



DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN NUMBER 8

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 This report seeks approval for the Development Plan Scheme for Midlothian No. 8 (DPSM 8) 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. It is a document setting out the planning authority's intentions with respect to preparing, reviewing and consulting on the Strategic Development Plan (SDP) and the Local Development Plan (LDP) for its area.
- 2.2 A development plan scheme is required to contain:
- a) the development plan programme including:
 - the proposed timetable; and
 - details of what is likely to be involved at each stage of preparation or review;
 - b) the participation statement including:
 - an account of when consultation is likely to take place and with whom;
 - its likely form; and
 - the steps to be taken to involve the public at each stage.
- 2.3 After adopting a development plan scheme, the authority is required to publish it (including electronically), place it on deposit in public libraries and send it to Scottish Ministers (though not for approval). Consultation on the Scheme is not required.
- 2.4 The proposed DPSM 8 is attached as Appendix 1. The Midlothian Local Development Plan Proposed Plan (MLDP) was published as scheduled in Spring 2015. The timetable assumes that the MLDP proceeds to examination without any further consultation. It is expected that the MLDP can be adopted by early 2017. This represents a slippage compared to the timetable set out in the previous DPSM 7,

and was principally caused by the time needed to review and summarise representations adequately.

- 2.5 DPSM 8 also sets out a timetable for the new replacement strategic development plan (SDP2) and the replacement Midlothian Local Development Plan (MLDP2). SESplan's programme, contained in its DPS7, would see SDP2 approved by Summer 2018. The Main Issues Report (MIR) for the SDP was consulted on as expected in Summer 2015, and work has commenced on the Proposed Plan stage of SDP2. As before, preparation of LDPs will follow closely behind, but any delay with SDP2 will affect MLDP2. Scottish Government guidance is that LDPs should be replaced every five years, and should be adopted within two years of SDP approval. This requires an adoption date of late 2020 for MLDP2, if SDP2 is approved according to schedule.

3 REPORT IMPLICATIONS

- 3.1 There is a statutory requirement that the DPSM be updated at least annually. Failure to meet this deadline could lead to legal challenge or Scottish Government intervention. The DPSM8 will be the last development plan scheme to be published before the Examination into Midlothian's Local Development Plan. Failure to adhere to the participation statement could lead to substantial delays in the plan-making process as a 'Statement of Conformity with the Participation Statement' will be tested by the Department of Planning and Environmental Appeals Reporters prior to the start of the MLDP Examination. DPSM8 is critical to this process.
- 3.2 Consultation on the development plan scheme itself is not required under the terms of the legislation, its purpose being to set out the Council's intentions with regard to consultation and engagement on its development plans. The DPSM 8 includes a Participation Statement which forms the basis for communication activities for the remaining phases to plan adoption. As the deposit period for making representations to the Proposed MLDP has closed there is no further opportunity for stakeholder involvement unless the Council resolves to modify the plan before it is submitted to Scottish Ministers. In preparing Midlothian's Development Plan Scheme, account has been taken of the Council's corporate guidance on consultation and the National Standards for Community Engagement. As in previous schemes, a customer feedback questionnaire will be issued, to seek views on how the Council engages with the public on its new development plans.

4 RECOMMENDATION

- 4.1 It is recommended that the Committee:
- (a) approves the Development Plan Scheme for Midlothian No.8 (DPSM 8) (appended to this report); and
 - (b) agrees to publish the DPSM 8 and submit it to Scottish Ministers.

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Date: 12 April 2016

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Background Papers: Appendix 1 - pre-publication draft of Development
Plan Scheme for Midlothian No. 8.

Development Plan Scheme for Midlothian No.8

Published in accordance with the terms of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006), the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and Circular 6/2013
Development Planning

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Introduction

Midlothian Council is required to prepare a development plan scheme at least annually, comprising:

- the preparation programme for strategic and local development plans affecting Midlothian, including their proposed timetables and details of what is likely to be involved at each stage of preparation or review;

and

- a 'participation statement', including an account of when consultation is likely to take place; who can expect to be involved; the likely form of that consultation; and the steps to be taken to involve the public at each stage.

The previous Development Plan Scheme for Midlothian No.7 (DPSM 7) was published in March 2015. This updated Development Plan Scheme for Midlothian (DPSM 8) considers the timetable for the remaining stages of the work to prepare the Midlothian Local Development Plan, and the programme for the next round of strategic and local development plans. During the plan-making process, regular progress updates have appeared on the Council's website www.midlothian.gov.uk, where the development planning portal provides access to the latest documents, and representations.

