

APPENDIX One: Draft Development Plan Scheme No.3 for the West Lothian Local Development Plan

West Lothian Local Development Plan

Development Plan Scheme: No. 3 – 2011

Introduction

This is the third Development Plan Scheme (DPS) to be published by West Lothian Council following approval of the previous DPS No.2 in March 2010. This latest version reflects the updated projected timescales envisaged for delivery of the LDP, and closely follows the timescales for progress established in the emerging DPS No.3 for the Edinburgh and South East Scotland Strategic Development Plan (SDP).

West Lothian Council is required, by law, to produce a LDP for its area. In preparing the LDP the council will engage and work with key stakeholders and the wider community. When adopted, the LDP will replace the adopted West Lothian Local Plan. The LDP will require to conform to the SDP for Edinburgh and South East Scotland.

The development plan covering West Lothian currently comprises the approved Edinburgh and the Lothians Structure Plan 2015 (E&LSP) and the adopted West Lothian Local Plan.

As part of the Scottish Government's proposals to reform the planning system, a Strategic Development Plan (SDP) and a Local Development Plan (LDP) are required to be prepared to replace the current structure plan and the local plan.

The Edinburgh and South East Scotland Strategic Development Plan Authority (SESplan) was designated by Scottish Ministers on 25 June 2008. It comprises City of Edinburgh, East Lothian, Midlothian, Fife, Scottish Borders and West Lothian councils. SESplan's main role is to prepare and maintain an up-to-date SDP for the Edinburgh and South East Scotland area. The original Development Plan Scheme (DPS) for the SDP was approved on 26 January 2009 and their DPS No.2 was approved on 25 January 2010. The SDP DPS No.3 is expected to be approved and published in early 2011 by SESplan.

When approved, the Strategic Development Plan (SDP) will supersede the E&LSP.

The LDP will in time help steer a sustainable growth path for West Lothian in terms of challenging issues including the economic downturn and compliance with the Climate Change (Scotland) Act 2009.

What is a development plan scheme?

West Lothian Council is required by law – the Planning etc. (Scotland) Act 2006 – to prepare a Development Plan Scheme (DPS). The DPS sets out our programme for preparing and reviewing the LDP. We will update the scheme every year to keep you informed about the LDP's progress. This is the third DPS that the council has approved, following the approval of the first DPS in March 2009 and the second in March 2010. This latest version updates and rolls forward the DPS No. 2 of last year and reflects changes to timescales in taking forward the SDP that have some impact on projected timescales for taking forward the LDP.

The scheme includes:

- a summary of the new development planning system;
- a proposed updated timetable for preparing our LDP;
- a summary of what is involved at the various stages of preparing this plan; and
- a Participation Statement, with information on when and how you can get involved.

The secondary legislation (The Development Planning (Scotland) Regulations 2008, S.24 – laid before the Scottish parliament on 19 December 2008) requires the DPS timetabling information to specify the proposed year and month for the publication of our Main Issues Report (MIR), the publication of the Proposed LDP and its submission to Scottish Ministers.

What are development plans?

The planning system impacts on us all, either directly or indirectly. There is a statutory requirement to prepare development plans which are the basis for decision making on planning applications. They contain a strategy for the future development of an area and set out policies and proposals to guide the future development and use of land. The topics are not set but usually cover issues like the environment, housing, built heritage, transport and infrastructure, economic development, retailing, extraction of natural resources, waste management and renewable energy development.

The new system, which was introduced in February 2009, will provide decisions on where and how development will take place in Scotland will be influenced by three key statutory documents (web links are provided below where available):

The Second National Planning Framework for Scotland (NPF 2): this is produced by the Scottish Government and sets out, at the national level, the Scottish Government's strategy for the country's development, in terms of how we are to develop our environment and includes development proposals identified as schemes of national importance. NPF2 was published in December 2008 and can be accessed via the following web link

<http://www.scotland.gov.uk/Publications/2008/12/12093953/0>

A Strategic Development Plan: these will be produced by the new Strategic Development Planning Authorities (SDPAs) which have been set up for Scotland's four largest city regions. They set out a long term (20 years or more) land use planning strategy indicating in broad terms where future development will be located and what is needed to deliver it. This will include West Lothian as one of the South East Scotland Strategic Development Plan Authority partners and also includes Edinburgh City, East Lothian, Midlothian, Fife and Scottish Borders councils. The other parties involved are the Regional Transport Partnership, SEStran and Transport Scotland as appropriate. The projected plan period for the SDP is 2012-2032 and will enable and steer future development across the Edinburgh city region. The SESplan website can be accessed at the following web link:

<http://www.sesplan.gov.uk/>

A Local Development Plan: these are produced by the local planning authorities (i.e. West Lothian Council in this instance) and set out more detailed policies and proposals to guide development. These plans, which are adopted by the council, must accord with the approved SDP (in the case of the city regions) and seek to implement its requirements on a more detailed site-specific basis than exists within SDPs.

