



West Lothian Local Development Plan **DEVELOPMENT PLAN SCHEME**

DPS No.13

FEBRUARY 2021

Approved by West Lothian Council Executive on 23 February 2021

Development Plan Scheme No.13 is available to view online at
<https://www.westlothian.gov.uk/article/33809/Local-Development-Plan-Scheme-DPS->

During the plan-making process, regular progress updates will appear on the council's website
at <https://www.westlothian.gov.uk/LDP>

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What is a Development Plan Scheme (DPS)?

1. Planning legislation requires each planning authority in Scotland to prepare a **Development Plan Scheme** (DPS) at least annually. The scheme is to set out the authority's programme for preparing and reviewing their Local Development Plan and to indicate what will be involved at each stage.
2. The DPS must include a **Participation Statement** stating when, how and with whom consultation on the plan will take place and authorities are expected to make use of a range of innovative techniques and activities for consulting stakeholders, tailored to local circumstances and the issues being dealt with in the plan.
3. Once the authority has agreed and adopted a DPS it requires to be sent to Scottish Ministers and given publicity and will therefore be published online on the council's [web site](#). However, due to the ongoing Coronavirus pandemic, the Coronavirus (Scotland) Act 2020 has placed a requirement on local authorities to consider if any of its actions would give rise to a significant risk of transmission of the virus and has meant that the opportunity to inspect documents at a physical location such as a council office or a library has had to be suspended at this time.



4. This is the thirteenth Development Plan Scheme for West Lothian and replaces the previous scheme (February 2020). This new edition recognises reforms made to the development planning system arising from the [Planning \(Scotland\) Act 2019](#) and sets out the council's programme for the preparation and adoption of what will be the second West Lothian Local Development Plan (LDP 2).

What is a Development Plan?

5. A development plan is a document that sets out policies and proposals for the future development and use of land and identifies where development should or shouldn't take place. It seeks to identify the most appropriate locations for new development while at the same time protecting the places people value or which are environmentally sensitive. Once adopted it becomes the basis for assessing and making decisions on applications for planning permission.
6. Development Plans are also supported by an **Action Programme (AP)** which outlines how and when the policies and proposals of the plan are to be delivered. The AP is an important part of the framework for how the council monitors the performance of the LDP.
7. The adopted development plan for West Lothian is provided by the [Strategic Development Plan for Edinburgh and South East Scotland 2013](#) (SDP 1) which was approved with modifications by Scottish Ministers on 27 June 2013, and the [West Lothian Local Development Plan 2018](#) (LDP 1) which was adopted on 4 September 2018.
8. To support policies of LDP 1 and to assist decision making, the council has prepared a comprehensive suite of statutory and non-statutory [planning guidance](#). These documents have been subject to public consultation, approved by Council Executive, and in the case of statutory guidance, subjected to additional scrutiny by Scottish Ministers before being adopted. Some of the guidance has yet to be completed, however this continues to be addressed by the council and it, and all of the other guidance will remain in force until LDP 1 has been superseded.
9. Work to replace the Strategic Development Plan had been at an advanced stage but in May 2019 the Scottish Ministers rejected the proposed second [Strategic Development Plan for South East Scotland](#) (SDP 2) and the constituent local authorities of the Strategic Development Planning Authority for Edinburgh and South East Scotland (SESplan) collectively decided not to prepare a revised SDP. This however ceased to be an issue when the Planning (Scotland) Act 2019 came into force (also in May 2019) and disbanded strategic planning authorities and abolished Strategic Development Plans. Arrangements for formal wind up of SESplan are awaited from Scottish Government.
10. For as long as LDP 1 remains in force there are a number of ongoing tasks which require to be undertaken, one of which is updating the Action Programme (AP) that runs alongside and supports the delivery of the LDP. Under the new Planning (Scotland) Act 2019, Action Programmes are renamed 'Delivery Programmes' and West Lothian Council will adopt this terminology when preparing the second update of the Action Programme in 2021.
11. Planning authorities are ordinarily required to update their APs at least every two years. However, the Scottish Ministers have specifically required that the West Lothian Local Development Plan Action Programme is updated and re-published annually until the end of the current LDP plan period.
12. The council is required to consult on draft versions of the Action Programme with the Key Agencies, the Scottish Ministers and anyone the council proposes specifying by name in the Action Programme. The council must also consider their views when finalising the Action Programme for adoption. The [first annual revision](#) was approved by Council Executive on 15 December 2020.