The Statutory Development Plan for Midlothian

Strategic development plans (SDPs) are produced by strategic development planning authorities covering Scotland's four largest city regions, and local development plans (LDPs) are prepared by the local planning authorities.

The statutory 'Development Plan' for Midlothian currently comprises the **Strategic Development Plan for South East Scotland** (approved with modifications by Scottish Ministers on 27 June 2013) and the **Midlothian Local Plan** (adopted in December 2008). The **Midlothian Local Development Plan**, when adopted by Midlothian Council, will replace the Midlothian Local Plan 2008. Both SDPs and LDPs are to be accompanied by an Action Programme to ensure that the necessary infrastructure is in place to deliver the policies and proposals contained in the Development Plan. The 'key agencies' which help to provide the necessary infrastructure are active partners in plan preparation.

The planning legislation requires LDPs to be prepared as soon as practicable. They must be consistent with the SDP for the wider area and the **speed of LDP preparation is therefore controlled to some extent by progress on an SDP**. LDPs are expected to be adopted within two years of SDP approval.

When and how are the strategic and local development plans being prepared?

The preparation of a development plan involves a number of key stages as follows:

1. publication of a '**main issues report**' setting out the key land use issues for the area, a preferred development strategy, and 'reasonable alternatives' to this, for the purposes of consultation;
2. publication of a '**proposed plan**' presenting a council's settled position as regards its development strategy, followed by an opportunity for formal representations (both in support and against the plan);
3. submission of the proposed plan (whether modified or not, in response to representations) to Scottish Ministers for approval (in the case of an SDP) or prior to adoption by a council (in the case of an LDP) - either of which are likely to be followed by an examination of the plan by persons appointed by Scottish Ministers for this purpose.

Approval of the first SDP and progress on SDP2 for South East Scotland

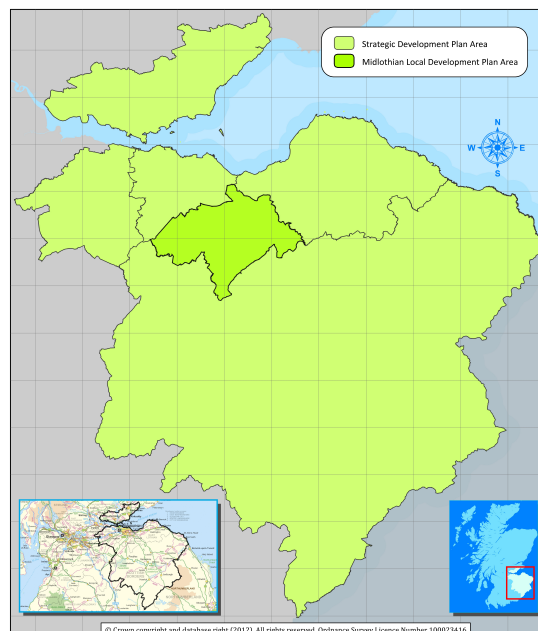
The SDP for the Edinburgh and South East Scotland area is prepared by SESplan, the Strategic Development Planning Authority of which Midlothian Council is a member. The SESplan area encompasses City of Edinburgh, East Lothian, Midlothian, West Lothian, Scottish Borders and the southern part of Fife.

SESplan has completed its first SDP. In approving the SDP, Scottish Ministers required Supplementary Guidance to be

prepared with respect to the scale and location of housing land to be provided within each LDP area: this guidance was adopted by late 2014.

Work has now commenced on the second SDP. The Main Issues Report for SDP2 was published in July 2015, and was available for consultation until September 2015. The SESplan Development Plan Scheme anticipates adoption of SDP2 in 2018. Progress on the SDP can be followed on the SESplan website www.sesplan.gov.uk. The diagrams in the following section illustrates the parallel processes of SDP and LDP production and the relationship between them.

Fig 1: Strategic and Local Development Plan Boundaries



Progress on the Midlothian Local Development Plan (MLDP)

The Proposed Plan was approved by Midlothian Council at its meeting on 16th December 2014, subject to modifications. The Proposed Plan was placed on deposit between 14th May and 26th June 2015. Adoption is expected in Spring 2017. This DPSM 8 updates the Participation Statement, although now that the deposit period has closed there is no further opportunity to get involved in the first LDP,

unless the Council resolves to modify the plan before it is submitted to Scottish ministers.

The current programme and timetable for the SDP (which reflects the commencement of work on SDP2) and the MLDP is set out in the following diagrams.

Recent participation activity:

Deposit Period 14 May to 26 June 2015

Purpose: provide an opportunity for persons to lodge formal objections to the Midlothian Local Development Plan Proposed Plan.

