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## DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN - NUMBER 14

Report by Chief Officer Place

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### 1 PURPOSE OF REPORT

- 1.1 This report is to inform the Committee of the Development Plan Scheme for Midlothian number 14 (DPSM14).

### 2 BACKGROUND

- 2.1 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 (usual in March of each year) setting out their intentions with respect to preparing, reviewing and consulting on the development plan for their area over the coming 12 months.
- 2.2 At its meeting of 15 March 2022 the Committee approved the DPSM14 and made a commitment to report the approved DPSM14 back to the June 2022 meeting of the Committee to ensure any newly elected members are informed of the status of the development plan as set out in the DPSM14. A copy of the 15 March 2022 report and the approved DPSM14 is attached to this report as Appendix A. Following its approval the DPSM14 was published online, circulated to registered consultees and Community Councils and distributed to Midlothian libraries. A copy was also sent to the Scottish Government.

### 3 RECOMMENDATION

- 3.1 It is recommended that the Committee note the Development Plan Scheme for Midlothian No.14 (appended to this report).

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 2 June 2022  
**Contact Person:** Colin Davidson, Planning Officer  
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**Background Papers:** Development Plan Scheme for Midlothian number 14 (DPSM14)



# Midlothian

PLANNING COMMITTEE  
TUESDAY 15 MARCH 2022  
ITEM NO

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## **DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN - NUMBER 14**

Report by Chief Officer Place

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### **1 PURPOSE OF REPORT**

- 1.1 This report seeks approval for the Development Plan Scheme for Midlothian number 14 (DPSM14) and provides a short update on the implementation of the Planning (Scotland) Act 2019.

### **2 BACKGROUND**

- 2.1 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.

### **3 DEVELOPMENT PLAN SCHEME FOR MIDLOTHIAN**

- 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 Consultation on the DPS is not required at present, however the Planning (Scotland) Act 2019 (PSA19) will require formal consultation on participation statements in future. As in previous years, DPS14 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).
- 3.3 Last year's DPS13 proposed a major change: that the plan be prepared in accordance with the new PSA19 regulations, and using the National Planning Framework 4 (NPF4) to provide strategic guidance for the following reasons:

- The rejection of the proposed Strategic Development Plan 2 (SDP2) meant that SDP1 remains the approved SDP (June 2013) and the evidence base underpinning the plan was increasingly out of date;
  - There was no guidance in SDP1 as to how the housing land requirements for the period 2024 – 2032 should be aggregated and distributed across SESplan;
  - The declaration of a climate change emergency in Scotland (and by the Council) was 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; and
  - There was insufficient time to progress the review to Proposed Plan stage before the transition arrangements end and new regulations come into effect.
- 3.4 At its meeting of 4 October 2021 the Edinburgh and South East of Scotland Development Plan Authority (SESplan) resolved that the authority be abolished, as a consequence of the PSA19 requirements and the strategic planning role being absorbed within the Edinburgh and South East Scotland City Region Deal governance structure.
- 3.5 The Scottish Government has published its new draft NPF4 and is undertaking a consultation until 31 March 2022. A formal response to this consultation is the subject of a separate report to the Committee.
- 3.6 The preparation of DPSM14 has taken place in the context of the ongoing Covid-19 Pandemic and associated emergency restrictions. Notwithstanding the recent announcement from the Government around easing restrictions from the end of March, the guidance is still to be cautious and to continue to wear face coverings in indoor settings – as a consequence here remains some uncertainty about the nature and extent of any in person engagement activities the Council can deliver over the next twelve months.
- 3.7 Key elements of the DPSM14 programme and participation statement include:
- a revised timetable for preparing MLDP2 which aligns with the Government's programme for implementing the PSA19;
  - a formal launch of the MLDP2 replacement process, commencing with a member briefing as soon as is practically possible following the local elections in 2022;
  - a commitment to developing online engagement techniques for duration of Covid-19 restrictions and a commitment to widening this out to other group/in person activities when safe to do so;
  - a commitment to develop engagement activities for the special groups identified in PSA19 (including children and young people, the disabled, and gypsy travellers). This will require the planning service to collaborate with other Council services to design and deliver these engagement activities;

