



DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN NUMBER 12

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report seeks approval for the Development Plan Scheme for Midlothian number 12 (DPSM12) 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 their area over the coming twelve months.

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 and with whom consultation is likely to take place, its format 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. The Planning (Scotland) Act 2019 will require formal consultation on participation statements in Development Plan Schemes, although regulations to give effect to this change have yet to be made. As in previous years a question seeking views on the Council's proposed engagement activities is included in the DPS.
- 3.3 Since DPSM11 was approved in April 2019, there have been major changes in the context in which the second Midlothian Local Development Plan (MLDP2) will be prepared. Scottish Ministers have rejected the second Strategic Development Plan (SDP2). In addition the Planning (Scotland) Act 2019 significantly changes the system of development plans and will abolish Strategic Development Plans (likely to be in late 2021). There will be a new role for the Scottish Government's National Planning Framework (NPF) as part of the development plan (the Report to Planning Committee on 27 August 2019 gives further background to the 2019 Act).

- 3.4 Each component of the 2019 Act will be brought into force by the introduction of new regulations. The provisions abolishing strategic development plans have yet to come into force and transitional arrangements are expected to be issued in respect of authorities who have already commenced a local development plan under the old system. Midlothian has not commenced the formal stages of reviewing its Midlothian Local Development Plan 2017 (MLDP) and as such is likely to follow the new regulations when published in 2021.
- 3.5 DPS12 proposes that the plan be prepared in accordance with the new regulations, using the National Planning Framework 4 (NPF4) to provide strategic guidance. There are a number of reasons for choosing this option:
- SDP1 was adopted in June 2013, and the evidence base underpinning the plan is increasingly out of date.
 - SDP1 identifies the housing land requirement for the region for the period 2024-2032, but does not indicate how this should be distributed.
 - The declaration of a climate change emergency in Scotland is likely to have land use planning policy implications and it would be advantageous to work with a strategic planning framework that takes this into account.
- 3.6 The timetable for MLDP2 has accordingly been significantly revised. Scottish Government guidance is that local development plans should be replaced every five years (although Local Development Plans under the 2019 Act system are expected to be replaced every 10 years). MLDP2 is not likely to be replaced under the proposed DPS12 timetable until 2025, by which time the adopted plan will be just over 7 years old. On balance however, the approach set out in DPS12 seems to embody the least risk and uncertainty. The Council can use the biennial Action Programme to reassess the adequacy of its effective land supply, using the measures described in paragraph 2.3.9 of the adopted MLDP.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee:
- (a) approves the Development Plan Scheme for Midlothian No.12 (appended to this report); and
 - (b) agrees to publish the DPSM12, place copies in all public libraries and formally submit a copy to Scottish Ministers.

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Background Papers: Appendix A - Development Plan Scheme for Midlothian No. 12.