Figure 2 – Programme for Strategic Development Plan 1 and Midlothian Local Development Plan 1

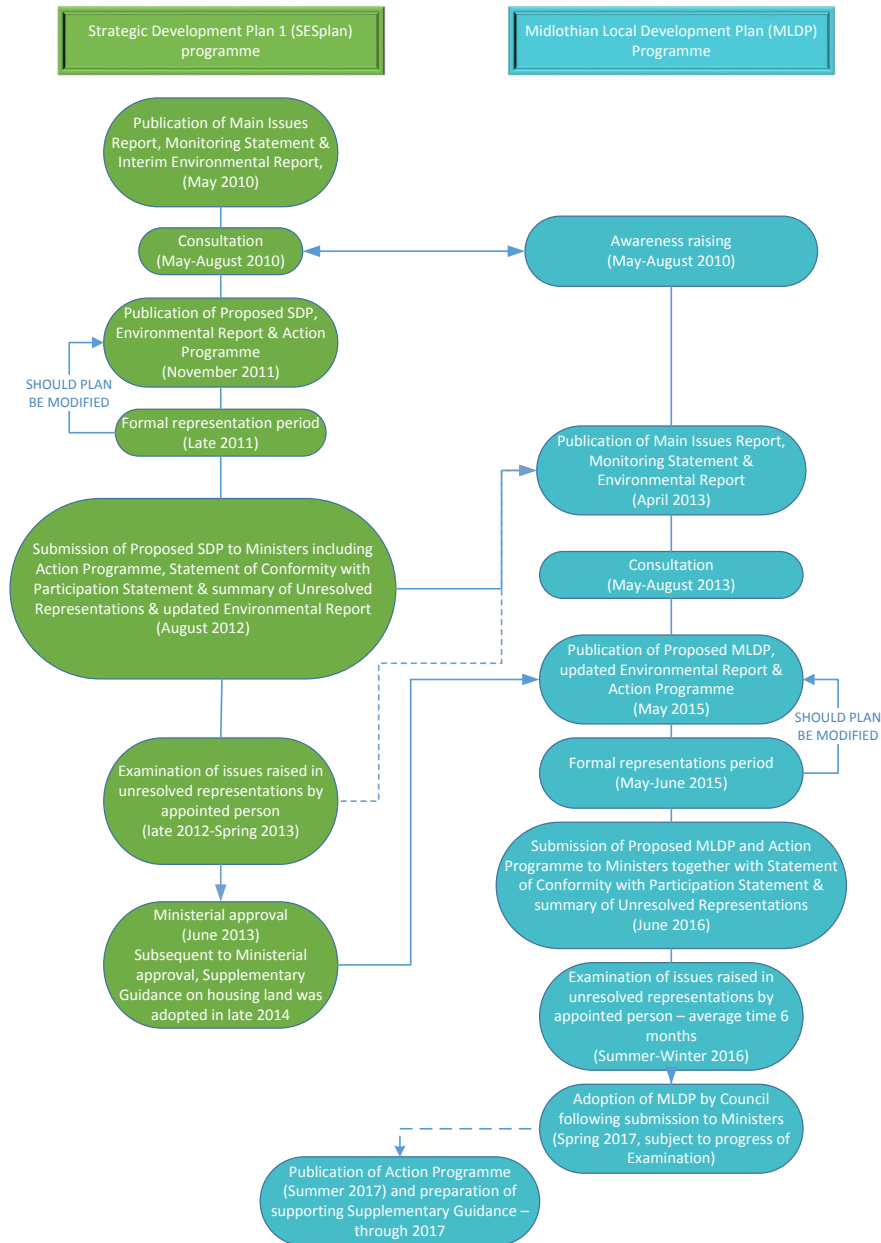
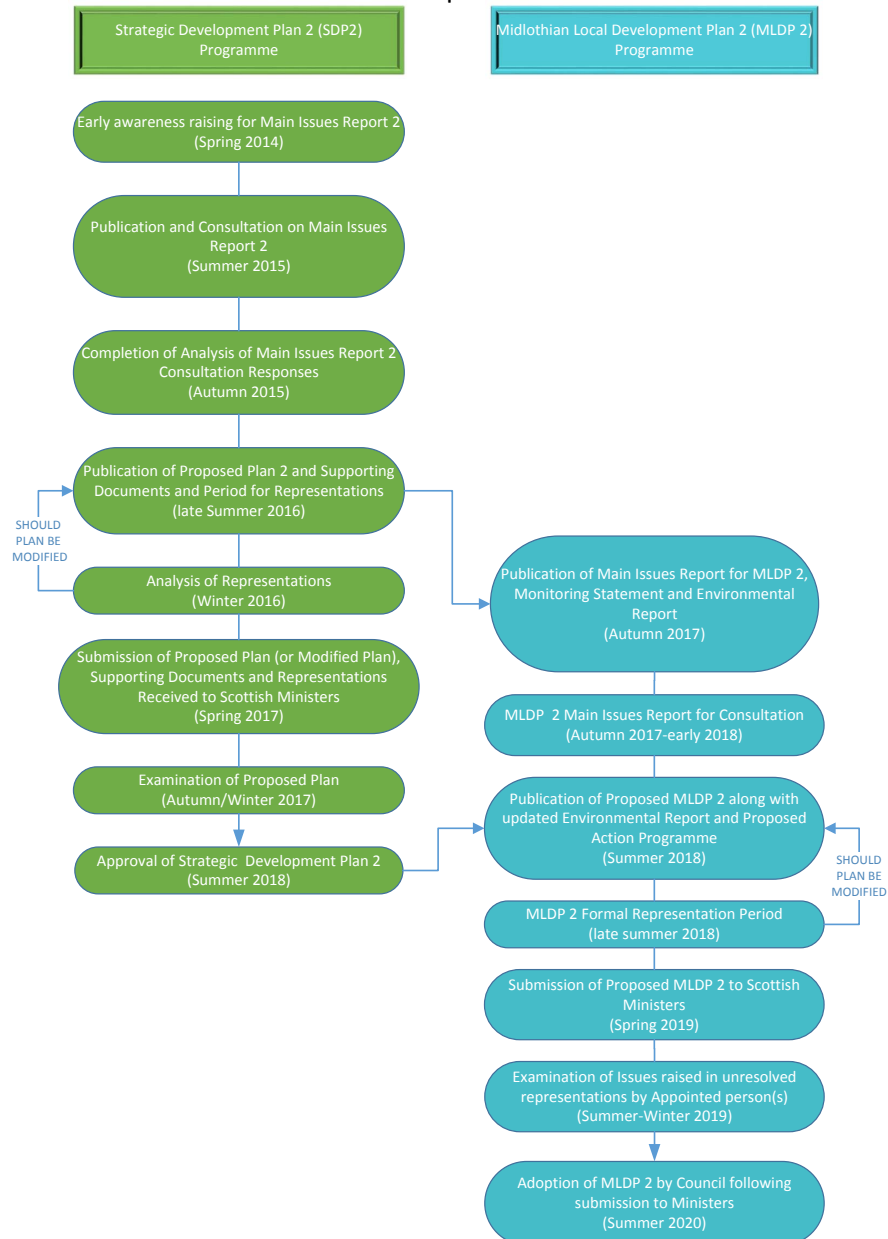


