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## DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN NUMBER 11

Report by Director of Education, Communities and Economy

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### 1 PURPOSE OF REPORT

- 1.1 This report seeks approval for the Development Plan Scheme for Midlothian No. 11 (DPSM11) which is required to be published annually to satisfy legislative requirements.

### 2 BACKGROUND

- 2.1 Preparation of a development plan scheme is a statutory requirement. Each year local planning authorities are required to prepare and submit a Development Plan Scheme (DPS) to Scottish Ministers setting out their intentions with respect to preparing, reviewing and consulting on the development plans for its area over the coming twelve months. Ordinarily the DPS is published by the end of March each year but given the dates of the Committee cycles this year a draft version was submitted to Scottish Ministers to satisfy legislative requirements subject to the proviso that Council may decide to make changes and re-submit following the Committee's consideration of its DPSM11.

### 3 DEVELOPMENT PLAN SCHEME (DPS)

- 3.1 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, with whom and likely format consultation is likely to take place and the steps to be taken to involve the public at each stage).
- 3.2 After approving a DPS, the authority is required to publish it (including electronically), place it on deposit in public libraries and send it to Scottish Ministers (though for information only, not for approval). Consultation on the DPS is not required at present, although proposals for planning reform may change this.
- 3.3 The proposed DPSM11 is attached to this report as Appendix A. Other than the continuing programme of drafting and adopting supplementary guidance, there are no further tasks required in connection with the adopted Midlothian Local Development Plan 2017.

- 3.4 The DPSM11 sets out the timetable for the second Midlothian Local Development Plan (MLDP2). The timetable for MLDP2 is linked to the progress of the second Strategic Development Plan (SDP2), currently at examination and awaiting the Ministers final decision. However, delay in the SDP2 anticipated programme will affect the MLDP2 programme identified in the proposed DPSM11. SDP2 was submitted to the Scottish Government for examination in June 2017.
- 3.5 Scottish Government guidance is that local development plans should be replaced every five years, but Scottish Ministers also expect local development plans to be adopted within two years of SDP approval. In the view of the planning service, the latter expectation is optimistic at best. The timetable set out in the DPSM11 represents a more realistic programme which allows sufficient time for considered preparation of all the stages in MLDP2 and thorough public engagement.

## **4 RECOMMENDATION**

4.1 It is recommended that the Committee:

- (a) approves the Development Plan Scheme for Midlothian No.11 (DPSM11) (appended to this report); and
- (b) agrees to publish the DPSM11, place copies in all public libraries and formally submit a copy to Scottish Ministers.

**Ian Johnson**  
**Head of Communities and Economy**

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**Background Papers:** Appendix A - Development Plan Scheme for Midlothian No. 11.

