

WEST LOTHIAN

Development Plan Scheme and Participation Statement

DPS No.16 - 2024



Approved by West Lothian Council Executive, 12 March 2024

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During the plan-making process, regular progress updates will appear on the council's [website](#).

What is a Development Plan Scheme (DPS)?

A Development Plan Scheme (DPS) sets out the timetable for preparing and reviewing a Local Development Plan (LDP) and sets out what is likely to be involved at each stage. It also includes a *Participation Statement* outlining when and how consultation on the plan will take place.

As a local planning authority, West Lothian Council is required by planning law to prepare a DPS at least annually. The previous DPS (No.15) was published in March 2022 and is now replaced by this sixteenth edition of the West Lothian Development Plan Scheme.

What is a Development Plan?

Development plans set out how places will change into the future, including the long-term vision for where development should and shouldn't happen. Development plans show where new homes and workplaces will be built, how services and facilities such as schools and travel will be provided, and identify the places and buildings we value and want to protect.

The planning system in Scotland is 'plan-led', meaning that decisions are made in accordance with the 'Development Plan' unless material considerations indicate otherwise.

The Current Development Plan for West Lothian (LDP 1)

The adopted 'development plan' for West Lothian consists of:

- [National Planning Framework 4, \(NPF4\)](#) [Adopted 13th February 2023]
- [West Lothian Local Development Plan 2018](#) (LDP 1) [Adopted 4 September 2018]
- [Supplementary Guidance](#) associated with West Lothian Local Development Plan (2018).

The council has also prepared and adopted a suite of [Planning Guidance](#) associated with the adopted LDP. These do not have the elevated status as being a part of the statutory 'development plan', however they will continue to be material considerations and will be taken into consideration when assessing planning applications.

Following the adoption of NPF4 on 13 February 2023 all Strategic Development Plans (SDPs) and any associated SG ceased to have effect and no longer forms part of the 'development plan'. For West Lothian, this included SDP [\(SESplan\)](#) [Adopted 2013] and its associated [Housing Land Supplementary Guidance](#) [Adopted November 2014].

The Planning (Scotland) Act 2019

The [Planning \(Scotland\) Act 2019](#) set the future structure of the modernised planning system. The Act introduced significant changes to the way LDPs are to be prepared including:

- arrangements for the preparation of ‘new style’ development plans
- proactive master planning
- development management procedures and considerations
- strengthening enforcement
- a focus on improved performance and positive outcomes

The Planning (Scotland) Act 2019 also increased the time period of LDPs from five years to ten years with opportunity for interim reviews on certain matters such as housing.

The process has also been streamlined and front-loaded. ‘New style plans’ are expected to be place-based with a greater emphasis on maps, site briefs and masterplans, with minimal policy wording. It is envisaged that the policies and proposals within the LDP will be focused on places and locations, working within the context provided by NPF4.

[The Town and Country Planning \(Development Planning\) \(Scotland\) Regulations 2023](#) and new [Local Development Planning Guidance](#) came into force in May 2023 and set out the Scottish Ministers' expectations of new style LDPs.

Planning authorities have five years from May 2023 to replace their current Local Development Plan with a new style Local Development Plan. This means the Council must prepare and adopt a new Local Development Plan by no later than May 2028.

National Planning Framework 4 (NPF4)

[National Planning Framework 4 \(NPF4\)](#) sets out the Scottish Ministers’ policies and proposals for the development and use of land. It details their long-term spatial strategy, spatial principles, priority actions and National Developments, looking ahead to 2045. It also provides national planning policy to guide decision making on planning applications.

NPF4 was formally adopted on 13 February 2023.

In advance of the new style LDP’s being in place, [transitional arrangements](#) have been published by the Chief Planner and the Minister for Public Finance, Planning and Community Wealth to aid decision making. The successful implementation and delivery of NPF4 over its lifetime is of crucial importance. To support this, Scottish Government has published the [NPF4 Delivery Programme](#).

Regional Spatial Strategy (RSS)

Regional Spatial Strategies (RSS) provide a long-term spatial development framework at regional level which identify strategic development needs and priorities. While they will not form part of the Development Plan, they must be taken account of when preparing LDPs.

