

# Development Plan Scheme for Midlothian Number 12



March 2020





## 1. Introduction

**1.1** This is the 12th **Development Plan Scheme** for Midlothian. Development Plan Scheme 12 (DPS12) sets a new course for delivering development plans in Midlothian, reflecting the reformed planning system brought about by the 2019 Act, with the the National Planning Framework forming part of the development plan and abolition of Strategic Development Plans. The DPS has been produced in a context that will be subject to further change as new regulations implementing the 2019 Act are brought into force.

**1.2** 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 at least once a year.

**1.3** In May 2019 the Scottish Ministers rejected the proposed Strategic Development Plan for South East Scotland (SDP2). The timetable in the previous DPS11 was based on SDP2 being approved in 2019. The first Strategic Development Plan (SDP1) and its associated supplementary guidance remains in force until publication of National Planning Framework 4 (NPF4). DPS12 proposes a new timetable based on NPF4 and using the reformed planning system introduced by the 2019 Act.

**1.4** 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 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 timescale for development plans, rather than 5 years at present
- Introducing potential for local communities to prepare new Local Place Plans

**1.5** 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 <https://midlothian.cmis.uk.com/live/Meetings/tabid/70/dt/ViewMeetingPublic/mid/397/Meeting/982/Committee/8/Default.aspx>). The Scottish Government has stated that they will produce guidance regarding transitional arrangements. More information about the arrangements to give effect to the Act can be

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found on the Scottish Government website (available through this link [SG Post Bill Work Programme](#) ) The Scottish Government timetable envisages publishing guidance and regulations on development plans through to the end of 2021. Midlothian Council expect that the transition arrangements will recognise that planning authorities are at different stages of plan preparation, and will help inform our decisions on the timing of plan preparation.

**1.6** 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: the regulations that give effect to this change are expected to come into force in 2021. 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.

## 2. The Development Plan for Midlothian

### 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](#) or 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) is undergoing consultation and is expected to be adopted by April 2020. The AP is a requirement of the Planning Act, and identifies the actions which will help implement the policies and proposals of the plan.

**2.2** 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 will change when the 2019 Act takes effect, see below). 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 the start of 2020. Approved guidance and emerging guidance subject to consultation may be viewed online through the [Midlothian planning portal](#)

**2.3** 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 this change has yet to come into effect and the Council expects that transitional arrangements will be required where SG has already been adopted. The Council will reflect on how the outstanding guidance is to be provided, taking into account any transitional arrangements to give effect to the Act which may be set out by the Scottish Government.

Supplementary Guidance	Status
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
Advertisements (SG)	In preparation
Community Heating (SG)	In preparation
Flooding and Water Environment (SG)	In preparation
Low Density Rural Housing (SG)	In preparation
Planning Obligations and Affordable Housing (SG)	In preparation
Quality of Place (SG)	In preparation

Planning Guidance	Status
Dalkeith Shop Front Design Guide (PG)	Adopted

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Planning Guidance	Status
Dalkeith Townscape Heritage Initiative (THI) Homeowners Guide: 'Repair and Maintenance of Historic Buildings in Dalkeith, Home Owners Guide' (PG)	Adopted
Hillend Country Park (PG)	The requirement for PG may be superseded by the planning application process.
Nature Conservation (PG)	Likely to be submitted to Committee for approval early 2020
Open Space Standards (PG)	Settlement wide analysis to support preparation of guidance completed.
Shop Front Design Guide (PG, for other town centres)	Guidance adopted for Penicuik, other towns to follow
Masterplans (for Ec3 and sites allocated in 2017 MLDP where not already commenced)	Initial work started

**2.4** 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. Regular liaison with the designated Key Agencies takes place so that the impact of the plan on infrastructure and the environment is shared and understood.

### 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) have decided not to prepare a revised SDP. In his letter of rejection the Planning and Housing Minister stated that in the short term, ahead of major legislative change, authorities in the SESplan area should prepare Local Development Plans that are consistent with the first SDP for the area.

**3.2** The Planning (Scotland) Act 2019 makes significant changes to the system of development plans. It will abolish Strategic Development Plans and Strategic Development Plan authorities and make the National Planning Framework part of the development plan. A new system of Regional Spatial Strategies is to be introduced to consider land use planning

matters which affect more one planning authority. Before preparing a LDP Councils will be required to prepare an Evidence Report which will be the subject of a government gatecheck. 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 require secondary legislation and additional guidance to give greater clarity as to how they will work.