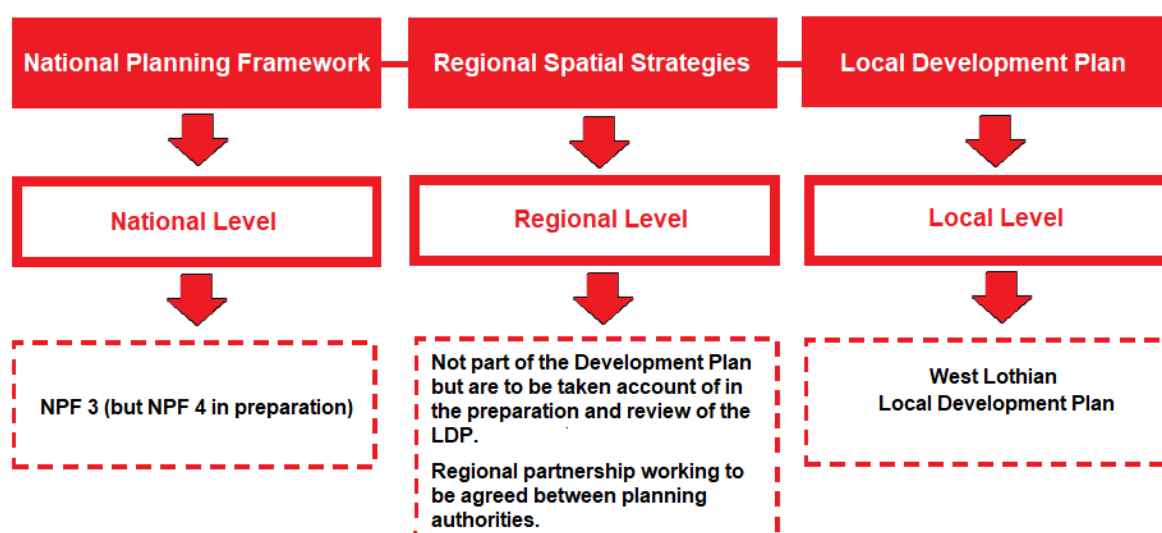
The Changing Legislative Position

13. The new Planning (Scotland) Act 2019, enacted in July 2019, makes substantive changes to the Town & Country Planning (Scotland) Act 1997 and specifically the process for preparing development plans. The Scottish Government's overarching aim is to make development plans more delivery focused, effective and achieve greater community involvement.
14. The most significantly relevant changes include:
 - removing the requirement to prepare Strategic Development plans;
 - removing provisions which allowed statutory Supplementary Guidance to form part of the development plan;
 - incorporating Scottish Planning Policy (SPP) into the National Planning Framework;
 - making the National Planning Framework part of the Development Plan;
 - introducing Regional Spatial Strategies (RSS) to provide long term spatial development frameworks at regional level;
 - replacing Main Issues Reports with a new "Evidence Reports"
 - changing regulations to allow the Proposed Plan to be more of a consultative document;
 - changing the current 5-year timescale for development plans to 10 years; and
 - introducing the potential for local communities to prepare new "Local Place Plans"
15. While secondary legislation to enable implementation of the new Act has begun to come forward (with some sections of the Act already commenced) much of the guidance and detailed transitional arrangements have been delayed, due in part to the Coronavirus pandemic, and they are now not expected to be in place until the early part of 2022. The Scottish Government is progressing a detailed work programme which will implement the new Planning Act and which can be linked to [here](#).
16. This, together with the fact that LDP 2 had been premised on SDP 2 being adopted in 2019 (but which is no longer feasible) has required the council to reassess and modify the arrangements for preparing LDP 2 previously set out in DPS No.12.
17. It remains the council's intention to commence preliminary preparation of LDP 2 in the early part of 2021 and for this to be done within the context of the current legislative framework established by The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006).
18. It is however recognised that LDP 2 will most likely require to be concluded and adopted under the new regulatory regime introduced by The Planning (Scotland) 2019 Act. Transitional guidance issued by Scottish Government in November 2020 advises that only proposed local development plans that are published before June 2022 will be able to proceed to adoption under the existing procedures and it states that emerging local development plans which have been commenced but which have not yet reached that stage are to be subject to the new process introduced by the 2019 Act.