- a commitment to support the Local Place Plan process in Midlothian;
  - publication of the Proposed MLDP2 in 2024; and
  - proposed adoption of MLDP2 in 2026.
- 3.8 The system of development planning introduced by the PSA19 envisages local development plans (LDPs) being updated every 10 years, with LDPs adopted within 5 years of NPF4 being approved. The timetable set out in DPS14 would see a new LDP for Midlothian adopted within less than 5 years of NPF4 approval (provided NPF4 is approved by the Scottish Parliament this summer as scheduled).
- 3.9 The adopted Midlothian Local Development Plan (MLDP) will be nearly nine years old by late 2026. The new policies of NPF4 will form part of the development plan for the area, and provide updated policy to determine planning applications in many respects. The Action Programme review process also provides an additional mechanism and opportunity to reassess the adequacy of the housing and economic land supply following publication of NPF4 as well as addressing any other emerging issues if required, using the measures described in paragraph 2.3.9 of the adopted MLDP.
- 3.10 A copy of the DPSM14 is attached to this report.

#### **4 PLANNING (SCOTLAND) ACT 2019 UPDATE**

- 4.1 The PSA19 received royal assent in July 2019. In November 2019, Members considered a report on the Government's programme for implementing the new legislation and the changes affecting the review of the MLDP. Progress has been made with secondary legislation and with the NPF4 which will also form part of Midlothian's development plan when adopted.
- 4.2 The draft NPF4 was published on 10 November 2022. A consultation is underway, and Scottish Ministers expect to place the NPF4 before Parliament in the summer (2022) to seek approval.
- 4.3 In tandem, the Government has also published draft regulations and guidance on the preparation of the new style LDPs along with Open Space Strategies and Play Sufficiency Statements for consultation. It is anticipated that these regulations will be adopted at the same time or shortly after NPF4 to facilitate early preparation of replacement LDPs.
- 4.4 The Scottish Government has issued regulations for Local Place Plans (LPPs). These LPPs will be prepared independently of the Council by community bodies. They will contain proposals for the use and development of land, and will have to take account of NPF4 and the LDP for the area. The emerging MLDP will in turn have to have regard for any valid LPPs in the Council area.

## **5 RECOMMENDATION**

5.1 It is recommended that the Committee:

- (a) approves the Development Plan Scheme for Midlothian No.14 (appended to this report);
- (b) agrees to publish the DPSM14 and place copies in Midlothian's public libraries; and
- (c) formally submit a copy to Scottish Ministers.

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 4 March 2022  
**Contact Person:** Colin Davidson, Planning Officer  
colin.davidson2@midlothian.gov.uk

# Development Plan Scheme for Midlothian Number 14



April 2022





## 1. Introduction

**1.1** This is the 14th **Development Plan Scheme** (DPS) for Midlothian. The previous Development Plan Scheme (number 13) was approved by Planning Committee in April 2021. DPS13 set a new course for delivering development plans in Midlothian, reflecting the reformed planning system brought about by the 2019 Act.

**1.2** In the last year the Scottish Government has published National Planning Framework 4 (NPF4) which will form part of the development plan for Midlothian and set a housing requirement to be delivered by the next Midlothian Local Development Plan. Accompanying draft regulations and guidance on local development plans have also been published by the Scottish Government, and this DPS has sought to take the emerging framework for preparing development plans into account.

**1.3** More information is available in the Scottish Government's Transforming Planning website [Transforming Planning link](#)

**1.4 Covid-19.** The landscape of engagement and consultation has been changed by the Covid 19 pandemic. In the last year there has been no in person contact between the planning service and interested parties. The overriding focus in DPS14 is to ensure public safety, but to allow for a wide range of engagement as the situation allows. Implementation of future engagement activity will depend on the health guidance operative at the time.

