

# WEST LoTHIAN

## Development Plan Scheme and Participation Statement

DPS No.15 - 2023



Approved by West Lothian Council Executive, 21 March 2023

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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)?

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As a local planning authority, West Lothian Council is required by planning law to prepare a Development Plan Scheme (DPS) at least annually. The previous DPS was published in March 2022.

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



## What is a Development Plan?

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National Planning Framework 4 (NPF4), LDPs and any associated Supplementary Guidance (SG) form part of the statutory 'development plan'. Together, they set out policies and proposals for future development and the use of land.

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

## The Current Development Plan for West Lothian

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

- [National Planning Framework 4, \(NPF4\)](#) [Adopted 13<sup>th</sup> 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.

The adoption of NPF4 on 13 February 2023 has had the effect that all Strategic Development Plans (SDPs) and any associated SG ceased to have effect and no longer forms part of the 'development plan'. This includes SDP [\(SEsplan\)](#) [Adopted 2013] and its associated [Housing Land Supplementary Guidance](#) [Adopted November 2014].

Also following the adoption of NPF4 in February 2023 [Scottish Planning Policy \(SPP\) 2014](#) and [NPF3](#) have ceased to have effect, both of which were previously material considerations.

## Planning Scotland Act (2019)

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The [Planning \(Scotland\) Act 2019](#) set the future structure of the modernised planning system. The Act includes a broad range of changes to be made across the planning system including:

- arrangements for the preparation of development plans
- proactive master planning

- development management procedures and considerations
- strengthening enforcement
- a focus on improved performance and positive outcomes

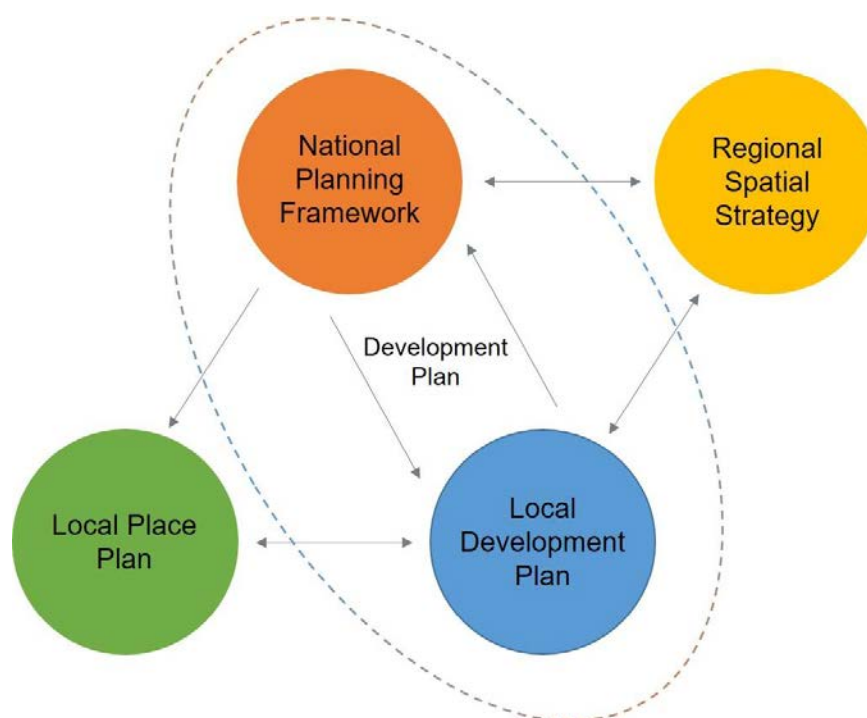
The Planning (Scotland) Act 2019 introduced significant changes to the way LDPs are to be prepared. The period of longevity of LDPs has been increased to ten years from the previous five with opportunity for interim reviews on certain matters such as housing and now has a streamlined, front-loaded preparation process.

The 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.

To guide the implementation of these changes Scottish Government published [proposals for secondary legislation and draft guidance](#) for consultation in December 2021. The consultation period closed on 31 March 2022. It is expected that new development planning regulations and guidance will come into force in Spring 2023.

NPF4 and the West Lothian LDP, along with Regional Spatial Strategies (RSSs) and Local Place Plans (LPPs) will provide the spatial framework for decision making that will support the delivery of a wide range of strategic priorities including climate change, nature recovery, inclusive growth, the wellbeing economy and child poverty.