**3.3** The approved SDP covers the period through to 2032. However neither the SDP nor its associated supplementary guidance on housing land indicates how the housing land requirement for 2024-2032 should be distributed. The SDP itself was informed by a Housing Needs and Demand Assessment (HnDA) approved in 2011. The rejection of SDP2 has raised questions over the currency of the 2011 HnDA and introduced uncertainty over future housing land requirements in Midlothian and across South East Scotland. The declaration of a climate change emergency in 2019 will have further implications for land use planning. In addition the approval of the Edinburgh and South East Scotland City Region Deal has a spatial aspect, with implications for infrastructure and economic development across the region.

**3.4** Midlothian Council proposes to carry forward its replacement LDP (MLDP2) under the new regulations to be established by the 2019 Act, and recognising that NPF4 will form part of the development plan rather than reverting to SDP1. The timetable for preparation of MLDP2 has therefore been significantly revised compared to that in DPS11.

**3.5** Midlothian Council is front loading work to inform the preparation of MLDP2 (table starting on page 10 indicates early activities carried out or in progress). 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 November 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).

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

Since publication of Development Plan Scheme 11 in April 2019, the following activities have been carried out which contribute to the preparation of LDP2.

- Prepared biennial update of the Action Programme
- Review of existing sites and evidence gathering on potential new allocations
- Carried out regular liaison meetings with Key Agencies including discussion of policy review and infrastructure implications
- Used Midlothian Local Development Plan monitoring group to consider performance of existing policies and emerging issues (including policy gaps, redundant policies and required modifications)

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- Published Housing Land Audit 2019 and prepared new Employment Land Audit
- On-going collection of information to inform preparation of LDP2
- Attendance at community planning events (including community planning workshops and community planning away day) to explain context of new planning Act and changes in the approach to LDP2
- Prepared climate change strategy

The programme of activities will help Midlothian Council to move quickly to preparing an Evidence Report and a proposed LDP following approval of NPF4.

### LOCAL PLACE PLANS

Local Place Plans have been introduced by Section 14 of the 2019 Planning Act. Formal guidance on how to prepare Local Place Plans is to be brought forward by the Scottish Government early in 2021. They 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.

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

Until more guidance is issued on the preparation of Local Place Plans 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. does not consider that this is the right time to issue an invitation to local communities to prepare them. It must be stressed that these will be the communities' plans, and the Council will not be leading this process.