19. Notwithstanding, preparation of LDP 2 will be sensitive and alert to the content and procedural changes that have yet to be enacted in order to ensure that the document can be satisfactorily aligned and made compliant with the requirements of the new Act at this later date with minimal need for adjustment. At this time, the key changes envisaged will be to reflect the first new Regional Spatial Strategy and the emerging NPF 4 and consolidated SPP.
20. Evolving changes to the development plan process coupled with the unpredictability of the Coronavirus situation creates unprecedented challenges in setting out detailed work programmes and engagement activity. There is a requirement to build in enough flexibility to be able to commit resource to contribute to the plan making processes and all that is involved in developing an approach suitable for West Lothian which will also fit within the new Act. As a consequence the council gives notice that the programming and timetabling set out in the DPS should be recognised as aspirational and which may be subject to change as events unfold.

The New Development Plan Process Explained

21. Following the introduction of the Planning (Scotland) Act 2019, there are to be two levels of development planning in Scotland – the National Planning Framework (informed by Regional Spatial Strategies) and Local Development Plans.



The National Planning Framework for Scotland (NPF)

22. The NPF is authored by the Scottish Government and sets out a long-term spatial strategy for the development of Scotland as a whole and what Scottish Ministers consider to be development priorities. The [Third National Planning Framework for Scotland](#) (NPF 3) was published in June 2014. It references a number of 'National Developments' and other provisions. Those impacting on West Lothian include the Central Scotland Green Network and High-Speed Rail.
23. NPF 3 is however scheduled to be replaced and the most recent update from the Scottish Government suggests the publication of a draft NPF 4 in autumn 2021 when it will be laid before Scottish Parliament and a finalised version in spring/summer 2022. It is however important to be aware that the timetable has already been impacted by the Coronavirus pandemic and further delays cannot be ruled out.

24. Significantly, NPF 4 will incorporate [Scottish Planning Policy \(SPP\)](#) which contains detailed national policy on a number of planning topics and for the first time spatial and thematic planning policies will be addressed in one place. NPF 4 has also been made the vehicle for identifying the housing land requirements for LDPs, taking over this role from the soon to be abolished SDPs, and its enhanced status as an integral part of the development plan will give it a much stronger role in informing day to day decision-making.
25. As a consequence, NPF 4 is expected to look very different from NPF 3, with a longer time horizon to 2050, fuller regional coverage and improved alignment with wider programmes and strategies, including on infrastructure and economic investment. NPF 4 will also be capable of being amended at any time.
26. Further information on changes to the planning system is available on the [Scottish Government](#) webpage.

Regional Spatial Strategies

27. The Planning (Scotland) Act 2019 removed the requirement to prepare SDPs and instead requires the preparation and adoption of **Regional Spatial Strategies** (RSS). Although not part of the Development Plan, these documents will provide a framework for both the preparation of the NPF and Local Development Plans. They are long-term spatial strategies which identify the need for strategic development, the outcomes to which strategic development will contribute, the priorities for the delivery of strategic development and proposed locations, all shown in the form of a map or diagram. West Lothian Council has worked collaboratively with the SESplan member authorities to prepare a RSS and this will help inform the emerging National Planning Framework 4. An 'interim' RSS was drafted and submitted to Scottish Government at the end of 2020 and was finalised in early 2021. It can be viewed [here](#).