The Strategic Development Plan and the Local Development Plan together form the statutory development plan for the West Lothian area. In addition, Supplementary Planning Guidance on a specific planning topic may be prepared and form part of the statutory development plan but only where it has been specifically trailed as required in an SDP or LDP.

What development plans do we have at the moment covering West Lothian?

The approved development plan for the West Lothian area is made up of, at the strategic planning level, the approved Edinburgh and the Lothians Structure Plan 2015 and at a local level, the West Lothian Local Plan.

The Edinburgh and the Lothians Structure Plan 2015

The Edinburgh and the Lothians Structure Plan 2015 was approved with modifications by Scottish Ministers on 17 June 2004. The most recent review of the structure plan was formally abandoned on 23 March 2007 in order to focus efforts on the preparation of the new Strategic Development Plan. The web link to the structure plan is:

<http://www.elsp.gov.uk/>

West Lothian Local Plan

The West Lothian Local Plan was adopted by the Council on 13 January 2009 and replaced the adopted Bathgate Area, Broxburn Area, Calders Area, Linlithgow Area and Livingston Local Plans. The plan can be viewed at the following web link:

<http://www.westlothian.gov.uk/1210/161/178/>

What are we going to do in the future?

The Planning etc (Scotland) Act 2006 requires West Lothian Council to establish a development strategy for the future development of West Lothian in the form of a Local Development Plan. This will have to accord with the terms of the Strategic Development Plan for the Edinburgh and South East Scotland City Region.

There are various key stages, work streams and documents which are required as part of the LDP preparation process and these are illustrated below with a timescale provided.

The progress of the LDP will be dependent on the progress of the SDP.

The draft timescales for taking forward the SDP are as follows :

- SESplan created [**June 2008**]
- Approval of Edinburgh and South East Scotland SDP boundary [**Nov 2008**]

- Publication of Development Plan Scheme No. 1 [**March 2009**]
- Preparation of Main Issues Report and supporting documents, commissioning and receiving background studies e.g. Green Belt study, Housing Needs and Market Assessment, Monitoring Statement, Urban Capacity Study etc and commence strategic environmental assessment (SEA) process [**Jan 2009 – March 2010**]
- Publication of DPS No.2 [**April 2010**]
- Publication of Main Issues Report (MIR) and Interim Environmental Report (IER) [**May 2010**]
- Analysis of MIR and IER representations and publish formal response [**Sept-Nov 2010**]
- Preparation of Proposed Plan and updated Interim Environmental Report (IER) [**Sept 2010 – May 2011**]
- Publication of DPS No.3 [**by April 2011**]
- Publication of Proposed Plan including IER and Action Programme [**October 2011**]
- Formal representation period for submission of objections [**October 2011 – January 2012**]
- Analysis of formal representations [**February – April 2012**]
- Submission of SDP to Scottish Ministers including Action Programme and ER [**June 2012**]
- Examination in public of outstanding objections and final Ministerial decision. [**to be determined by Scottish Ministers**]

It should be noted that the plan may be subject to a potential modifications stage that could impact on the timescales accordingly.

It should also be noted that timescale for publication of the Proposed Plan has been amended from last year's SDP DPS No.2 from February to October 2011 to reflect some slippage in plan preparation, however, the other targets and deadlines beyond that remain unchanged at the time of writing.

Given the general timescales, the earliest that the SDP would be approved is likely to be mid2013.

West Lothian Development Plan Scheme No.3

All member councils of the SDP are required to submit their own Development Plan Scheme for Local Development Plans to the Scottish Government on an annual basis. West Lothian Council, therefore, has to produce a third DPS for its LDP by **31 March 2011** and submit this to the Scottish Government.

Given that the council adopted the West Lothian Local Plan on 13 January 2009, there has been no need for the council to embark on an early review of the plan as this part of the development plan is up-to-date. Furthermore, as the LDP requires to be informed by the SDP, formal commencement of the LDP should not commence until the SDP is at a more advanced stage.