**Figure 1: Statutory Development Plan and Related Plans.**



## **West Lothian Local Development Plan (2018)**

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The current West Lothian LDP was adopted in September 2018. To support LDP policies 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.

## **National Planning Framework 4 (NPF4)**

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[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, the first iteration of the [NPF4 Delivery Programme](#) has been prepared. This is an important tool which sets out the approach for implementing NPF4 and includes key actions to be taken forward over the short and medium term.

## **Regional Spatial Strategy**

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The preparation and adoption of Regional Spatial Strategies (RSS) will provide a long-term spatial development framework at regional level which will identify strategic development needs and priorities. While they will not form part of the development plan, they must be taken account of when an LDP is being prepared. West Lothian Council has worked collaboratively with SESplan / City Deal partner authorities to prepare an [interim RSS](#) and this was submitted to Scottish Government at the end of 2021.

## Local Place Plans

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One of the most notable innovations introduced by the 2019 Planning Act has been to afford community bodies a new way to feed into the planning system by giving them a right to prepare *Local Place Plans*.

They are a new type of plan giving 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 council will not be administering 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 will issue an invitation to local communities to prepare a Local Place Plan following the adoption of new local development plan regulations and guidance in Spring 2023. The council will also keep a register of validated Local Place Plans in West Lothian and will make information about them available online so that you can see if there is a Local Place Plan in your area.

Once completed and then registered by the council, they 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](mailto:DPgeneral@westlothian.gov.uk).

## The Local Development Plan Process

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The council is preparing a new Local Development Plan (LDP 2) to replace the current LDP, adopted in 2018. The new plan will guide future development within West Lothian for a ten-year period starting from when it is adopted.

## Evidence Report

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The Evidence Report is the first formal stage in preparing the next West Lothian Local Development Plan (LDP 2)

The Evidence Report aims to clearly inform *what* to plan for before the Proposed Plan looks at *where* development should take place. The Evidence Report 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.

The council will prepare a *Participation Statement* to outline 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 will seek the views of the public on what the content of the Participation Statement should be, and will have regard to any views expressed.

There are 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 Evidence Report. This is to enable the Evidence Report 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.

[NPF4 Delivery Programme](#) outlines that Scottish Government intend to finalise effective community engagement guidance following the adoption of NPF4. The guidance, once finalised, will contain the Scottish Government's expectations as to how planning authorities comply with their duties to engage the public at large in developing their Local Development Plans.

The Evidence Report will be approved by the council and sent to Scottish Ministers. They will appoint an independent assessor to determine whether the report has sufficient information to enable the planning authority to prepare a draft LDP (the Gate Check).



## Gate Check

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The Gate Check is the stage in the process where it will be determined by an independent assessment of whether the council has sufficient information to prepare an LDP. It 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, then council may then move to prepare and publish their Proposed Plan. However, if it is concluded that there is not, the council will be required to address any deficiencies before progressing the plan any further.

## Proposed Plan

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Following the Evidence Report and Gate Check, the council may decide to undertake a 'Call for ideas'. This would be open to anyone to propose ideas for any aspect of the new LDP.

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, with minimal policy wording.

Once 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

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The examination process is carried out by a person appointed by Scottish Ministers, usually a Reporter from the Directorate for Planning and Environmental Appeals.

It is 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 consider if the consultation and involvement of the public in the preparation of the plan meets or exceeds the requirements of the Participation Statement.

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 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 because it fails to address identified housing needs, and 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**

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Once modified, 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.