Local Development Plans (LDP)

28. As before, LDP's are prepared by local planning authorities and set out detailed policies and proposals for their particular area to guide the use of land and buildings over a 10-year period. The new Local Development Plan preparation process under the requirements of the Planning (Scotland) Act 2019 is however to firstly comprise of an **Evidence Report** setting out the council's position on a range of social, economic and environmental planning matters. This is then submitted to Scottish Ministers for review (referred to as a 'gatecheck').
29. Following confirmation that the Scottish Ministers are content with the Evidence Report, Local Planning Authorities are then enabled to progress with the Proposed Plan. This requires to be submitted to Scottish Ministers and is subject to Examination. Following this, Planning Authorities can then adopt their Local Development Plan, taking account of the findings and recommended modifications from the Examination.
30. Under the new Planning (Scotland) Act 2019 provisions relating to supplementary guidance are repealed, so that it will no longer be possible for local planning authorities to prepare non-statutory supplementary guidance that forms part of the development plan. However, the ability to continue to prepare non-statutory guidance in order to support the delivery of the plan strategy and policies is retained.

Local Place Plans (LPPs)

31. The Planning (Scotland) Act 2019 introduces the concept of **Local Place Plans**, and while these are not part of the development plan they are intended to stimulate and encourage debate in local communities about the future of a place and are to be taken account of by the planning authority in the preparation of an LDP.
32. Formal guidance on how Local Place Plans are to be prepared is to be brought forward by the Scottish Government early in 2021 but it has already been made clear that these will be the communities' plans and that local planning authorities will not be required to lead this process.

The West Lothian Local Development Plan (LDP 2) Process and Timeline

33. It is the council's intention to devote time during the early part of 2021 to 'front load' work to inform the preparation of LDP 2 in order to enable the plan to be brought forward for adoption as quickly as possible once all of the relevant new legislative and procedural arrangements are known and have been confirmed.
34. Figure 1 sets out the process and timeline for the preparation of LDP 2 on the basis that it is commenced under current regulations. The dates shown are however provisional and may be subject to change.