The West Lothian DPS No.3 sets out the following timescales for preparing the LDP:

- Publication of Development Plan Scheme No.1 [**March 2009**]
- Publication of Development Plan Scheme No.2 [**March 2010**]
- Seeking expressions of interest in development sites and general questionnaire [**January – April 2011**]

- Publication of Development Plan Scheme No.3 [**March 2011**]
- Preparation of Main Issues Report [**autumn 2010–**]
- Publication of Main Issues Report and Environmental Report [**autumn 2011/Early 2012 (after publication of SESplan Proposed Plan)**]
- Publish formal responses to Main Issues Report [**sSpring/summer 2012**]
- Publication of proposed plan including Environmental Report and Action Programme [**within six months of Scottish Ministers approving SDP**]
- Examination of outstanding objections [**within 12 months of plan being published**]

With this timescale, the earliest date for adoption of the LDP would be in late 2014 at the earliest. This will comply with the new requirement to review Local Development Plans every five years as set out in the Development Plan Regulations and Circular 1/2009 *Development Planning*.

When will we update our DPS?

We will continue to review our DPS every year. We will present a further updated DPS (DPS No.4) to the Council Executive in early 2012 and aim to publish it in April 2012, subject to Council Executive approval. If there are significant changes to report in the interim this could lead to an earlier update of the DPS.

Participation Statement

Background

Under the Planning etc (Scotland) 2006 Act, LPAs must include a Participation Statement (PS) in their Development Plan Schemes. It should set out when consultation is likely to take place, with whom, its likely form, and the steps that will be taken to involve the public in the LDP's preparation or review stages.

The Scottish Government sets out guidance on how the community can effectively engage in the planning process in Planning Advice Note 81 *Community Engagement – Planning with People* (PAN 81). Early engagement is defined as being the Main Issues Report (MIR) stage of the LDP. However, we intend, through the proposals set out in this DPS, to extend our engagement proposals beyond PAN 81's minimum requirement.

Consultation Programme

1. **Winter 2010/11 - press release and launch.** *Purpose:* raise awareness of the LDP process and set out in general terms the task that lies ahead, generate interest, and identify those parties that are interested in engaging in the LDP process.
2. **Early 2011 - Initial consultation** *Purpose:* to obtain first input from interested individuals/organisations, starting with a blank canvas. Input will be obtained through a range of different techniques such as the council web site surveys, seeking expression of interest in sites, hosting organised events (workshops), meetings, general questionnaire etc. The council may wish to seek views and facilitate discussion around a series of key issues, e.g. growth in principle, the level of growth, its location, measures to mitigate and adapt to

climate change and delivery. We will aim to make sure the process is delivered efficiently by making it easy to make responses electronically, through the web site or other e-channels.

3. **Autumn 2011/Early 2012 - Public Consultation on Main Issues Report (MIR).** *Purpose:* to seek the views of individuals/organisation on the content of the published MIR – an opportunity to submit representations on the various LDP development options for the LDP area, including the preferred development strategy.
4. **Spring/Summer 2012 - Publish formal responses to comments on MIR.** Formal responses to comments received on the MIR will be published.
5. **Early/Mid 2013 - Proposed LDP published and formal representation phase.** *Purpose:* to give stakeholders and consultees the opportunity to submit formal representations to the plan. Any representations that cannot be resolved through negotiation and are not withdrawn will be considered in a subsequent Examination in Public (EIP) of the plan.
6. **Early/Mid 2014** Submission of Proposed Plan to Scottish Ministers, including council response to formal objections.
7. **Later 2014 (at earliest)** Adoption of Local Development Plan.

This reflects our current thinking, which closely follows that of the SDP, but the timing and content of planned consultation stages may change, hence the need for an annual review.

Keeping you informed

We will notify interested parties and stakeholders at periodic stages throughout the LDP process, but we want to do more than just comply with the regulations, by providing frequent updates. The main home for this real time information will be our local development plan home page on the council's web site at <http://www.westlothian.gov.uk/1210/161/178/>. This lets you register your details on the web site, and then be notified of any up and coming developments or events.

Groups of Consultees

Not all consultees/stakeholders will be interested or able to be involved in the LDP process to the same extent. It is also hard to reach out to and hear the views of some of the sectors of our regional community. Similarly, we therefore propose to identify different groups of consultees and tailor their level of involvement.