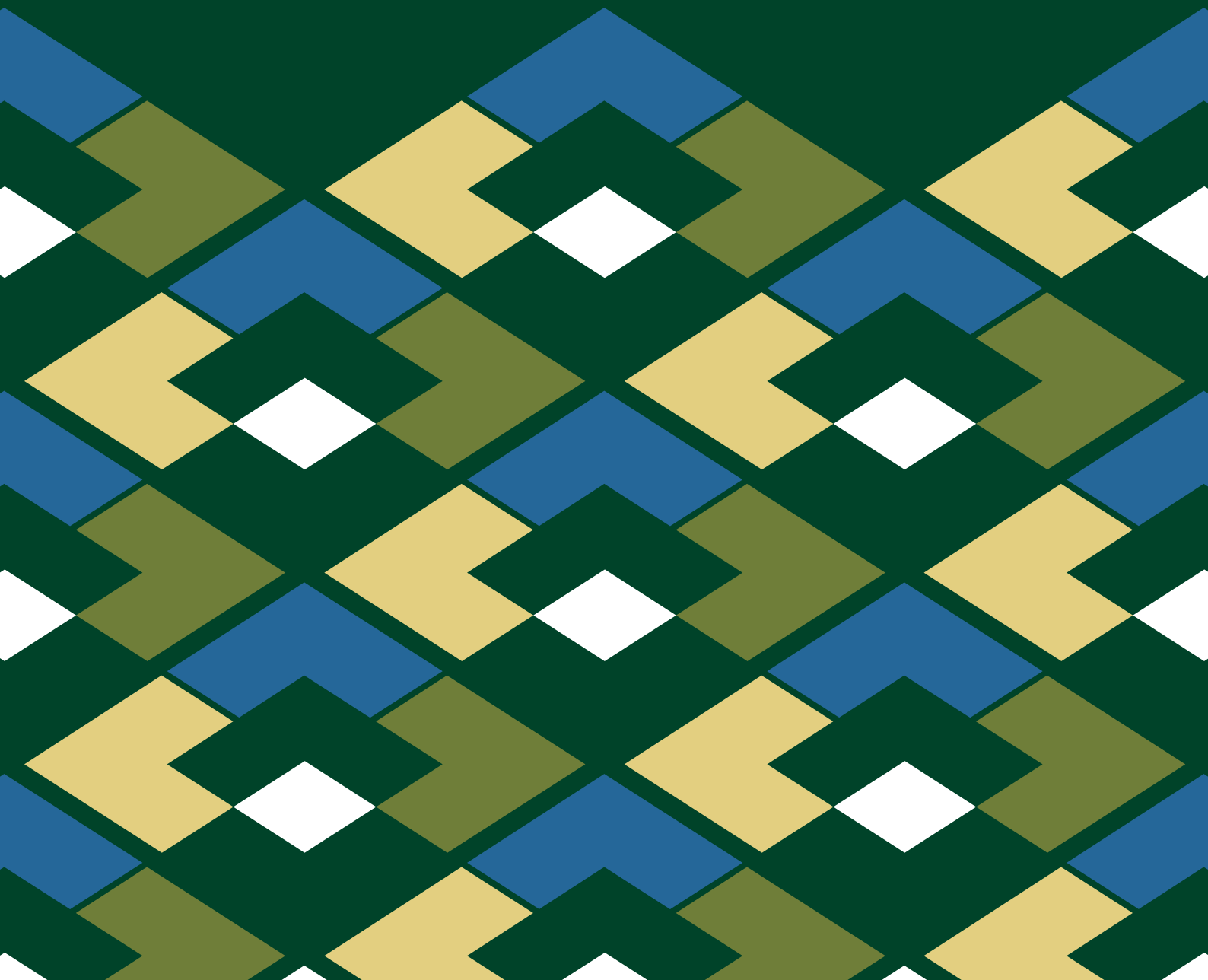
# Development Plan Scheme for Midlothian Number 11

Appendix A



Midlothian

March 2019





## 1. Introduction

This is the 11th **Development Plan Scheme** for Midlothian.

It 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 at least once a year.

Midlothian forms part of the Edinburgh City Region and is covered by the Strategic Development Plan for Edinburgh and South East Scotland (approved July 2013). Figure 1 shows the extent of the Strategic and Local Development Plan boundaries. The Strategic Development Plan (SDP) sets out a spatial strategy for development and establishes the priorities for infrastructure across the region. It also informs the Local Development Plan which must be consistent with the SDP.

The replacement SDP2 was submitted to Ministers for approval in July 2018 and a decision is awaited. At the time of writing there is no indication of when this might be, but this DPS has assumed approval in Spring 2019. **Depending on when SDP2 is approved it may be necessary to review the LDP timetable and prepare the next Development Plan Scheme before March 2020.**

The Midlothian Local Development Plan (MLDP) was adopted in November 2017. The approval of SDP2 will trigger a requirement to review the MLDP; however ongoing delay increases uncertainty as to the specific requirements of MLDP2. Midlothian Council does not wish to issue a Main Issues Report for the second LDP until it has certainty with respect to the requirements of the Strategic Development Plan. This will be particularly important in terms of determining the requirement for housing land.

The Scottish Government has brought a Bill before Parliament to reform the planning system. Originally the Bill proposed to change many features of the current system, including

- removing the requirement to prepare Strategic Development Plans
- replacing Main issues Reports with a draft plan consultation stage
- introducing a longer 10 year timescale for Local Development Plans, rather than 5 years at present.