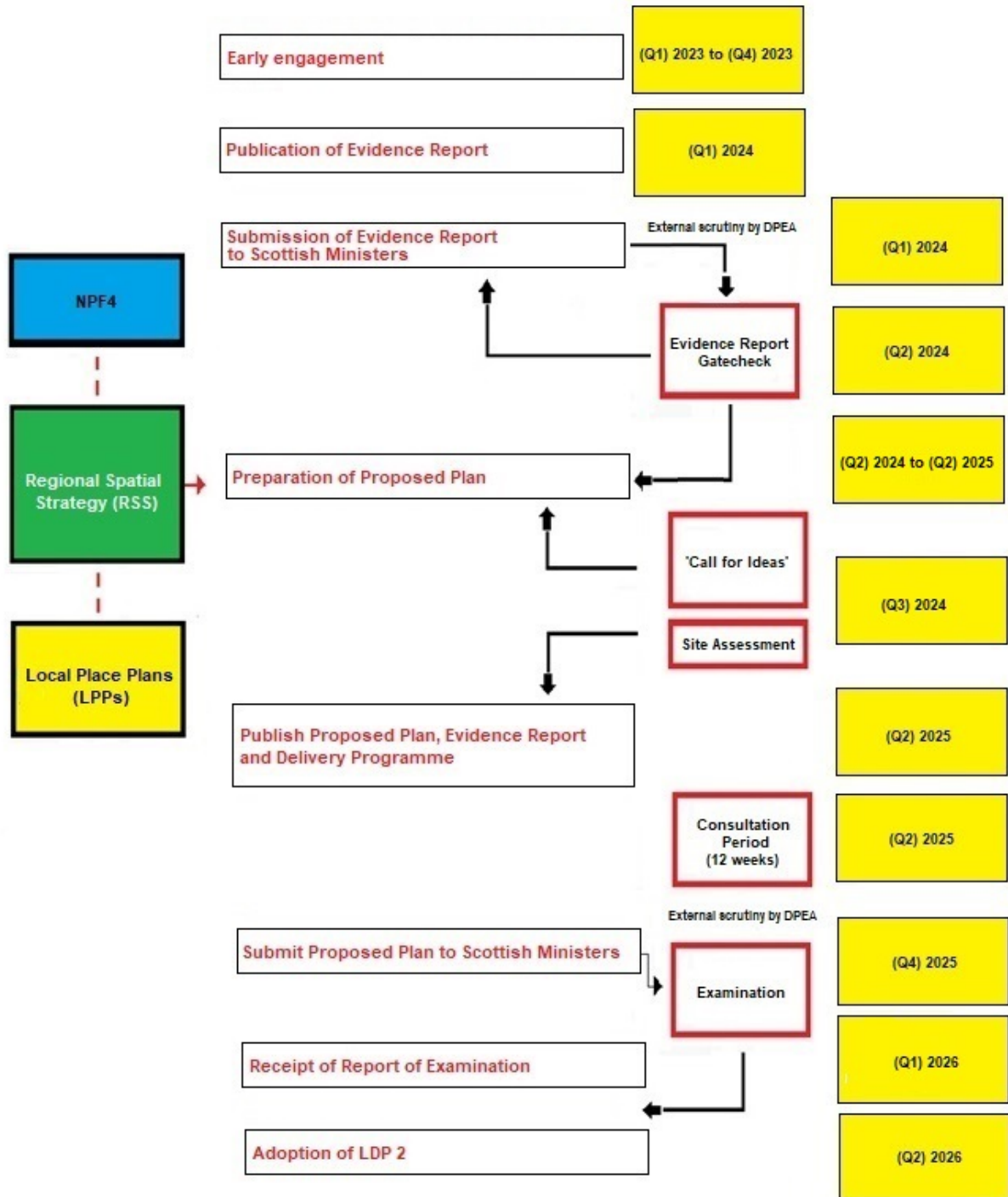
The focus of the new LDP should be on delivery. As such, the planning authority is required to produce a Delivery Programme which is detailed and practical and leads to development on the ground. The Delivery Programme will be published alongside the Evidence Report and the Proposed Plan. The council,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

## West Lothian Local Development Plan 2 Timetable

The proposed timetable for producing LDP 2 is as follows;

<u>Plan Preparation Stage</u>	<u>Anticipated Date</u>
<b>Early Engagement</b>	Q1 2023 to Q4 2023
<b>Council approval of the Evidence Report and submission to Scottish Ministers</b>	Q1 2024
<b>Gatecheck</b>	Q2 2024
<b>Call for ideas</b>	Q3 2024
<b>Council approval and publication of the Proposed Plan</b>	Q2 2025
<b>Proposed Plan Consultation period</b>	Q2 2025
<b>Submission of Proposed Plan (and a Modification Report if necessary) to Scottish Ministers for examination.</b>	Q4 2025
<b>Examination</b>	Q4 2025 to Q1 2026
<b>Adoption</b>	Q2 2026

Figure 2: Indicative diagram indicating the Local Development Plan Preparation Process



## Draft Participation Statement

The council's Participation Statement is presented as a draft at this time in advance of the final development planning regulations and guidance being published. Effective community engagement guidance is also expected to be finalised following the adoption of NPF4.

The council will encourage everyone with an interest in West Lothian to become involved in the preparation of the new Local Development Plan. Meaningful consultation and engagement are considered essential if the new plan is to secure confidence and ownership. The LDP has the potential to affect 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.

