



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

**WEST LOTHIAN LOCAL DEVELOPMENT PLAN (LDP): DEVELOPMENT PLAN
SCHEME No.12**

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the panel of the proposed Development Plan Scheme (DPS No.12) for the West Lothian Local Development Plan (LDP2).

B. RECOMMENDATION

It is recommended that the panel notes and considers the following recommendation which is intended to be submitted to Council Executive for approval:

1. Approves the content of Development Plan Scheme No.12 (Appendix 1).

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)	<p>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).</p> <p>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.</p> <p>The Planning (Scotland) Act 2019 came into force in July 2019 and has removed the requirement to prepare SDPs. The obligation to prepare LDPs has however been retained. Secondary legislation is awaited to set out details arising from the 2019 Act.</p>

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	<p>Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.</p> <p>Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI	Resources - (Financial, Staffing and Property)	Much of the development proposed in the West Lothian LDP will require new supporting infrastructure and the LDP explains that this is expected to be funded in part by the council through the capital programme but also by the development industry itself. 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	This is the first time DPS No.12 has been reported to the panel.
VIII	Other consultations	No consultations were required in the preparation of this report.

D. TERMS OF REPORT

D1 Background

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 is a document which sets out the programme for preparing, reviewing and consulting on the next LDP and it must be in place by 31 March each year.

The West Lothian Local Development Plan (LDP) was adopted by the council 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 protecting and enhancing the environment. The LDP has been prepared within the context of the Strategic Development Plan (SDP1).

The current Development Plan Scheme (No.11) was submitted to Scottish Government in March 2019, having been approved by the Council Executive on 5 February 2019. DPS No.11 was prepared in the expectation that a new Strategic Development Plan (SDP2) would be in place within 12 months of this date. However, SDP 2 was rejected by Scottish Ministers on 16 May 2019 and the terms of the Planning (Scotland) Act 2019 which received Royal Assent in July have removed requirements to prepare strategic development plans. In their place Regional Spatial Strategies are to be prepared.

Details of requirements for the preparation of Regional Spatial Strategies are anticipated to be set out in secondary legislation. A timescale for preparation of this is awaited. Other matters arising from the Planning (Scotland) Act 2019 which now require to be taken into account in the preparation of LDPs are Local Place Plans which can be prepared by communities and interested groups. A further influencing factor will be a new National Planning Framework (NPF4) a draft of which is anticipated to be published by Scottish Government in September 2020.

D2 Development Plan Scheme No.12

In light of the above, a draft DPS (DPS No.12) for the new West Lothian LDP (LDP2) has been prepared and is attached as Appendix 1. The absence of full legislation relating to the development plan preparation process will impact on the timescale set out and therefore DPS No.12 may require to be amended at a later date to better accord with the anticipated secondary legislation in support of the Planning (Scotland) Act 2019.

DPS No.12 sets out a programme for the preparation of LDP 2 and diverges from the indicative timetable previously set out in DPS No.11. The significant differences to note from DPS No.11 are that it is now anticipated that a draft plan together with a Monitoring Report and Strategic Environmental Assessment are anticipated to be published in spring 2022 for consultation (rather than spring 2020) with the anticipated adoption of the new plan now being spring 2024.

A further matter to note is that the Planning (Scotland) Act 2019 removes requirements for the council to prepare a Main Issues Report (MIR) as part of the LDP and replaces this stage of the plan preparation process with a requirement to prepare a more conventional Draft Plan.

Prior to the publication of LDP 2 Draft Plan, evidence gathering exercises will be required to inform engagement with communities and interested parties. This will include preparation of a participation statement setting out proposals for engagement and interaction with interested parties who wish to progress preparation of Local Place Plans. It is anticipated that regular reports will be presented to elected members to provide update on progress.

E. CONCLUSION

Current legislation requires a DPS for the LDP to be published annually, or more frequently as major issues arise in the process. DPS No.12 sets out a timeline for preparation and adoption of LDP 2, reflecting requirements arising from the Planning (Scotland) Act 2019. Further alterations to the timetable for preparation of LDP 2 may require to be made at a future date to reflect emerging legislative requirements.

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

<https://www.westlothian.gov.uk/article/33809/Local-Development-Plan-Scheme-DPS->

Appendices/Attachments: One – West Lothian Local Development Plan Development Plan Scheme No.12

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