Group 1, The Community

Purpose: To reach individual members of the public through newspaper advertisements, notices and articles and via the continuously updated web site. Engagement phases will be planned around the formal public consultation phases of the main plan stages, e.g. the Main Issues Report and Proposed LDP.

Group 2, Third Sector and Community Reference Group

Purpose: To make the views of a cross-section of community and voluntary groups available to the council, including Community Council's and residents groups.

Group 3, Partners Working on other 'Regional and Local Planning' exercises

Purpose: To ensure a joined up approach. Partners will be kept involved throughout and involved in the decision making process. Steering groups will be formed as necessary. Internal stakeholders will include Education & Cultural Services, Property Management, Environmental Health, Economic Development, Flood Prevention, and Housing Services; external stakeholders will include Transport Scotland, SESplan, and SEStran.

Group 4, Public Sector Delivery/Implementation Group:

Purpose: To give regular input throughout the LDP preparation process. Close engagement throughout, involved in aspects of evidence base gathering and testing broad development scenarios. These would include key statutory consultees, such as Scottish Water, Historic Scotland, Scottish Environment Protection Agency (SEPA), Health and Safety Executive and Scottish Natural Heritage (SNH) and also non-statutory consultees, for example the National Health Service through local trusts.

Group 5, Private Sector Reference Group

Purpose: To make current market information and a cross-section of commercial views available to the project. To establish common ground on aspects of the evidence base. Restricted to broader issues to respect commercial sensitivity e.g. developers, existing businesses within West Lothian, Chambers of Commerce.

How can I get involved?

In the past some people have, for various reasons, not been able to, or have chosen not to, get involved in the local planning process. Because plans can be complex, it can be hard to see how they can affect people in their own specific areas.

It is vital that we hear from a wide range of interests in order to make the plan inclusive and representative of stakeholders in the future of West Lothian. So we want to make it as easy as we can to get people involved in the LDP by making access to information and communication with us as straightforward as possible. There will be plenty of opportunities for people to comment on our process and help to shape the LDP. We plan to use a range of techniques, including:

- publicising a dedicated local development plan phone number and email address where you can ask questions about the LDP process and get a personal response;
- providing a form so you can give us feedback at each stage of the LDP process. The form will be available in hard copy format or in interactive pdf form from the website;
- keeping a record of everyone who responds in a database for newsletters or up and coming consultation events;
- publishing key documents on our web site relative to the LDP;
- providing paper copies of key plan stage documents at each library and Council Information Service (CIS) office;
- press releases and awareness-raising publicity drives at each key stage of the LDP process.

- Documents will be produced in plain English and where required we will make information available in Braille, on tape, in large print and other community languages.

If you want to be involved in the LDP process you can contact us by:

1. Phoning the Development Planning Team on: 01506 775231
(lines open 8:30am to 5pm, Monday to Thursday and 08:30 to 4pm on Friday)

2. emailing us at:

localdevelopmentplan@westlothian.gov.uk

3. Writing to us at:
Development Planning Team
Planning and Economic Development
County Buildings
Linlithgow
EH49 7EZ

4. Completing the Feedback form online for this DPS at the following web link:

http://www.westlothian.gov.uk/media/downloadoc/1799514/1841832/2114979/DPS_form

West Lothian Development Plan Scheme No.3, March 2011:

Feedback Questionnaire

We would really like to hear from you about Development Plan Scheme No.3 in order to improve subsequent versions. If you have a couple of minutes, please answer the questions below and email or send the form back to us at:

localdevelopmentplan@westlothian.gov.uk

Colin Miller
Development Planning Manager
Planning and Economic Development
County Buildings
Linlithgow
West Lothian
EH49 7EZ

Have we made this document easy to understand?

Yes

No

If no, please identify why

Are there any aspects of the Development Plan Scheme No.3 that we could improve?

Yes

No

If yes, please identify which aspects and why

Has the DPS No.3 (or indeed the previously approved DPS) encouraged you to take part in the future LDP process?

Yes

No

If no, please identify why

How else could we encourage you or others to get involved in the LDP process?

What planning issues are particularly of interest to you? (please tick)

Housing

Employment

Transport

Retail

Environment

Built Heritage

Renewable Energy

Waste Management

Mineral extraction

Other (please specify)

Have you ever previously taken part in a local plan or other development plan exercise?

Thank you for completing this questionnaire, your input will help to improve subsequent Development Plan Schemes.