Figure 3 – Programme for Strategic Development Plan 2 and Midlothian Local Development Plan 2



Participation Statement

Key stages for getting involved in the preparation of the Midlothian Local Development Plan:

Spring 2016: Submission of Proposed MLDP to Scottish Ministers

- **Purpose:** To submit the Proposed Plan and Proposed Action Programme to Scottish Ministers, together with a Statement of Conformity with the Participation Statement current at that time (which is likely to be the Participation Statement in this DPS, No. 8, if submission is not before 31.03.16, or DPS7 if before that date), a Summary of Unresolved Representations (where these have been submitted to the Council and have not been resolved through negotiation), and the account taken of these in preparing the MLDP for adoption.
- Any representations that cannot be resolved through negotiation and are not withdrawn will be dealt with by independent Reporters from the Directorate for Planning and Environmental Appeals (DPEA). The management of this phase of the process is determined by the DPEA who may decide to consider representations by written submission, hearing, or examination in public.
- Following receipt of the Reporters' findings, the Council will prepare the MLDP for submission to Scottish

Ministers (who have 28 days to intervene before the Council can proceed to adopt the Plan).

- This is followed by a period during which a legal challenge to the Plan can be mounted, if the Council has failed to follow the statutory plan-making procedures.
- The Council's website will include information on the progress of the Plan towards adoption.

Spring 2017: The Council expects to adopt the MLDP

- Depending on the timing of the Examination and the time taken for the Report of the Examination to be received by the Council, the adoption of the MLDP is expected in Spring 2017; the exact timing is dependent upon the complexity of the Examination and the matters arising in the unresolved issues to be considered by the Reporters.
- Adoption will be widely announced, including through the local press, adverts, the Council's website and notification directly to Community Councils and those who have made representations on the Proposed Plan.
- The programme set out above reflects current thinking but the timing and content of planned stages are provisional. If the Plan requires to be modified as a result of representations made, timescales will have to be amended accordingly. The ongoing

review of the Development Plan Scheme will monitor and report on progress.