**1.5** 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.

**1.6 Status of Strategic Development Plan.** In May 2019 the Scottish Ministers rejected the proposed Strategic Development Plan for South East Scotland (SDP2). The first Strategic Development Plan (SDP1) and its associated supplementary guidance on housing land remains in force until approval of National Planning Framework 4 (NPF4) which is expected in Summer 2022.

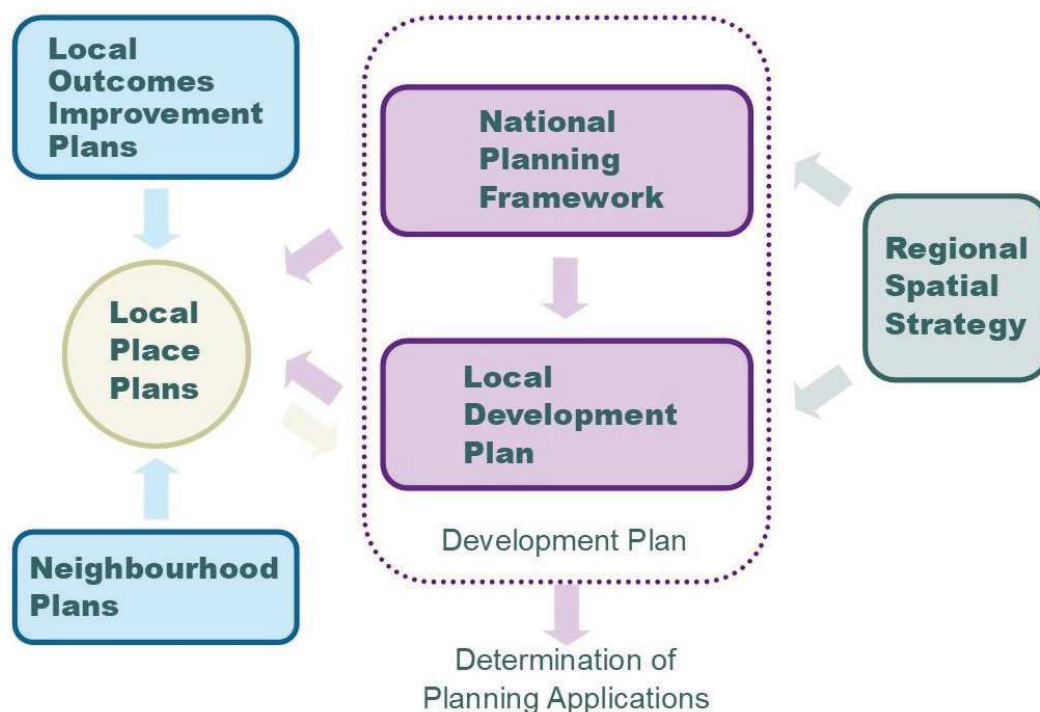


## Changing Context for Development Planning

**1.7 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 review period for development plans, rather than 5 years at present
- Introducing potential for locally constituted community groups to prepare new Local Place Plans

**1.8** The new development plan hierarchy is shown in the diagram below.



### Relationship between new plans and strategies

**1.9** More information on the main changes introduced by the 2019 Act may be found in the report to Midlothian Council on 27 August 2019 (available through this link [2019 Act Committee Report](#)). Further information about the programme to implement the Act can be found on the Scottish Government website (available through this link [Scottish Government planning reform](#)). The Scottish Government is consulting on Local Development Plan Regulations and Guidance until 31 March 2022.

**1.10** The Scottish Government has published regulations for **local place plans** which came into force on 22 January 2022. These LPPs will be prepared by locally constituted community groups. Section 5 below contains more details about Local Place Plans. 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](#).

## DPS14

**1.11** Recognising that all planning authorities are at different stages of their plan preparation, transitional arrangements have been published [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.

**1.12** The 2019 Act 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 2022. 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 5.