Figure 1: West Lothian Local Development Plan 2 (LDP 2) Process and Timeline

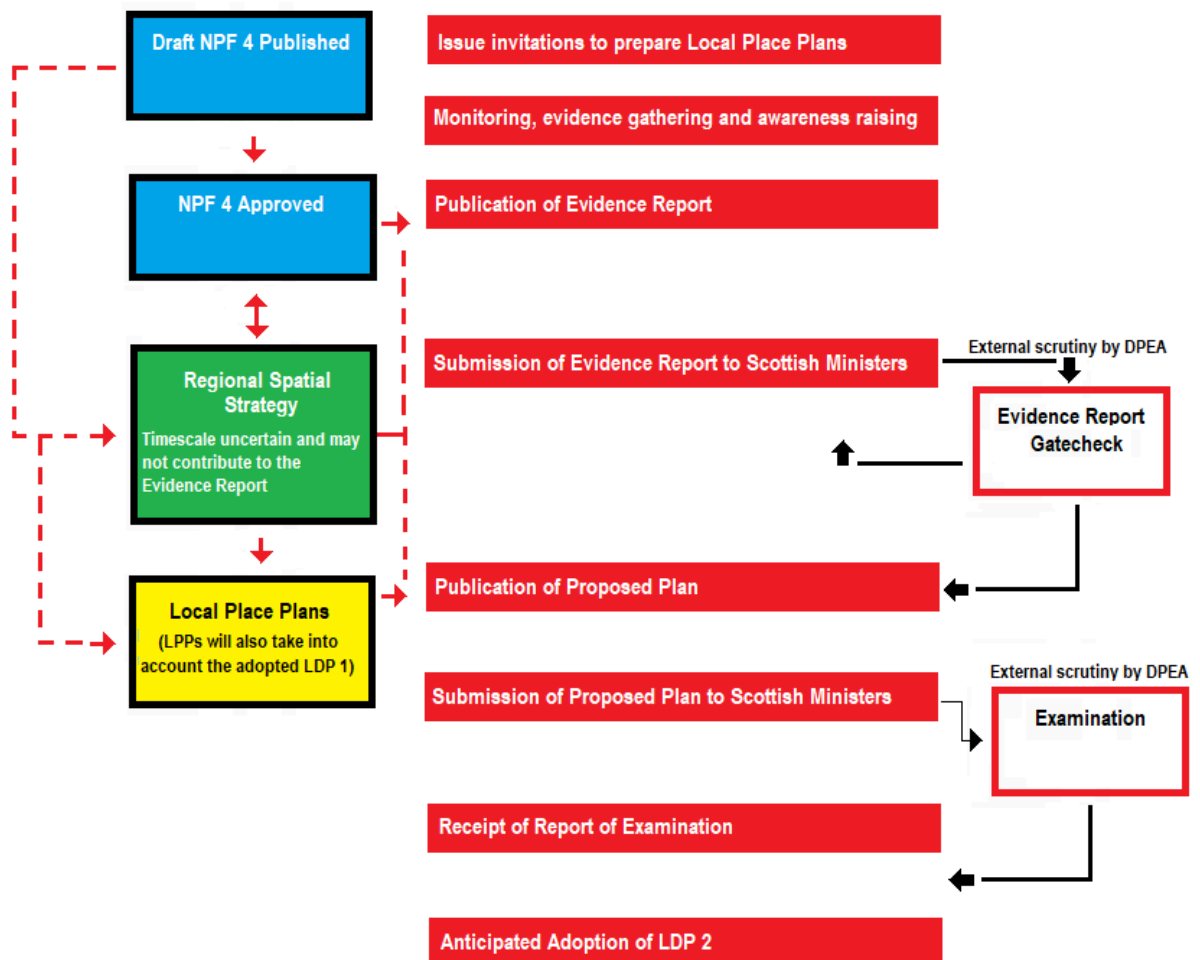
Q1 2022	Publication of Main Issues Report, Monitoring Report and Strategic Environmental Assessment (SEA)
Q4 2022 / Q1 2023	Publication of Proposed Plan including Environmental Report and Action Programme
Q2 2023	Submission of Proposed LDP, representations and a summary of unresolved issues to the DPEA for examination
Q4 2023 / Q1 2024	Examination Report
2024	Anticipated Adoption of LDP 2

35. Under this regime, the Plan will contain a spatial strategy, proposals map, action programme for identified developments and a schedule of the local authority's land interests affected by LDP policies or proposals. It will focus on specific proposals for the period up to Year 10 from the date of adoption.

36. The purpose of the LDP is to provide a clear basis for determining planning applications and to allocate land to meet the needs and targets (previously set out in the Strategic Development Plan) but now enunciated in the [Regional Spatial Strategy](#) which are to form part of NPF4.
37. The key components of the Plan are as follows:
 - **Publish the Development Plan Scheme (DPS)**
 - **Main Issues Report (MIR)**
38. The MIR is accompanied by an Environmental Report and Monitoring Statement. It is a consultation document that sets out the options for LDP 2. A wide range of stakeholders are consulted at this time including members of the public, community councils, community groups, businesses, infrastructure providers, key consultation agencies, neighbouring authorities and the Scottish Government. The MIR is the main consultation stage of the LDP process.
 - **Proposed Local Development Plan**
39. The Proposed LDP provides a stronger view of proposed development locations proposed by the council, informed by consultation responses at the previous stage. There is a formal consultation period following the publication of the Proposed LDP which provides an opportunity for formal representations (both in support and against the plan).
 - **Examination**
40. Following the consideration of representations, the Proposed LDP and a summary of unresolved issues is submitted to the Scottish Government's Planning and Environmental Appeals Division (DPEA) for examination. The Examination process is largely expected to be undertaken by way of written submissions but it is not uncommon for there also to be a number of hearing sessions to which interested parties are invited by the Examination Reporter to attend.
 - **Adoption**
41. The LDP is published and adopted with changes recommended by the Reporter.
42. An Action Programme is also adopted and published. The Action Programme identifies what developments are to be taken forward, who is responsible for delivery of these and when they will be delivered.
43. To ensure the LDP takes account of effects on the environment and does not adversely affect protected European nature conservation sites or any particular social group, the following assessments require to be undertaken as a part of the LDP preparation:
 - Strategic Environmental Assessment (SEA)
 - Equalities and Human Rights Impact Assessment
 - Habitats Regulations Appraisal
 - Monitoring Statement
 - Action Programme
 - Transport Appraisal