West Lothian Council has worked collaboratively with SESplan/City Deal partner authorities to prepare an [interim RSS](#) for South East Scotland and this was submitted to Scottish Government at the end of 2021 to help inform what was at that time the emerging NPF4.

There is currently no agreed timescale for a formal version and the relevant section of the Planning (Scotland) Act 2019 has not yet been brought into effect.

Local Place Plans (LPPs)

One of the key innovations introduced by the 2019 Planning Act has been to give community bodies a new way to feed into the planning system through the preparation of *Local Place Plans*. Whilst LPPs do not form part of the Development Plan they must be taken into account by the council when preparing a LDP.

Local Place Plans are a new type of plan which give people an opportunity to develop proposals for the development and use of land in the place where they live. Local Place Plans are to be community-led and prepared through inclusive and robust community engagement. They will quite intentionally not be council authored documents and the role of the council is not to administer their preparation and production.

There is potential for any 'community body' to prepare and submit a Local Place Plan to West Lothian Council. This includes, but is not limited to, established community councils. The Community Empowerment (Scotland) Act 2015 sets out the legal definition of a [community-controlled body](#).

Guidance on preparing a Local Place Plan is available on the council's [website](#). Scottish Government guidance to communities and planning authorities on the preparation, submission and registration of Local Place Plans is contained in [Circular 1/2022: Local Place Plan](#).

The Council formally issued an invitation to local communities to prepare a Local Place Plan following the adoption of new local development plan regulations and guidance in May 2023. Community councils were asked to let us know if they were intending to prepare a LPP for their particular area and we are appreciative of having received a number of responses. This information helps us anticipate and be better prepared to manage the processing of such submissions.

An online register of validated Local Place Plans in West Lothian has subsequently been established so that you can readily see if there is a Local Place Plan in your area.

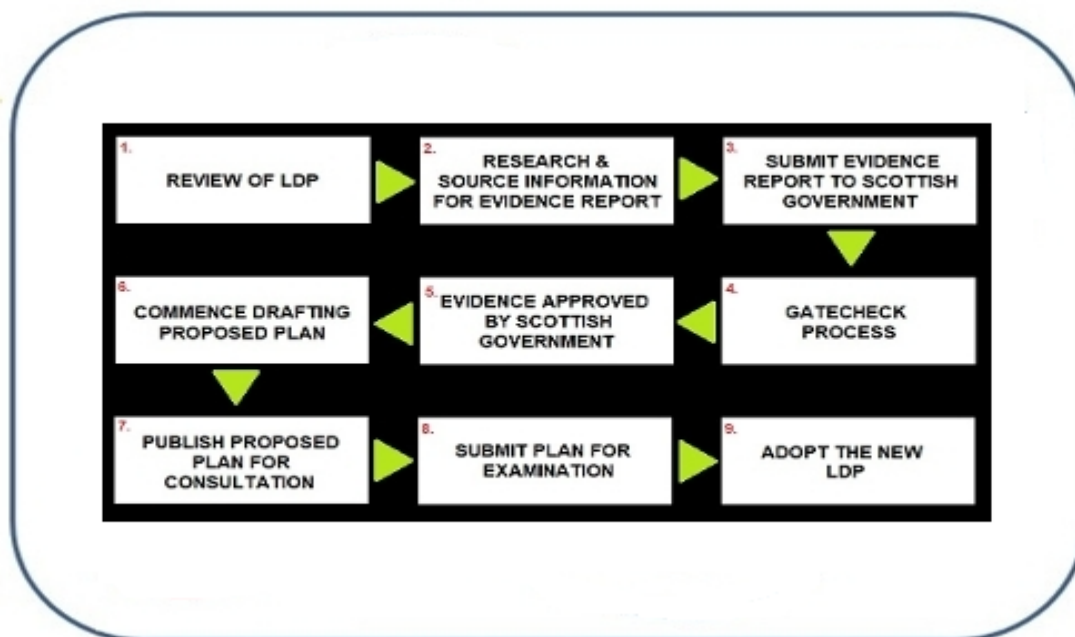
Once completed and then registered by the council, Local Place Plans are to be taken into account in the preparation of the new Local Development Plan.

