



COUNCIL EXECUTIVE

WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): DEVELOPMENT PLAN SCHEME No.11

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive of a Development Plan Scheme (DPS No.11) for the West Lothian Local Development Plan (LDP2).

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Approves the content of Development Plan Scheme No.11 (DPS) for submission to Scottish Government.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

The Planning etc. (Scotland) Act 2006 introduced a new statutory basis for development planning in Scotland. It inserted a new 'Part 2' into the Town and Country Planning (Scotland) Act 1997 ('the Act') requiring the replacement of structure plans and local plans with strategic development plans (SDPs) and local development plans (LDPs).

Section 20B of the Planning etc. (Scotland) Act 2006 requires planning authorities to prepare a development plan scheme (DPS) at least annually for the local development plan (LDP). The DPS must be in place by 31 March each year and submitted to Scottish Government.

The West Lothian LDP forms part of the development plan alongside the Strategic Development Plan (SDP 1) and provides the statutory framework for land use planning in West Lothian.

SDP1 is in the process of being replaced by

		SDP2. The LDP will be required to be consistent with this.
III	Implications for Scheme of Delegations to Officers	There are no implications for the Scheme of Delegation to officers.
IV	Impact on performance and performance Indicators	The West Lothian LDP provides the policy and development framework to support improving opportunities in West Lothian and sustainable growth. The Development Plan Scheme sets out a programme for replacement of the LDP.
V	Relevance to Single Outcome Agreement	Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	Development proposed in the West Lothian LDP will require additional infrastructure to be provided and the LDP explains that infrastructure is expected to be funded by the council through the capital programme and by the development industry. The council's Local Infrastructure Fund and City Region Deal may also have a part to play in assisting with forward funding some improvements.
VII	Consideration at PDSP	DPS No.11 was reported to the Development and Transport PDSP on 29 January 2019.
VIII	Other consultations	No consultations were required in the preparation of this report.

D. TERMS OF REPORT

- D1** Section 20B of the Planning etc. (Scotland) Act 2006 requires planning authorities to prepare a development plan scheme (DPS) at least annually for the local development plan (LDP). The DPS sets out the programme for preparing, reviewing and consulting on the LDP. The DPS must be in place by 31 March each year and submitted to Scottish Government.

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018 and provides the spatial land use policy and development framework for West Lothian for the next ten years. The LDP is a vital component in ensuring economic growth and business support, seeking to meet housing need in all tenures, and ensuring the protection/enhancement of built and natural heritage resources, all within an overarching aim of securing environmental stability. The LDP has been prepared within the context of the Strategic Development Plan (SDP1).

SDP1 is in the process of being replaced by SDP2. SDP2 has been the subject of Examination by reporters appointed by Scottish Government. The Report of Examination is currently with Scottish Ministers for consideration and a decision is awaited on approval of SDP2.

The Report of Examination for SDP2 was submitted to Scottish Ministers on 20 July 2018. Once Ministers have received the report, Section 13 of the Planning etc (Scotland) Act 2006, allows them to approve SDP2 in whole or in part (with or without modifications) or reject the plan. Circular 6/2013 (Development Planning) sets out an indicative timeline for a decision to be made of two months. This period was passed on the 20 September 2018.

An update was requested from Scottish Government who have advised that whilst they would not wish to delay the plan process, or that of related LDPs, full and proper consideration is being given to the plan given its significance to future plans and development delivery. The Scottish Government also advised that given the complex range of matters involved an indication of when a decision is likely to be made is unable to be given at this time. A decision will be issued in due course. Unlike LDP adoption procedures there is no formal timescale for a decision to be made on SDPs.

Once approved, the West Lothian LDP will be required to be reviewed and updated in order to be consistent with the terms of SDP2. At present, LDP1 could be considered to be broadly compliant with the terms of the SDP2 Report of Examination in terms of housing land requirements.

Under current legislation, Scottish Ministers have powers under the Planning etc. (Scotland) Act 2006 (section 16(7)) as set out in paragraph 25 of Planning Circular 6/2013: Development Planning to direct a planning authority to prepare and submit a report as to why it has failed to replace its LDP within five years.

D2 Development Plan Scheme No.11

A draft DPS (DPS No.11) for the new West Lothian LDP (LDP2) has been prepared and is attached as Appendix 1. DPS No.11 may require to be amended to reflect a decision by Scottish Ministers on whether or not to approve SDP2 in whole or in part (with or without modification) or to reject the plan. Other influencing factors are progression of the Planning Bill which may alter the approach taken to the preparation of the development plan.

DPS No.11 sets out a programme for preparation of a new LDP (LDP2) to meet with the requirements of SDP2 and alters the indicative timetable previously set out in DPS No.10. There are no significant differences to note from DPS No.10 other than it is now anticipated that work will commence on LDP2 in Spring 2019 with publication of the Main Issues Report anticipated in Spring 2020. The project stages set out in the draft DPS No.11 are based on Scottish Government Circular 6/2013: Development Planning. These may alter as a result of legislative changes arising from progress with the Planning Bill and anticipated approval of SDP2.

Prior to the publication of the Main Issues Report, Development Planning will require to carry out several evidence gathering exercises and will need to prepare a participation statement and monitoring statement.

In the interim, and until such time as SDP2 is approved, the intention is to focus resource on producing Supplementary Guidance (SG) and Planning Guidance (PG) to support and provide further information and detail in respect of policies and proposals set out in the adopted LDP, details of which are set out in Appendix 4 of the LDP.

D3 Planning Reform and the Planning Bill

The Executive will be aware that the Planning Bill is progressing through parliamentary process. This is likely to make changes to the operation of the planning system including format and timescales for development plans. The Planning (Scotland) Bill completed its Stage 2 consideration in November 2018.

The latest draft of the Planning Bill places new duties and responsibilities on planners. These include the need for planning authorities to make sure that local development plans assess the need for public toilets, water refill points and preserving disused railway infrastructure. All planning authorities would also be required to have a chief planning officer. An amendment to the Bill that would have seen third parties have the right to appeal decisions that go against the development plan was narrowly rejected by the Local Government and Communities Committee. There is no guarantee that such an amendment will not be considered at Stage 3 consideration of the Bill.

The next step is for the Scottish Parliament to debate the Bill and then decide whether to pass it in its final form or not. While the timing of this consideration is dependent on the terms of a business motion from the Parliamentary Bureau, early in 2019 would seem to be the most likely scenario and thereafter the Bill would progress to Stage 3 where further amendments to the Bill can be laid down. Timescales for Stage 3 of the Bill are not yet known.

With regard to LDPs the amended Bill refers to the preparation of an evidence report in advance of preparing a local development plan which would be assessed by Scottish Ministers who would then determine whether or not the planning authority can commence preparation of the LDP.

Any changes arising as a consequence of the Planning Bill may result in changes to the timelines set out in DPS No.11. If that is the case a mid-year update will be prepared or, depending on timescales for the review, picked up in DPS No.12.

E. CONCLUSION

A DPS for the LDP is required to be published annually, or more frequently as major issues arise in the process, as required by current legislation. DPS No.11 sets out a timeline for preparation and adoption of LDP2.

F. BACKGROUND REFERENCES

West Lothian Local Development Plan
https://www.westlothian.gov.uk/media/27735/Adopted-West-Lothian-Local-Development-Plan/pdf/West_Lothian_Local_Development_Plan_-_Adopted_final.pdf

West Lothian Local Development Plan Development Plan Scheme (DPS) No.11

Appendices/Attachments: One – West Lothian Local Development Plan Development Plan Scheme No.11

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