44. For information, Figure 2 illustrates the new process for preparing local development plans under the Planning (Scotland) Act 2019 and which LDP 2 will likely be transitioned to as it is progressed.

Figure 2: West Lothian Local Development Plan 2 (LDP 2) Process



Engagement and Participation

45. Regardless of which legislation governs the preparation of LDP 2, engagement and consultation will continue to be key elements of the plan-making process. As a place-based document that is designed to meet local planning needs and aspirations, it is important that LDP 2 reflects as far as possible the land use changes that people would wish to see in their communities.
46. The Planning etc. (Scotland) Act 2006 requires that a Development Plan Scheme includes a **Participation Statement** which describes how and when people can get involved in the preparation of LDP 2.

47. There will be several consultation periods and initiatives during the preparation of the LDP:
 - Publication of statutory notices in the locally circulating newspapers (Lothian Courier and the Linlithgow Journal and Gazette) giving details of the consultation including where and when documents can be accessed/viewed and how to submit comments;
 - Publication of the consultation on the West Lothian Council website; and
 - Publication of where documents can be examined, principally West Lothian Council Libraries and Partnership Centres (Coronavirus restrictions permitting)
48. Additionally, public input will be obtained through a range of techniques and may include surveys, questionnaires and bespoke invitations to key agencies, community representatives, the West Lothian Citizen Panel, 'difficult to reach groups', neighbouring planning authorities and Scottish Government to comment.
49. While the planning system is facing unprecedented challenges during the Coronavirus pandemic the council nevertheless proposes to conduct a programme of focused public engagement events in accessible locations throughout West Lothian, albeit that this will be dependent on the public health situation prevailing at the time. Should this prove impractical it will endeavor to communicate and engage through video conferencing and social media.
50. Following the close of this public consultation period, representations will be recorded and reported to Council Executive for consideration.
51. Publication of the Proposed Plan will be confirmation of the council's settled view on the policies and proposals that make up LDP 2. However, there will be a final opportunity for representations to be made to the Proposed Plan.
52. In the event that there are remaining unresolved representations they will be notified to Scottish Ministers who would then appoint an independent planning Reporter as part of a public examination of the plan. Depending on the volume and nature of the representations the Examination could take many months and it could therefore be some time before a Report of Examination is issued to Scottish Ministers to consider.
53. Ministers may approve the plan with or without requiring modifications to be made. In the case of the former, the planning authority would be invited to modify the Plan as necessary, re-submit it to the Scottish Ministers and advertises its intention to adopt the Plan. The Plan may then be adopted after 28 days unless the Scottish Ministers direct otherwise.
54. An interim Participation Statement and a Participation Strategy are required and these are provided as Appendices A & B respectively.
55. A review of LDP 1 will commence in early 2021 and will include a policy review and a sustained period of evidence gathering which will focus on the views of a wide cross-section of groups on land use related matters.
56. Drawing on the review, feedback from the early engagement exercise and the conclusions of technical background work, the council will prepare a Monitoring Report setting out its views on the characteristics of West Lothian and addressing the capacity of infrastructure and the requirement for any additional development land.