If you have any questions about Local Place Plans, please contact us at DPgeneral@westlothian.gov.uk

The new Local Development Plan process

The council is preparing a new Local Development Plan (LDP 2) to replace the current LDP, adopted in 2018. This 'new style' plan will address a wide range of policy issues and guide future development within West Lothian for a ten-year period starting from when it is adopted.

Preparation of the next Local Development Plan for West Lothian will follow the process set out within the Planning (Scotland) Act 2019.



The Evidence Report (ER)

The first main stage in producing the next West Lothian Local Development Plan (LDP 2) is preparation of an Evidence Report. The ER aims to clearly inform *what* to plan for before the Proposed Plan looks at *where* development should take place. The ER will provide the baseline data to ensure LDP 2 is based on sound evidence to inform a deliverable, place-based and people-focused LDP.

The baseline information will include the Council's views on a number of key elements including the characteristics of the land use and population of the plan area as well as housing, education, health and infrastructure matters, amongst others. It will also include an assessment of the sufficiency of play opportunities for children.

Preparation of the ER will also be a key focus of stakeholder and community engagement with the aim of establishing what data is available and its sufficiency in enabling us to prepare our proposed plan.

There are particular legislative requirements to seek the views of key agencies (e.g. SEPA, NatureScot), children and young people, disabled people, Gypsies and Travellers, Community Councils and 'the public at large' in the preparation of the ER. This is to enable it to include proportionate information about the lived experience of those who live and work here and what the needs and aspirations are for places in West Lothian over the next 10-20 years.

Where there is disagreement on the sufficiency of the baseline evidence, then the Evidence Report process allows for communities or stakeholders to submit a 'dispute' to the council. We hope that engagement will allow us to discuss and resolve any disputes that arise before we submit our Evidence Report to Scottish Ministers for the Gate Check process.

The council has prepared a *Participation Statement* which outlines when consultation is likely to take place, with whom and its likely form, including the steps to be taken to involve the public at large. To inform the Participation Statement the council has sought the views of the public on what the content of the Participation Statement should be, and will have regard to those views expressed.

The Evidence Report requires to be agreed by the council prior to submission to Scottish Ministers for the Gate Check.

Gate Check

The assessment of the Evidence Report, known as the Gate Check, provides an independent evaluation of whether the planning authority has sufficient information to prepare an LDP and whether key matters have been considered and engagement and all consultation requirements have been met.

The Gate Check will be carried out by a person appointed by Scottish Ministers, usually a Reporter from the Directorate for Planning and Environmental Appeals (DPEA).

Should the Reporter decide there is sufficient information, the planning authority may then move to prepare and publish their Proposed Plan. However, if it is concluded that there is not, the planning authority will be required to address any deficiencies or 'disputes' before progressing the plan further.

It is intended that the Gate Check process should reduce the level of debate arising at a subsequent Examination at the end of the plan preparation period, and generally make for a better evidence-led plan.

The Gate Check and Examination have an important relationship but these are two distinct processes with different purposes. Evidence found to be sufficient is not expected to be revisited at the Examination stage. The Examination is instead intended to focus on unresolved issues raised in relation to the Proposed Plan.

The Gate Check is an independent process and the council as planning authority is therefore not in control of timings. While it is anticipated that the Gate Check will take approximately 3 months to complete it is important to be aware that it could take longer depending on the number of issues that are disputed.

Proposed Plan

The Proposed Plan will identify where new development should take place and where it should not. It can articulate the ambitions and priorities for the future development of the plan area. It should coordinate development and service provision and an 'Infrastructure First' approach should inform its preparation and support its delivery.

New style plans are expected to be place-based. There should be greater emphasis on maps, site briefs and masterplans, and because NPF4 now provides most of the general policies for development management purposes the policy content is anticipated be limited and of a bespoke localised nature.

As part of the preparation of the proposed plan, the council may undertake a 'Call for ideas'. This would be open to anyone to suggest ideas for any aspect of the new LDP, including specific proposals for allocating land for development.