The Planning (Scotland) Bill has concluded the second Committee stage of Parliamentary scrutiny. Among other changes, the role of Strategic Development Plans is proposed to be re-instated. The ultimate content of the Act is uncertain, as there is a final stage of parliamentary scrutiny, where the Bill may be further amended. Midlothian Council expect that the consented legislation will be supported by further secondary legislation, including guidance on transitional arrangements.

## DPS11

Until replacement legislation is adopted the Council is required to prepare its next Local Development Plan on the basis of the existing regulations. Updates will be provided in subsequent Development Plan Schemes.

Notwithstanding the requirement in the Planning etc (Scotland) Act 2006 to prepare Local Development Plans at intervals of not more than 5 years, Scottish Ministers expect that Local Development Plans will be adopted within two years of the relevant Strategic Development Plan (SDP) being approved. Scottish Government guidance on development plans suggests that a normal local development plan process will take around 28 months.

Midlothian Council considers that adoption in 2022 is feasible (see timeline in Figure 2). Until November 2022, the adopted plan will still be less than 5 years old.

Figure 1 - SESplan and MLDP Boundaries



## 2. Midlothian Local Development Plan 2017

The adopted MLDP may be viewed online by clicking on this link [Development Plans and Policies](#) or in paper copy at any Midlothian library or at the Council's office in Fairfield House, Dalkeith. The MLDP allocates land for development, and contains policies which will be used to assess applications for planning permission. It also sets the context for Supplementary Planning Guidance and is accompanied by an Action Programme designed to assist the delivery of proposals in the plan.

There are a number of ongoing tasks associated with the adopted MLDP. In 2019 the Action Programme will be reviewed. The Action Programme (AP) is a requirement of the Planning Act, and identifies the actions which will help implement the policies and proposals of the plan. The current AP was adopted in February 2018, and must be updated at least every two years.

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. Planning guidance has a lesser status but will be a useful aid to applicants and to decision making on development proposals. The table below shows the planned SG and pg, and progress at March 2019. Approved guidance and emerging guidance subject to consultation may be viewed online through the [Midlothian planning portal](#)

Supplementary Guidance	Status
Midlothian Green Network	Adopted
Special Landscape Areas	Adopted
Resource Extraction	Adopted
Food & Drink and Other Non-retail Uses in Town Centres	Adopted
Wind Energy Development	In preparation
Development in the Countryside and Green Belt	In preparation
Community Heating	In preparation
Flooding and Water Environment	In preparation
Advertisements	In preparation



<b>Supplementary Guidance</b>	<b>Status</b>
Planning Obligations and Affordable Housing	In preparation
Quality of Place	In preparation

<b>Planning guidance</b>	<b>Status</b>
Open Space Standards	In preparation
Shop Front Design Guide	In preparation
Hillend Country Park	In preparation
Nature Conservation	In preparation
Dalkeith THI Homeowners' Guide	In preparation
Dalkeith Shop Front Design Guide	In preparation

Midlothian Council will also continue to carry out post-adoption monitoring of the MLDP.

### 3. Recent Progress and Milestones in Production of the Second MLDP

Although SDP2 is not yet approved, Midlothian Council has carried out some work to inform the preparation of the next Local Development Plan.

#### Activities carried out to support the Second Midlothian Local Development Plan

Since DPS10 was published in April 2018, the following activities have been carried out which contribute to the preparation of LDP2.

- Established liaison arrangements with community planning colleagues
- Carried out regular liaison meetings with Key Agencies
- Updated consultee database (GDPR compliant)
- Instituted a Midlothian Local Development Plan monitoring group
- Published Housing Land Audit 2018 and consolidated Employment Land Audit
- On-going collection of information to inform preparation of LDP2

The second SDP has been examined by the Directorate of Planning and Environmental Appeals (DPEA), and the report of examination was published in July 2018. Scottish Ministers must decide whether or not to modify the plan in the manner suggested by the reporters, or whether to make other changes. In preparing DPS10, Midlothian Council had expected that SDP2 would have been approved in Summer 2018. There is a limit to the progress that can be made on the replacement LDP while the strategic context is uncertain. A revised timetable has been prepared based on SDP2 approval in Spring 2019.