57. The council is aware that the Planning (Scotland) Act 2019 introduces a particular requirement to consult with disabled persons, gypsies and travellers, and children & young people and undertakes to have particular regard to these social groups notwithstanding that the new plan is to be commenced under current regulations.
58. The new Act also requires a planning authority to make arrangements that they consider appropriate to promote and facilitate participation by children and young people in the preparation of the LDP. This in addition to the public sector equality duty established in the Equality Act 2010 which 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, and it is once again intended that these matters are taken account of.
59. An Equality Impact Assessment (EqIA), which assesses the impact of the plan on the identified protected characteristics groups (which include age, disability, and race – including gypsies and travellers) will be published in the course of preparing LDP 2.

LDP 2 Programme Summary

60. In terms of the timetable for the production of LDP 2, it is known that the current Coronavirus pandemic is affecting the Scottish Government's own timescales for producing NPF 4 and associated guidance. Detailed timescales for key stages of development are anticipated to be confirmed once there is more clarity around content and expectations and at which time the council would propose to [republish the Development Plan Scheme](#) with an updated timetable for production of LDP 2.

	2021				2022				2023				2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Publish MIR, Monitoring Report and SEA																
Publish Proposed Plan including Environmental Report and Action Programme																
Submit Proposed Plan for Examination																
Examination Report Published																
Adopt LDP 2																

Keeping You Informed

West Lothian Council undertakes to keep the public, interested parties and stakeholders informed and engaged throughout the LDP 2 process and will have due regard to the provisions of the Scottish Government's [Planning Advice Note 3/2010](#) on 'Community Engagement'.

We have established a contact mailing list to enable you to be kept advised on the progress of LDP 2, particularly at key stages in the process when the council will be actively seeking input. To register, click [here](#) and enter 'LDP 2 - PARTICIPATE' in the subject line of the email that opens up. Then enter your name, email/postal address and phone number in the body of the email and press 'send'. Receipt will be acknowledged within 3 working days and you will be provided with a copy of our data sharing privacy notice.

Alternatively, you can:

- visit the Local Development Plan website at:
<https://www.westlothian.gov.uk/developmentplans>
- email us at:
wldp@westlothian.gov.uk
- phone us on:
[01506 280000](tel:01506280000)
- write to us at:
[Development Planning & Environment, Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF](#)