Once the plan is published, there will be a 12-week consultation period to allow representations from everyone including all stakeholders and interested parties on the Proposed Plan to be submitted to the Council.

Following the close of the period for representations on the Proposed Plan, the council may make modifications to the plan to take account of representations, consultation responses or correct minor drafting and technical matters. A Modification Report will set out any modifications made and explain the reasons for making them and for not making changes where matters have been raised in significant numbers.

The Proposed Plan will then be republished and submitted to Scottish Ministers, who will examine any unresolved representations via a formal Examination.

Examination

The examination process is carried out by a person appointed by Scottish Ministers, (a Reporter from the Scottish Government's Planning and Appeals Division, DPEA). It provides the opportunity for independent consideration of any issues raised during the formal consultation on the Proposed Plan that have not been resolved through modifications.

The Reporter will also consider if the consultation and involvement of the public in the preparation of the plan meets or exceeds the requirements of the Participation Statement.

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The scope of the examination is limited only to issues raised in unresolved representations. These issues will be set out in the summary of issues prepared by the planning authority and it is the Reporter who will determine the form the Examination will take. Only where the Reporter feels they do not have all the information they need to make a proper assessment of an issue will they request further information from any person.

If, having completed the examination, the Reporter is, for example, not satisfied that the Proposed Plan allocates sufficient land to meet the Local Housing Land Requirement (LHLR), instead of preparing an examination report, they may issue a notice that requires the planning authority to prepare another Proposed Plan.

The notice must include a statement that the Proposed Plan is unsatisfactory, perhaps because it fails to address identified housing needs, but it must in any event explain the appointed person's reasons for coming to that conclusion.

If the Reporter is however satisfied that the Proposed Plan allocates sufficient land to meet the LHLR, then the Reporter will publish an Examination Report containing their conclusions and recommendations for each of the unresolved issues identified at the start of the Examination process.

Upon receipt of the Examination Report the council must accept the Reporter's recommendations, (except in some very limited circumstances) and it will modify the Proposed Plan as directed.

Adoption and Delivery

Once the examination is complete and any changes have been incorporated the council will proceed to adopt the Local Development Plan, which alongside NPF4 will be the basis against which to make decisions on planning applications. This is when it becomes a formal part of the development plan and the current Local Development Plan (LDP 1) will be revoked.

The focus of the new LDP should be on delivery. As such, the planning authority is required to produce a Delivery Programme which is detailed and practical and leads to development on the ground. The Delivery Programme will be published alongside the Evidence Report and the Proposed Plan. The council, as planning authority, must monitor the implementation of the delivery programme to determine whether commitments in the LDP are being met.