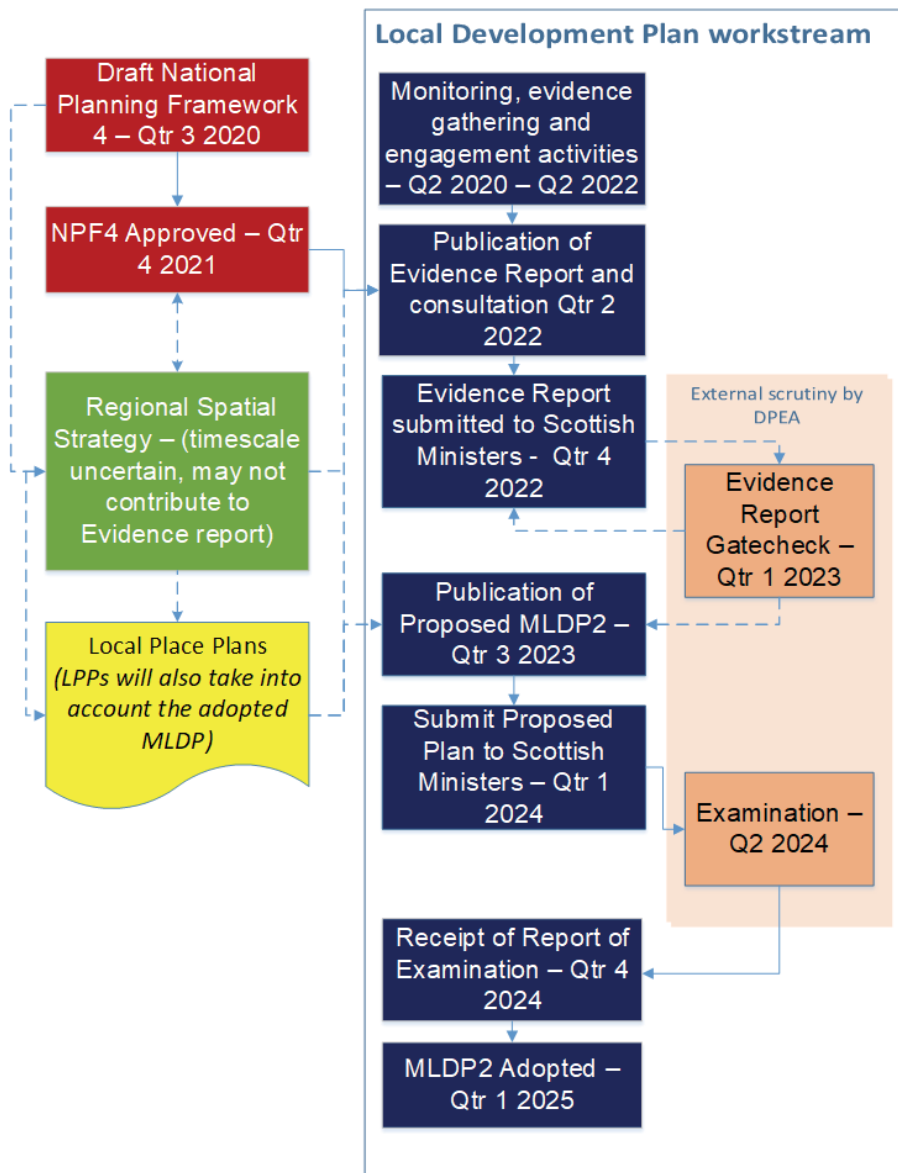
Midlothian Council will set out in a future DPS further information on the manner and timescale in which an LPP should be prepared in order to be taken into account in the preparation of MLDP2. Midlothian Council will maintain a register of valid LPPs and will also list these in future editions of the DPS.



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When the further guidance on LPPs is issued (expected 1st quarter of 2021), Midlothian Council will be in a better position to state what assistance it can offer to communities wishing to prepare a Local Place Plan. This will not preclude early engagement and discussion with communities about land use planning and place making.

## 4. Timetable for LDP2



## 5. Proposed Participation Statement

**5.1** 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.

### 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
- To advise and assist communities in preparing Local Place Plans
- 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
- 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

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- 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 12	Sets out Midlothian Council's programme for reviewing its development plans.	Publish online, place in libraries and distribute to Community Councils. Seek views on participation statement.	April 2020
Early activities contributing to the second Local Development Plan.	Will set the context for MLDP2; outline requirements as they emerge from National Planning Framework and issues arising from adopted plan and committed development; seek contacts for future engagement; inform preparation of Evidence Report.	Publish information online  Promote online engagement and promote & encourage registration on consultation database  Prepare stakeholder briefing  Brief and involve elected members, including reporting to Planning Committee at key stages  Carry out ongoing monitoring	Throughout 2020 and 2021

### Overview of proposed engagement activities for the second Midlothian Local Development Plan

Activity	Description	What we plan to do	Timescale
		<p>Prepare up to date Housing Land and Employment Land Audits</p> <p>Complete 1st review (2018/2020) of Action Programme for LDP1 and commence information gathering for 2nd review.</p> <p>Regular discussions with Key Agencies, Community Planning Partnership and other Council services.</p> <p>Attend events with Community Planning partners regarding new LDP, and raise awareness of Local Plan Plans.</p> <p>Develop and deliver events using the place standard tool.</p> <p>Monitor and contribute to the Scottish Government's 'transforming planning process'</p>	

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**Overview of proposed engagement activities for the second Midlothian Local Development Plan**

Activity	Description	What we plan to do	Timescale
		and National Planning Framework 4.	
Regional Spatial Strategy	The Regional Spatial Strategy (RSS) is a long term spatial strategy in respect of the development of an area. The Scottish Government may direct combinations of authorities to jointly work to prepare such a strategy. The LDP must have regard to any adopted RSS.	<p>More detail on the scope and content of the RSS and the combination of planning authorities that will prepare the RSS is expected from the the Scottish Government.</p> <p>In the interim, Midlothian Council will work with the other SESplan authorities. There is already collaboration on the Edinburgh and South East Scotland City Region Deal, which includes consideration of economic and infrastructure matters.</p> <p>In preparing the RSS with other authorities Midlothian Council will seek to apply the practices set out in the list above headed 'Our Approach'</p>	Scottish Government post-Bill work programme indicates that preparation of the RSS will run beyond the NPF4 timescale. It is likely that the MLDP2 will be commenced in advance of an RSS for the area.