#### Proposed Milestones in Production of the Second Midlothian Local Development Plan

- WINTER 2019/20 - Publication of Main Issues Report
- AUTUMN 2020 - Publication of Proposed Midlothian Local Development Plan 2 for Representations
- SPRING 2021 - Submission of Plan to Scottish Ministers
- SUMMER 2021 to AUTUMN 2021 - Examination of Plan
- SPRING 2022 - Adoption of Plan

## 4. Participation Statement

A Participation Statement sets out how, when and with whom the Council will consult and engage on its Development Plan.

Independent planning Reporters 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 when SDP2 is approved.

As we move through the development plan timeline, future Participation Statements will include further detail but the Council's aims and objectives for managing the process are set out below.

## DPS11

**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

**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
- To work closely with neighbourhood planning and community planning partnerships
- Develop relationships with the 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
- Allow for translation into main community languages on request
- 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

### Overview of Proposed Engagement Activities for the second Midlothian Local Development Plan

Activity	Description	What we plan to do	Timescale
Development Plan Scheme 11	Sets out the Council's programme for reviewing its development plans.	Publish online, place in libraries and distribute to Community Councils.	April 2019
Evidence gathering and early awareness raising for the second Local Development Plan.	Will set the context for the second LDP; outline requirements from SDP2 and emerging issues arising from current plan and committed development; seek contacts for future engagement; and to inform preparation of the Main Issues Report.	<p>Publish information online;</p> <p>Promote online engagement;</p> <p>Prepare stakeholder briefings;</p> <p>Carry out ongoing monitoring ahead of plan;</p> <p>Prepare up to date Housing Land Audit;</p> <p>Undertake review of Action Programme;</p> <p>Regular discussions with Key Agencies, Community Planning Partnership and Council service sections.</p> <p>Hold event with Community Planning/ Community Councils regarding new plan programme</p> <p>Maintain and Update consultation database (in accordance with the General Data Protection Regulations 2018) .</p> <p>Develop and deliver event(s) using the 'place standard'</p>	Throughout 2019

## DPS11

<p>Main Issues Report (MIR)</p>	<p>Will set out the Council's preferred development strategy and any identified reasonable alternatives along with its likely approach on policy matters. At MIR stage the Council has yet to come to a settled view on matters, so this is the main opportunity at which to influence the policy framework and development strategy of the Proposed Plan. The MIR will be accompanied by a Monitoring Statement and Environmental Report.</p> <p><b>The Main Issues Report is the most important consultation stage of the plan making process.</b></p>	<p>Publish MIR for consultation and place copies in libraries and at Council HQ.</p> <p>Publish online and distribute to Community Councils;</p> <p>Advertise publication to inform stakeholders how, where and when document may be viewed;</p> <p>Encourage engagement and feedback on MIR through social media activity, development plan portal, scheduled drop in events and discussions with key agencies, community councils and other stakeholders;</p> <p>Meet and discuss issues with stakeholder groups expressing interest/concern, on request;</p> <p>Send mailshot to customer database inviting comments/feedback.</p> <p>Prepare local media releases</p> <p>Email Council staff to raise awareness. Publish articles in e-staff newsletter</p> <p>Undertake neighbour notification of parties likely to be affected by preferred or reasonable alternative development options.</p>	<p>Winter 2019/ 2020</p>
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## DPS11

Proposed Plan	The Proposed Plan represents the settled view of the Council and is the Plan that the Council proposes to adopt. At this stage individuals or organisations can make representations to the content of the plan. Any unresolved representations will be considered by an independent planning reporter as part of an examination of the plan at a later date.	The Council anticipates the publication of the Proposed Plan to be around Autumn 2020. Further details about what type of activities, and how and when these will take place will be finalised and published in future development plan schemes, as we draw nearer to the events.	Autumn 2020
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**What is your view of our planned consultation activities? Please let us know if you have any suggestions to improve engagement**