**1.13 Fourth National Planning Framework for Scotland (NPF4).** The NPF4, once approved by the Scottish Parliament and approved by Scottish Ministers, will become part of the development plan for Midlothian. NPF4 will set a minimum all tenure housing requirement to be met by the LDP. NPF4 will also incorporate 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).

**1.14** NPF4 was published in November 2021. Alongside Parliamentary scrutiny a consultation is underway until 31 March 2022. The draft NPF4 may be viewed on the Scottish Government website [National Planning Framework 4 Consultation](#) The Scottish Government expect to lay NPF4 before Parliament in Summer 2022. The timetable for preparing the second Midlothian Local Development Plan (MLDP2) is based on Parliamentary approval in Summer 2022.

**1.15** 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 - [iRSS link](#)

## 2. The Development Plan for Midlothian

### Current Development Plan

#### WHAT DEVELOPMENT PLANS EXIST AT PRESENT IN MIDLOTHIAN?

The adopted development plan for Midlothian is provided by the Strategic Development Plan (SDP) for Edinburgh and South East Scotland 2013, and the Midlothian Local Development Plan (MLDP) 2017. The development plans may be viewed online by clicking on this link [Development Plans and Policies](#). The SDP will cease to be operative when NPF4 is approved. As COVID-19 emergency regulations permit, these may also be viewed in paper copy at any Midlothian library or at the Council's office at Fairfield House, Dalkeith.

#### 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. They are also accompanied by an Action Programme which sets out how the plan will be delivered.

**2.1** 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. This represented a delay in the usual publication schedule (and reflected the impact of Coronavirus). The AP is a requirement of the Planning Act, and identifies the actions which will help implement the policies and proposals of the plan. The biennial Action Programme will resume, with the aim of approving the next one in June 2023.

**2.2** 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.

### Supplementary Guidance

**2.3** 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 (this is changing, when the 2019 Act takes effect, see below). Planning guidance has a lesser status but is a useful aid to applicants and to

## DPS14

decision making on development proposals. The table below shows the planned SG and pg, and progress at the start of 2022. Approved guidance and emerging guidance subject to consultation may be viewed online through the [Midlothian planning portal](#)

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)	Consultation concluded, review underway
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

#### **Adopted and forthcoming Supplementary (SG) and planning guidance (pg)**

**2.4** 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.

**2.5** 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.

**2.6** Consultation was recently concluded on the Low Density Rural Housing (SG), and Community Heating (SG) is under review. The planning guidance for Hillend Country Park may be superseded by the planning application process.

**2.7** 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 policies and decide if it is best to continue bringing forward supplementary guidance in all cases.

**2.8** The outstanding Supplementary Guidance is comprised: 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 and site masterplans (as well as the emerging guidance referred to in paragraph 2.6 above).

### 3. Production of the Second MLDP

**3.1** Following the decision of Scottish Ministers to reject the second Strategic Development Plan for Edinburgh and South East Scotland, the local authorities that make up the Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan) decided not to prepare a revised SDP.

**3.2** When NPF4 is approved by parliament it will form part of the development plan for Midlothian (and every other Scottish planning authority). The approved SDP is superseded at this point. The Midlothian Local Development Plan remains adopted but the most up to date plan (NPF4) will take precedence should there be any incompatibility between the two plans.

**3.3** As described in the introduction, The Planning (Scotland) Act 2019 makes significant changes to the system of development plans. The planning authorities which constitute SESplan, the Strategic Development Planning Authority for South East Scotland, resolved to wind up SESplan at their meeting of 4 October 2021. The strategic planning function has been absorbed into the Edinburgh and South East Scotland City Region Deal governance structure. The City Deal partners prepared the first Regional Spatial Strategy for South East Scotland in 2020. This was approved by the SESplan joint committee on 21 September 2020 and submitted to Scottish Ministers following ratification by individual authorities. The Regional Spatial Strategy informed the preparation of the Fourth National Planning Framework.