- The Proposed MLDP requires the Council to prepare Supplementary Guidance (SG) for the plan. Once the Reporters' findings are known, the Council will be in a position to prepare SG for consultation, with a view to approving it as soon as possible after the adoption of the LDP.

The next local development plan - MLDP2

- Within the period covered by this DPS, the Council may commence work on the next local development plan for Midlothian, MLDP2. This DPS is accompanied by a questionnaire which seeks views on how we may best engage with interested parties on the next MLDP. The timetable for MLDP2 is dependent on progress with SDP2.

Keeping you informed/getting involved

Registering an interest:

The Council maintains a list of interested people, groups and organisations who will be notified of important stages and events in the preparation of its development plans. Your name can be added to the list by registering online or contacting the Planning Policy & Environment team (details given at the end of this document). You can also register with SESplan to receive updates on progress with the Strategic Development Plan. The relevant websites are www.midlothian.gov.uk and www.sesplan.gov.uk respectively.

Making representations online:

In addition, the preparation of the Midlothian's Local Development Plans is assisted by an online development plan facility. If you have a representation to make as regards the content of a future development plan consultation, you will be able to register and comment online.

Publicising key stages and events:

Interested people, groups and organisations are alerted at key stages during the process through a range of media such as advertisements, press and web articles to publicise progress and provide information about opportunities for engagement. The intention is that this should be genuine engagement, more than just maintaining a flow of information. Consultees are encouraged, through the questionnaire accompanying each DPSM, to give us feedback on what we could do to improve the consultation process.

Encouraging involvement:

The Council will try to identify different groups of consultees and tailor the consultation programme to encourage as wide-ranging engagement as possible. The Council will use community 'drop-in' sessions to seek the views of those who live and work in Midlothian. The online development plan facility is intended to assist those, in particular, who cannot attend public events to provide their views and get involved in the consultation.

Involving 'key agencies' and other interested bodies:

The planning system requires that 'key agencies' are involved in the preparation of development plans. Both through SESplan and directly, the Council is undertaking regular liaison and information sharing with these agencies who comprise: Scottish Water, the Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), NHS Lothian, SEStran (the Regional Transport Partnership), Scottish Enterprise, Historic Scotland and Transport Scotland. Consultation has been on-going with the above key agencies, as it has with the other SESplan Member Councils.

Some of these agencies are core partners through the Midlothian Community Planning Partnership, established to enable the partner organisations to work together to plan and deliver services more effectively. Other community planning partners, such as the Police and Fire Services and Midlothian and East Lothian Chamber of Commerce, have been engaged through the plan preparation process.

Other bodies, including the Forestry Commission Scotland, Architecture+Design Scotland, the Borders Railway Partnership, the South East Scotland Housing Forum and the South East of Scotland Economic Community, are also regarded as key consultees.

Seeking views of interested parties:

The Council sought the views and professional advice of a wide range of bodies on MLDP1, and will do so again for the next Local Development Plan. There are a wide range of voluntary bodies and community groups who have an active interest in the future direction of growth in Midlothian. Representing the interests of local communities in the widest sense and seeking to ensure quality of place and quality of life in Midlothian, these groups can provide a valuable counterbalance to development interests to improve the outcomes of the Plan. At relevant stages of plan-making, views are invited from as wide a representation of such interests as possible, including Community Councils, Community Development Trusts and village associations, as well as the neighbourhood planning groups established across the main communities of Midlothian, and the general

public. The completed Neighbourhood plans can help to identify the issues for their relevant settlements.

Equality matters:

The Council has considered its duties under the Equality Act 2010. Where possible, representatives from the target equality groups were identified for inclusion in the public engagement. The Council sought to utilise accessible buildings for public events. A separate Equalities and Human Rights Impact Assessment was published alongside the Proposed Plan. The Council will seek to continue this approach in MLDP2.

Feedback:

The Council would welcome comments on the best ways to get the public more involved in the plan-making process in future and a feedback questionnaire is provided with this Development Plan Scheme for this purpose.

If you want to be involved in the MLDP process (or discuss SDP matters particularly relevant to Midlothian), you can contact the Planning team at Midlothian Council:

by phoning: 0131 271 3470 (during normal office hours)

by e-mail at: ldplan@midlothian.gov.uk

by letter to: Development Plans
Planning
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith

EH22 3ZN

If you want to find out more about the SDP process across the SESplan area, you can contact the SESplan team:

by phoning: 01506 282 883 (during normal office hours; voicemail at weekends)

by e-mail at: **contactus@sesplan.gov.uk**

by letter to: SDP Team
SESplan
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF