into force on 8 November 2019 and cover provisions concerning the preparation of the National Planning Framework 4 (NPF4) and powers to make regulations regarding development planning. As set out in the implementation programme these provisions will be developed through engagement and consultation with stakeholders and are not expected to be made until 2021.
- 3.3 The Government proposes to publish a draft of NPF4 for public consultation in Quarter 3 of 2020 (July – September). It will be laid before Parliament for a period of up to 120 days to allow time for representations to be made. Thereafter, consideration will be given to any revisions of the draft before being laid again before Parliament for approval prior to adoption. Due to the Scottish Parliament elections in May 2021 this is likely to be in Quarter 4, 2021 (October – December).
- 3.4 Further guidance and regulations will be brought forward over the course of 2020 and 2021 including:
- the appointment of a National Planning Improvement Co-ordinator to monitor and advise on planning authority performance (Q2 2020);
 - guidance on the qualifications, experience and role of a planning authority's *Chief Planning Officer* (Q4 2020);
 - regulations and guidance about Local Place Plans (Q1 2021);
 - guidance on effective community engagement in the preparation of Local Development Plans (Q1 2021);
 - guidance on the use of mediation in land-use planning (Q1 2021);
 - publication of statutory guidance on *Regional Spatial Strategies* and Local Development Plan Regulations (Q4 2021);
 - detailed procedures for Masterplan Consent Areas (Q4 2021); and
 - Regulations on training for elected members on Planning matters (Q2 2022).
- 3.5 The Government expects to have fully implemented the Act by Quarter 4 of 2021 (October – December 2021) (*with the exception of the elected member training*).

4 REVIEW OF THE MIDLOTHIAN LOCAL DEVELOPMENT PLAN

- 4.1 New legislation brings with it a degree of uncertainty in terms of the timing as to when to start a review of the Midlothian Local Development Plan. Transitional arrangements for the new Act have yet to be published. However, published draft guidance supports planning

authorities which have reached the Proposed Plan consultation stage by Quarter 4, 2021 proceeding to adopt a replacement Local Development Plan under the existing provisions and procedures of the Town and Country Planning (Scotland) Act 1997 (as amended by the 2006 Act). Authorities which have not reached this stage (including Midlothian) by this time will be expected to follow the new processes introduced by the 2019 Act and should plan to prepare their replacement Local Development Plan on that basis. Regulations for Local Development Plans are not due to come into force until 2021, but the Government has indicated it will work with local authorities to help take forward preparatory work (evidence gathering, stakeholder engagement etc.) towards new-style plans during the transitional period.

- 4.2 The rejection of the Proposed SESplan2 in May 2019 introduced further uncertainty amongst SESplan partners in terms of their Local Development Plan review programmes and in terms of clarity on their Housing Supply Targets beyond 2024, which the replacement Local Development Plans will have to meet. The current SESplan (approved in June 2013) remains in force until the approval and publication of NPF4. Under the new legislation the NPF forms part of the development plan and will set the Housing Supply Targets for local authorities. In the absence of an up to date strategic development plan the first indication of the future housing land requirements for Midlothian will be the publication of the draft NPF4 anticipated in Quarter 3, 2020 (July – September).
- 4.3 The current Development Plan Scheme for Midlothian No. 11 (DPS) set out an indicative MLDP review programme based on an assumed approval of SESplan 2 in March 2019. This assumed the publication of a Main Issues Report (MIR) by winter 2020 and a Proposed MLDP2 by autumn 2020. This programme has been superseded by the rejection of SESplan2 and with the introduction of the new legislation. A new MIR could not be prepared, published and be subject to consultation until after the Housing Supply Target are set by NPF4 which will not be adopted until 2021. The DPS is updated annually. A new DPS will be prepared and reported to Committee in the early part of 2020 setting out the proposed Local Development Plan review programme to take forward MLDP2.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee:
- i) note the contents of the report; and
 - ii) receive further reports on changes to the Planning System when secondary legislation/regulations are published by the Scottish Government.

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Background Papers: The Planning Act 2019