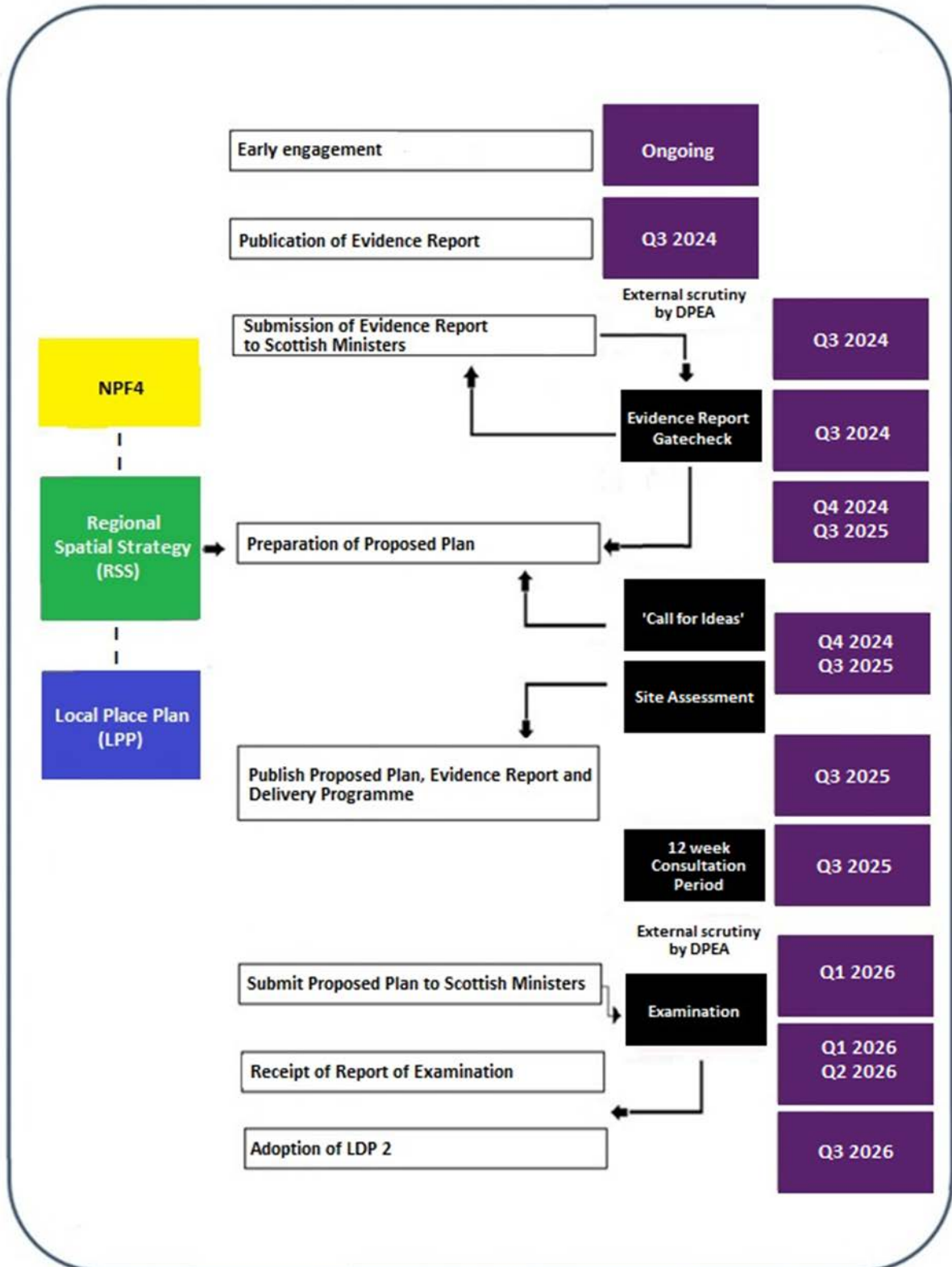


Plan Preparation Stage	Expected Date (DPS No.16)	Change from DPS No.15
Evidence Report and Early engagement	Ongoing	
Council approval of Evidence Report	Q3 2024 (October to December)	Previously Q1* 2024
Submission to Scottish Ministers and 'gate check process'	Q3 2024 (October to December)	Previously Q2* 2024
Preparation of Proposed Plan and 'call for ideas'	Q4 2024 to Q3 2025 (October to December 2025)	Previously Q3* 2024
Council approval and publication of the Proposed Plan	Q3 2025 (October to December)	Previously Q2* 2025
Proposed Plan consultation period	Q3 2025 (October to December)	Previously Q2* 2025
Submission of Proposed Plan for examination	Q1 2026 (April to June)	Previously Q4* 2025
Examination	Q1 2026 (April to June) to Q2 2026 (July to September)	Previously Q4* to Q1* 2026
Adoption of LDP 2	Q3 2026 (October to (December 2026)	Previously Q2* 2026

* New regulations and guidance specify the date convention to be used is fiscal year quarters. Q1 = April to June, Q2 = July to September, Q3 = October to December and Q4 = January to March. Previously the DPS has used calendar year quarters.

The changes since DPS No.15 (2023) reflect a reassessment of the original timeline and the implications of the Town and Country Planning (Development Planning) (Scotland) Regulations 2023 and guidance published in 2023.

Indicative diagram indicating the Local Development Plan Preparation Process with timetable



Participation Statement

The Participation Statement sets out the Council's commitment to encourage everyone with an interest in West Lothian to become involved in the preparation of the new Local Development Plan.