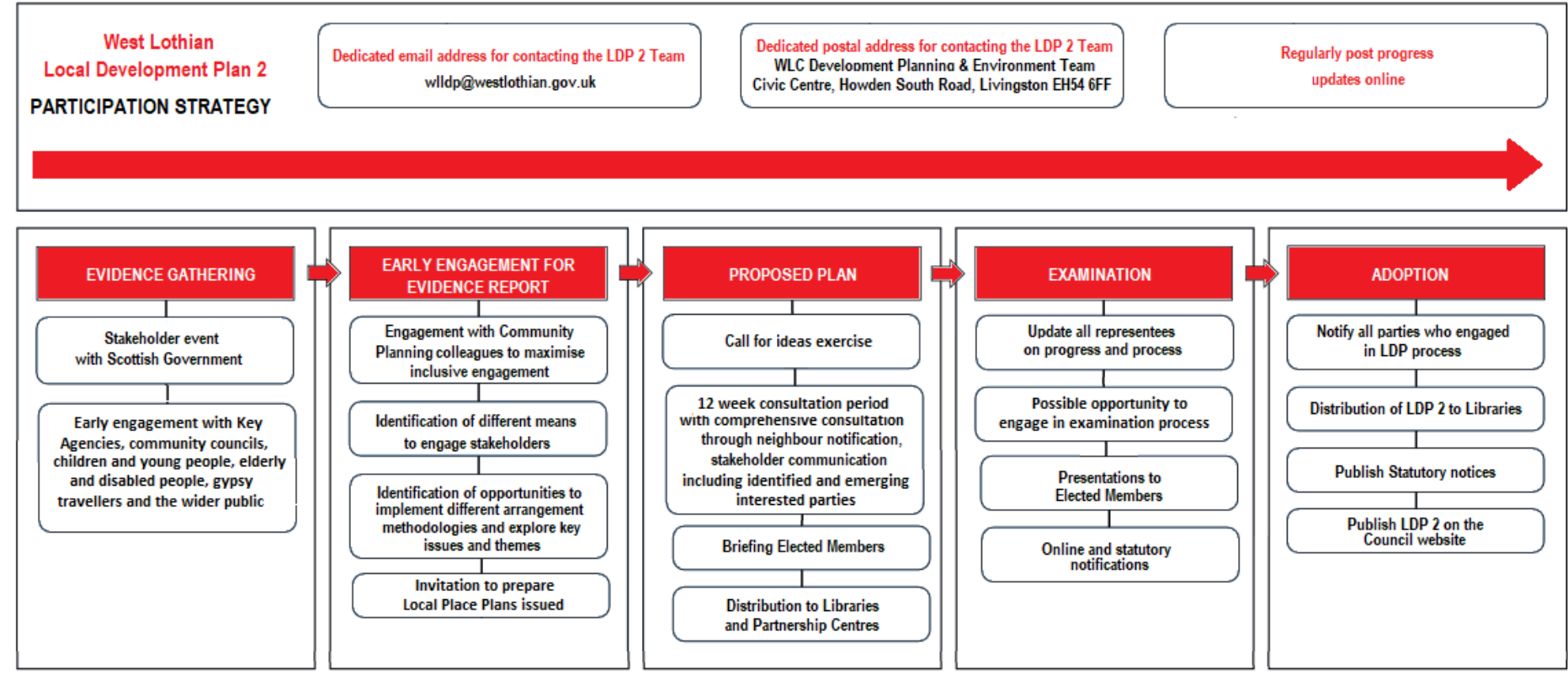
There will be many opportunities to become involved in the preparation of LDP 2 these will be clearly advertised, through social media, updates on our websites, invitations to everyone who has the registered on our mailing list and advertisements in the local newspapers.

The council is continually exploring different options for consultation and would welcome any comments or views that you may have.



## **Key Principles**

- 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.
- 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 wants 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 the council will use the media, newspaper notices and the council's website to achieve this. It will also employ its extensive community planning network and will work with community councils to share and distribute information.
- The council will make every effort to produce clear, concise and accessible documents that are written in everyday language and which people can readily understand.
- The council will engage with communities and stakeholders and initiate a programme of consultation events as soon as it is meaningful to do so to.
- 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.



- visit the Local Development Plan website at:  
<https://www.westlothian.gov.uk/developmentplans>
- email us at:  
[wlldp@westlothian.gov.uk](mailto:wlldp@westlothian.gov.uk)
- phone us on:  
[01506 280000](tel:01506280000)
- write to us at:  
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