APPENDIX 1: PARTICIPATION STATEMENT

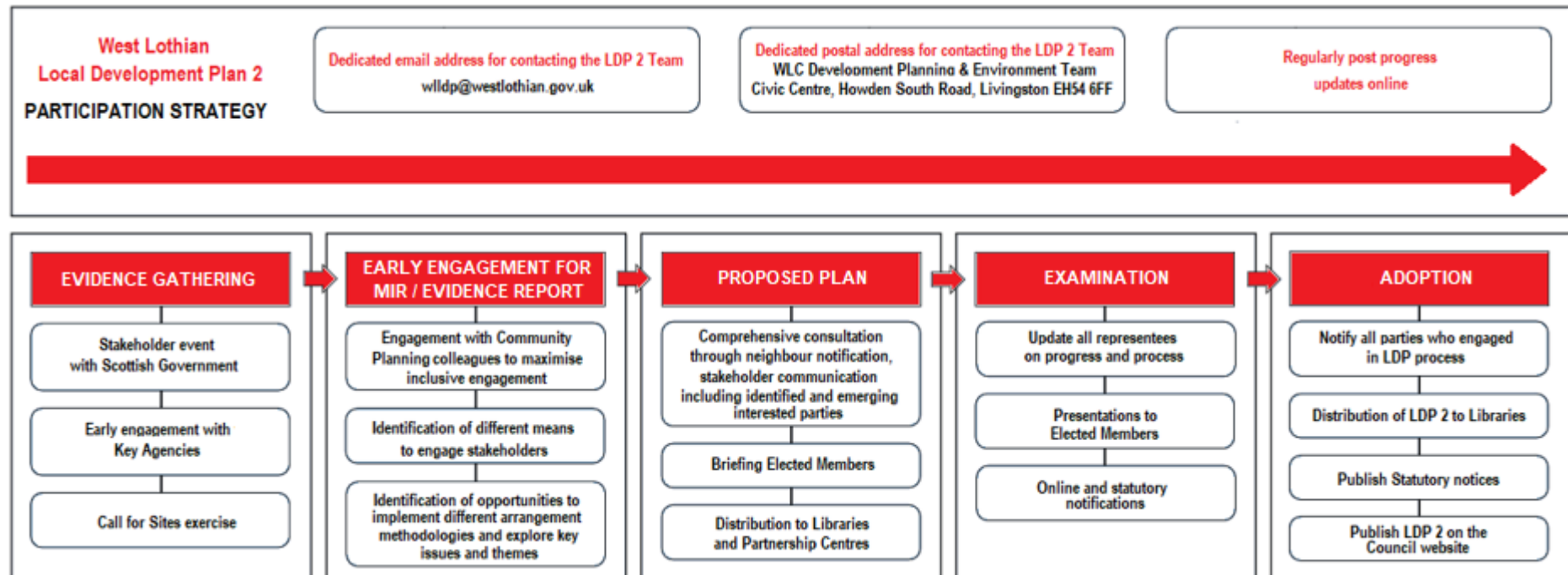


- Participation in the plan-making process is open to everyone.
- The Planning (Scotland) Act 2019 puts particular emphasis on empowering and engaging with local communities in the preparation of local development plans, and the council is committed to adhering to these principles.
- The council is mindful of its responsibilities to be as inclusive as possible and will make a particular effort to reach out to previously 'hard to reach' groups and overcome barriers to their participation.
- We will make the best use of our resources to establish and maintain meaningful engagement with all stakeholders. This includes individuals, local communities, employers, community councils, community planning partners, community interest groups, key agencies, the development industry, infrastructure providers, council service providers and Scottish Government.
- This will include an explanation of **why** we are consulting, **how** we will be consulting and **what** will happen with the responses that we hope to receive.
- We want to ensure that anyone taking the time and making the effort to actively engage in the process can do so in the knowledge that their contribution matters and can make a difference.

- It is important that people are aware of the process and of the opportunities to comment, particularly at key stages in the production of LDP 2, and we will use the media, newspaper notices and the council's website to achieve this. We will also employ the council's extensive community planning network and will work through our community councils to share and distribute information.
- We will make every effort to produce clear, concise and accessible documents that are written in everyday language and which people can readily understand.
- We will engage with communities and stakeholders and initiate a programme of consultation events as soon as it is meaningful and practicable to do so to. However, no consultation is expected in the period to March 2021 and the [council's website](#) will be updated as and when there is anything new to report.
- While it is anticipated that an increasing amount of engagement and exchange of information is likely to take place via the internet, we recognise that not everyone has access to an online facility or broadband and some people may choose not to use them. We will therefore seek to adopt and offer alternative consultation and engagement methods wherever possible.
- Above all, the council is committed to actively engaging and involving all communities and all stakeholders in the preparation of the second West Lothian Local Development Plan.

APPENDIX 2:

PARTICIPATION STRATEGY



If you have any questions specifically relating to the preparation of LDP 2
please email the Development Planning & Environment team at wlldp@westlothian.gov.uk

If you have any questions of a more general nature related to the Development Planning process or
you want to provide feedback and comments on our service, please email the Development Planning
and Environment team at DPgeneral@westlothian.gov.uk

Development Plan Scheme (DPS) No. 13

Approved by West Lothian Council Executive on 23 February 2021

West Lothian Council, Development Planning & Environment, Civic Centre, Howden South Road,
Livingston, EH54 6FF

Tel: 01506 28 00 00 Email: wlldp@westlothian.gov.uk