**3.4** Before preparing a LDP, Councils will be required to prepare an Evidence Report which will be the subject of a government 'gatecheck' procedure. The 2019 Act also introduces new Local Place Plans which are described in the box at the end of this section. Many of these features of the new system are the subject of additional guidance to give greater clarity as to how they will work.

**3.5** **Midlothian Council will carry forward its replacement LDP (MLDP2) under the new regulations established by the 2019 Act, and recognising that NPF4 will then form part of the development plan.**

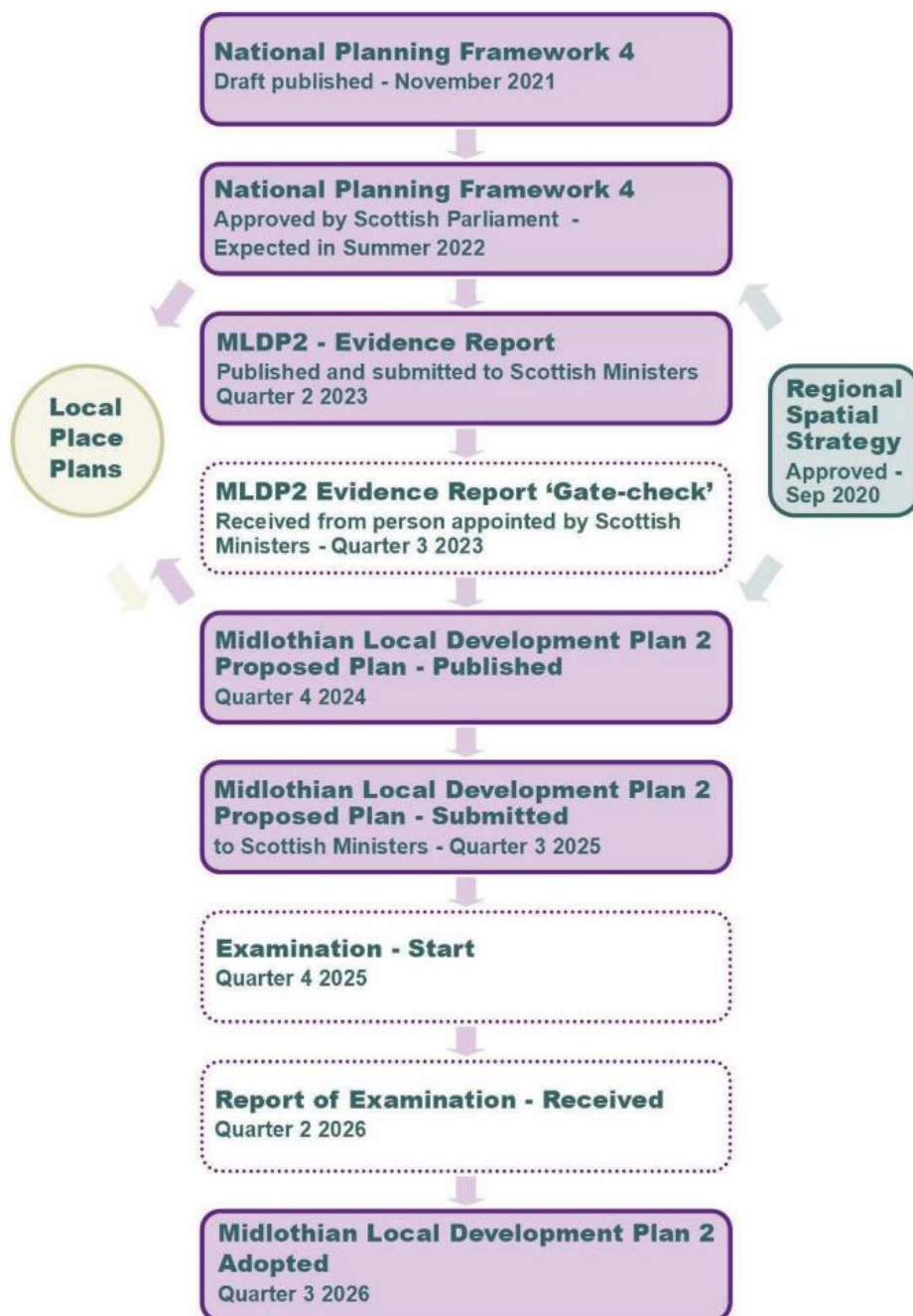
**3.6** **Under the new system LDPs will be replaced every 10 years and replacement LDPs should be prepared within 5 years of National Planning Framework approval.**