West Lothian's LDP 2 will influence where people live, work, shop, play and travel in West Lothian and local people and organisations have unique knowledge and insight which can help the council better understand key issues and enable it to create a much better plan.

Engagement objectives

Across informal and formal consultation phases, the council will attempt to:

- Identify and feedback on the key issues facing West Lothian, the main challenges that need to be addressed and the areas of consensus and conflict;
- Establish what realistic and achievable planning related actions would make the most effective difference to tackling these issues;
- Reach a more diverse cross-section of stakeholders and deploy a variety of consultation methods that help it reach audiences that have not typically felt engaged;
- Define a bespoke planning policy for West Lothian over the time frame of the next Local Development Plan.

The council is continually exploring different options for consultation and welcomes any comments or suggestions that you may have to make this the process as inclusive as possible. Please send them to wlldp@westlothian.gov.uk

Audiences

A number of distinct audiences have been identified as being critical to the success of the Local Development Plan consultation process. These audiences encompass those specifically set out in Scottish Government's Local Development Plan regulations, including disabled people, children and young people and community councils.



Key Principles

- The council will publish an updated Development Plan Scheme (DPS) at least once every year, setting out how and when people can get involved in the preparation process.
- The council will consult on the Participation Statement to gather a range of views on how to engage in development plan preparation.
- We have invited all community councils and community bodies to prepare Local Place Plans.
- 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 will seek to ensure people and communities are aware of the Local Development Plan process and of the opportunities to comment at key stages in its production.
- The council will make use of a range of platforms including its website, social media platforms, press adverts and articles to achieve this. It will also employ its extensive community planning network and will work with community councils to share and distribute information.

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- The council will seek to ensure that participation in the plan-making process is inclusive and open to everyone.
- The council will engage with communities and stakeholders and initiate a programme of consultation events when it is meaningful to do so to.
- The council is mindful of its responsibilities to be as inclusive and will make a particular effort to reach out to previously ‘hard to reach’ groups and overcome barriers to their participation.
- The council wishes 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.
- This will include an explanation of **why** the council is consulting, **how** it will be consulting and **what** will happen with the responses that it hopes to receive.
- The council will make every effort to produce clear, concise and accessible documents that are written in non-technical everyday language which people can readily understand.
- While it is anticipated that an increasing amount of engagement and exchange of information is likely to take place via the internet, it is recognised that not everyone has access to an online facility or broadband and that 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.

Engaging with the preparation of the new LDP

There will be a number of opportunities to become involved in the preparation of LDP 2 and these will be clearly advertised through social media, updates on our websites and in local newspapers and notified to everyone who has subscribed to the LDP 2 Newsletter or registered to be included on our contact mailing list.

There are three distinct stages of the LDP process where participation can perhaps most directly influence the new plan. These are:

- through early engagement in the preparation of the Evidence Report,
- the ‘Call for Ideas’ at the beginning of the Proposed Plan stage; and,
- following the publication of the Proposed Plan.

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We are currently at the early engagement stage of preparing the Evidence Report. To date we have:

- Initiated early engagement online with communities in West Lothian through a range of surveys ‘How good is your place?’
- Carried out a public engagement exercise ‘We need to talk about LDP2’ with 10 drop-in sessions across West Lothian.
- Initiated engagement with key stakeholders such as the Key Agencies.
- Begun ‘place-based’ collaborative work with other WLC services to identify and collate evidence relating to climate change, flooding, biodiversity, the natural environment, forestry and woodlands, transport, affordable housing need, open space and play sufficiency.

As part of the preparation of the Evidence Report we also intend to carry out direct engagement with:

- Community councils and other community organisations alongside wider public engagement,
- Disabled people, children and young people; and the gypsy traveler community and other under-represented groups, and,
- Relevant stakeholders on key evidence report themes.