## Overview of proposed engagement activities for the second Midlothian Local Development Plan

Activity	Description	What we plan to do	Timescale
Evidence Report for consultation	<p>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.</p> <p>This is a key consultation stage under the 2019 Act.</p> <p>After consultation, and following any changes, 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.</p>	<p>Publish EvR online for consultation</p> <p>Place paper copies in libraries and at Council HQ</p> <p>Advertise publication to inform stakeholders how, where and when document may be viewed.</p> <p>Encourage engagement and feedback on EvR through scheduled drop in events, discussions with stakeholders and social media activity.</p> <p>Distribute to Community Councils and hold event to discuss EvR</p> <p>Brief and involve elected members, including reporting to Planning Committee.</p> <p>Meet and discuss issues with stakeholder groups</p>	Quarter 2 2022

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**Overview of proposed engagement activities for the second Midlothian Local Development Plan**

Activity	Description	What we plan to do	Timescale
		<p>expressing interest/concern on request.</p> <p>Prepare tailored consultation activities to seek views of those groups named in the Planning (Scotland) Act 2019 in relation to preparation of EvR (viz. disabled persons, gypsies and travellers, children and young people).</p> <p>Hold structured workshop or 'charrette' events to look at places and topics in greater detail. These may also use the 'Place Standard' tool</p> <p>Send email 'mailshot' to customer database inviting comments/feedback, (including use of online surveys/opinion polls)</p> <p>Prepare local media releases</p>	



### Overview of proposed engagement activities for the second Midlothian Local Development Plan

Activity	Description	What we plan to do	Timescale
		Raise awareness among Council staff: publish articles in e-staff newsletter.	
Proposed Plan	<p>The Proposed Plan under the new system is still the plan that the Council proposes to adopt.</p> <p>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 considered by an independent planning reporter as part of an examination of the plan at a later date.</p>	<p>Seek approval of elected members through Planning Committee prior to publication</p> <p>Publish proposed plan online for consultation.</p> <p>Place paper copies in libraries and at Council HQ</p> <p>Advertise publication to inform stakeholders how, where and when document may be viewed.</p> <p>Encourage engagement and feedback on proposed plan through scheduled drop in events, discussions with stakeholders and social media activity.</p>	Quarter 3 2023

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**Overview of proposed engagement activities for the second Midlothian Local Development Plan**

Activity	Description	What we plan to do	Timescale
		<p>Distribute to Community Councils and hold event to discuss proposed plan</p> <p>Adopt Scottish Government guidance arising out of the 2019 Act re effective community engagement (if available and depending on timescale)</p> <p>Prepare tailored consultation activities to seek views of children and young people.</p> <p>Send email 'mailshot' to customer database inviting comments/feedback</p> <p>Prepare local media releases</p>	

## **MAKING SURE EVERYONE IS INVOLVED**

The 2019 Planning (Scotland) Act introduces a particular requirement to consult with disabled persons, gypsies and travellers, and 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.

There is also a public sector equality duty established in the Equality Act 2010. This includes 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. 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 - including gypsies and travellers).

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 repeat the EqIA 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

**5.2** If you are viewing the DPS as a paper copy and you wish to respond to the question above, please see contact details in section 7, page 16.

## 6. Register an interest

**Are you interested in being involved in the second Midlothian Local Development Plan?**

**6.1** Follow this link to register as an interested party in the Second Midlothian Local Development Plan.

**6.2** [Link to register as a consultee or agent with Midlothian Council](#)

**6.3** 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.**

**7.1** by email: [ldplan@midlothian.gov.uk](mailto:ldplan@midlothian.gov.uk)

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

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



## 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۔