**3.7** Midlothian Council is front loading work to inform the preparation of MLDP2. This will assist in bringing MLDP2 to adoption as soon as possible after NPF4 is adopted. The MLDP2 will still be less than 5 years old by December 2022. Midlothian Council will use the Action Programme process to review implementation of the plan and in particular to assess the adequacy of the housing land supply (as described in paragraph 2.3.9 of the MLDP).

**3.8** 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 2022. We expect to adopt MLDP2 in 2026, so within 5 years of NPF4 being approved.



## 4. Timetable for LDP2



2022 Timetable for LDP2

## 5. Local Place Plans

**5.1** Local Place Plans have been introduced by the 2019 Planning Act. 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
- As well as maintaining a register of LPPs, local authorities are also required to 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. 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 the planning pages of its website to act as an information hub for parties interested in LPPs. Midlothian Council will set up a local place plan email address where any queries about LPPs may be sent.

**5.5** Midlothian Council hopes to be in a position later this year to issue an invitation 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 shortly after the Council elections in May 2022. In the interim we would encourage any community body to get in touch, or to register an interest using the contact details at the end of this DPS.

## DPS14

**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 observed. Reference should be made to the Circular and Regulations but the main requirements are:

- The LPP must be prepared by a community body as defined under the Community Empowerment (Scotland) Act 2015
- The LPP is 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?** The timing of an LPP is up to the community body that prepares it, but in order to be taken into account in the next LDP it is likely that Midlothian Council would need to receive and validate it around 6 months before the Proposed Plan is published. **This points to submission of LPPs being required around Spring 2024 so that they may be taken into account in the preparation of the LDP.**

## 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 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 with NPF4 and 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
- To work closely with neighbourhood planning and community planning partnerships

## DPS14

- 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
- During the period 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 before the next planned update in April 2023 if the changing situation justifies it - for example through the relaxing of Covid-19 restrictions and/or any delays to the approval of NPF4 or publication of regulations in respect of the new LDP process. Online engagement will remain a key tool for communicating with stakeholders but parallel in person events and activities will be considered when public health concerns permit, 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.

**Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS14 (2022-2023).**

Activity	Description	What we plan to do	Timescale
Development Plan Scheme 14	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 (provided not contrary to emergency guidance)	April 2022
Elected Councillors 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 the issues for Midlothian	Meeting either through electronic medium or physical meeting	After May 2022 elections & when Council/Committee timetable agreed.
Evidence Report	The EvR is a new requirement of the 2019 Act. The planning authority are to set out its view on the principal characteristics of the area.	Engage with public at large as well as groups defined in legislation in preparing the EvR. As well as activities listed elsewhere in the Participation Statement, this will involve: (i) awareness raising through email 'mailshot' to customer database inviting comments/feedback;	Published early 2023. Engagement activities will seek views and information to inform the EvR, so between Cllr briefing and anticipated 2023 publication date.

## DPS14

**Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS14 (2022-2023).**

Activity	Description	What we plan to do	Timescale
		(ii) local media releases; (iii) awareness raising among Council staff; (iv) publishing information online and using all Council channels to raise awareness; (v) meeting and discussing issues with stakeholder groups expressing interest/concern on request.	
Brief and involve elected members, including reporting to Planning Committee at key stages	Following on from the initial briefing, updates will set the context for MLDP2; outline requirements as they emerge from National Planning Framework and issues arising from adopted plan and committed development	Updates to elected members	Throughout period covered by DPS14 (2022/23)
Prepare Community Council briefing	Inform Federation of Community Councils of	Online meeting	After elected member briefing and launch of project.

**Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS14 (2022-2023).**

Activity	Description	What we plan to do	Timescale
	forthcoming LDP, and discuss issues		
Seek contacts for future engagement	Promote online engagement and promote & encourage registration on consultation database	Use all channels including the 'Register an Interest' page in this DPS to facilitate this process	Throughout period covered by DPS14 (2022/23)
Awareness raising with Community Planning Partnership (particularly through Climate Emergency Group of the Partnership)	Follow from project initiation briefing, to develop understanding of new plan and related LPP process and seek ideas/input.	Attend events with Community Planning partners regarding new LDP, and raise awareness of Local Plan Plans	After elected Cllr briefing in 2022, and launch of project
Action Programme	Action Programme is biennial review of adopted LDP implementation	Carry out information gathering for 2nd Action Programme review.	Throughout 2022 and to June 2023
Links with Key Agencies	Key Agencies are organisations defined in planning legislation; Planning authority is required to	Regular discussions with Key Agencies, Community Planning Partnership and other Council services.	Throughout period covered by DPS14 (2022/23)



## DPS14

**Overview of proposed engagement activities for the second Midlothian Local Development Plan in period covered by DPS14 (2022-2023).**

Activity	Description	What we plan to do	Timescale
	engage with them and they in turn to engage with development plan preparation.		
Develop a programme of engagement using the place standard tool	Place Standard Tool is technique to understand communities views on the place they live - by this means we will seek to understand main deficiencies and problems in Midlothian Communities, as an input to the EvR	Likely to work best as an in person event (to be considered in light of evolving Covid situation)	After elected Cllr briefing in 2022, and launch of project
Understanding needs of Children and Young People, people with disabilities, and gypsies and travellers in respect of LDP2	PSA-19 requires planning authorities to seek to engage with these groups in preparation of the Evidence Report.	An engagement package focussed on these groups is to be developed, in conjunction with other Council services.	Nature of engagement to be developed in 2022 and used to inform preparation of Evidence Report

## LOOKING AHEAD TO THE EVIDENCE REPORT

The programme diagram above envisages publication of the Evidence Report in the 1st quarter of 2023 (calendar year) and the Proposed Plan in the 4th quarter of 2024 (i.e. October to December).

The Evidence Report (EvR) 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 consultation stage under the 2019 Act.

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.

After publishing the Evidence Report (EvR), the Council will submit the EvR 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.

Given the current changing situation with lifting of pandemic restrictions there is still uncertainty as to the range of engagement activities in respect of the Evidence Report and Proposed Plan but we will consider views received in response to this DPS.

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

**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.

**6.7** The new system of development planning is very different and in some cases not fully known as the Regulations governing the system are not finalised, and the resource implications are not known.

## THE PROPOSED PLAN

Under the new planning system introduced by the 2019 Act, it remains the case that the Proposed Plan represents the plan that the Council proposes to adopt. However, there is provision under the 2019 Act to make modifications after the representation period, before submitting to Scottish Ministers. Any unresolved representations will be

## DPS14

considered by an independent planning reporter as part of an examination of the plan at a later date. A communications plan will be prepared to manage engagement activities throughout the key stages of the new LDP process.

### **MAKING SURE EVERYONE IS INVOLVED**

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.

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 draw nearer to the Evidence Report in 2022 we will provide further detail on how this will be carried out.

### Question 1

#### HAVE YOUR SAY

What is your view of 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](mailto:ldplan@midlothian.gov.uk)

## DPS14

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

During the period of the Covid-19 pandemic the planning office is not always continually staffed during office hours, so we advise that you email or write in this interim period. Once more normal circumstances return we will restore the option of phoning the planning office.

## 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 ਮੇਰਾ 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 duyuruz.

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