A schedule of engagement opportunities is set out in the table below:

If you have any questions specifically relating to this Development Plan Scheme or to the preparation of LDP 2 generally please;

- visit the Local Development Plan website at:
<https://www.westlothian.gov.uk/developmentplans>
- email us at:
wlldp@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](#)

Schedule of engagement events prior to submission of Evidence Report

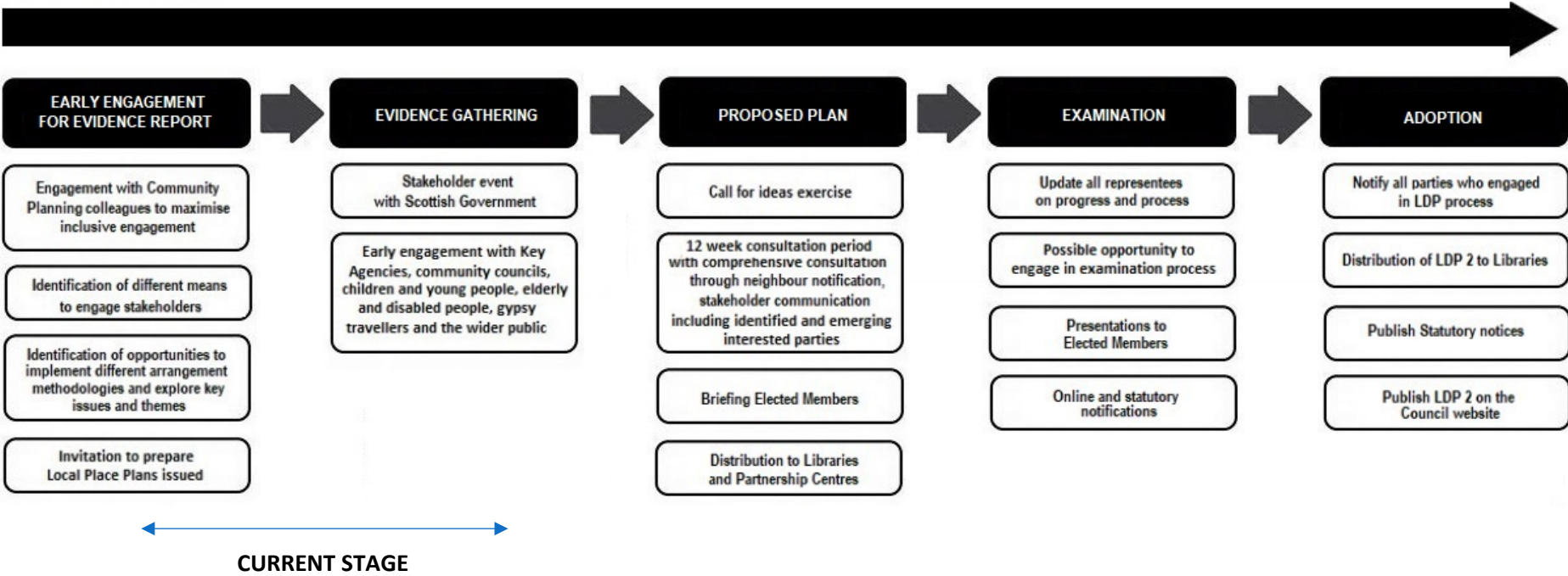
Event	Dates	Format
Community Councils and wider public engagement including key groups	April – May 2024	In person and online events to reach a wide range of stakeholders. Evidence gathering survey
Key Agencies and other statutory stakeholders	April 2024	Workshop Evidence gathering survey
Placed based LDPs and Local Living	April 2024	Series of workshops
Housing Development and Site Selection Criteria	May 2024	Workshop / event Evidence gathering survey
Housing Need and Demand	May 2024	Workshop Evidence gathering survey
Climate Change and Biodiversity	May 2024	Workshop
Energy and Renewables	May 2024	Online session
Commercial Needs and Business Land	May 2024	Online session
Transport and Connectivity	May 2024	Online session
Play Sufficiency	May/June 2024	Consultation
Forestry and Woodland Strategy	Late 2024	Consultation

**West Lothian Local Development Plan 2
PARTICIPATION STRATEGY**

Dedicated email address for contacting the LDP 2 Team
wldp@westlothian.gov.uk

Dedicated postal address for contacting the LDP 2 Team
WLC Development Planning and Environment Team
Civic Centre, Howden South Road, Livingston, EH54 6FF

Regularly post progress updates online





Development Planning & Environment (DP&E)
Approved 12 March 2024