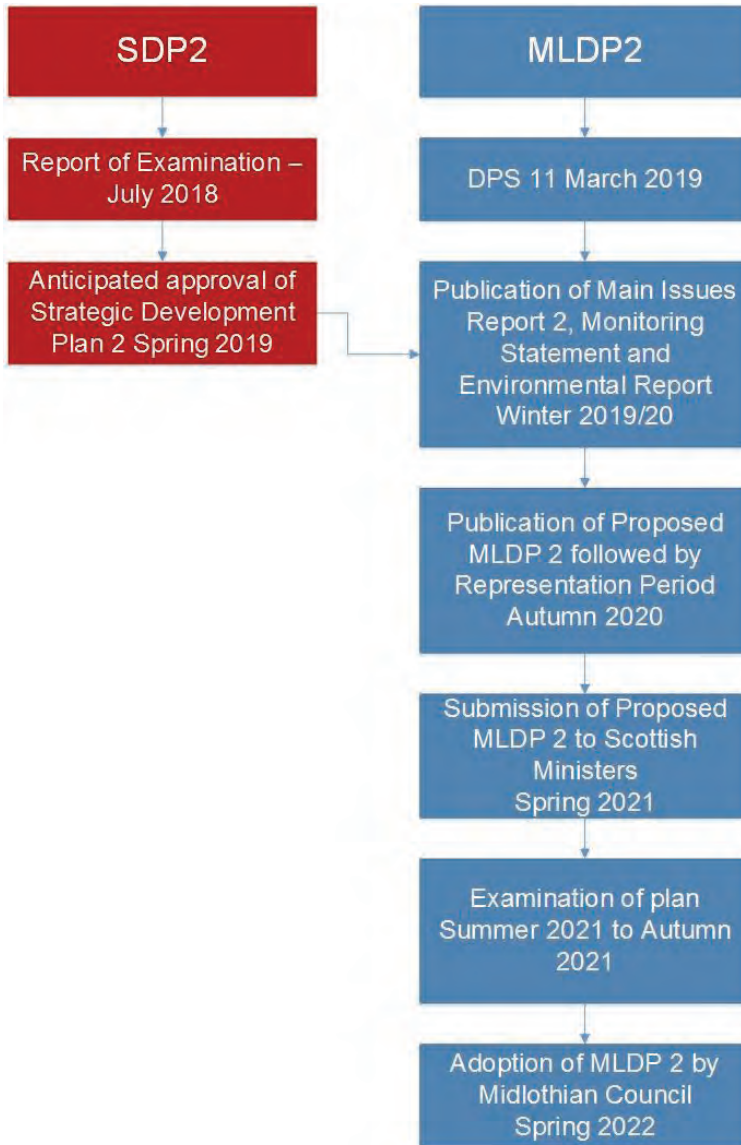
If viewing the DPS as a paper copy and you wish to respond to the above question, please see contact details in section 7, page 13.

## DPS11

## 5. Timetable

The timetable for the LDP is related to that of the **Strategic Development Plan** for South East Scotland. Figure 2 below indicates the timetable for both plans.

**Figure 2 - Programme for Midlothian Local Development Plan 2**





## 6. Register an interest

### Question 1

#### **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.

## 7. 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](mailto:ldplan@midlothian.gov.uk)

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

If you want to talk about the next Local Development Plan for Midlothian please call 0131 271 3470

#### **If you want to find out more about Strategic Development plans, you can contact SESplan:**

by email: [contactus@sesplan.gov.uk](mailto:contactus@sesplan.gov.uk)

by writing: SESplan, Civic Centre, Howden South Road, Livingston, EH54 6FF

by phone: 01506 282883

## 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 ਰੂਪਾਂ 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 duyuyoruz.

اگر آپ چاہیں تو ہم خوشی سے آپ کو ترجمہ فراہم کر سکتے ہیں اور معلومات اور دستاویزات دیگر شکلوں میں مثلاً بریل (تایپا افراد کے لیے) بھرے ہوئے حروف کی لکھائی میں، ٹیپ پر یا بڑے حروف کی لکھائی میں فراہم کر سکتے ہیں۔