

# Planning Committee

2.00pm, Wednesday 30 May 2018

## Edinburgh Local Development Plan 2: Project Overview – referral from the Housing and Economy Committee

Item number	9.1
Report number	
Executive/routine	
Wards	
Council Commitments	

### Executive Summary

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On 22 March 2018 the Housing and Economy Committee considered a report by the Executive Director of Place which provided an overview of the Edinburgh Local Development Plan 2 (LDP 2) project process. The report was referred to the Planning Committee for information.

# Terms of Referral

## Edinburgh Local Development Plan 2: Project Overview – referral from the Housing and Economy Committee

### 1. Terms of Referral

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- 1.1 On 22 March 2018 the Housing and Economy Committee considered a report which provides an overview of the project process for delivering Edinburgh Local Development Plan 2. The report includes the main statutory stages and current expectations for indicative timescales. The timetable is dependent on that of Strategic Development Plan 2, which is currently in examination. A confirmed timetable, including dates of formal consultation stages, will be reported later in 2018, as a new statutory Development Plan Scheme. In the meantime, the report sets out proposed early stage engagement activities.
- 1.2 The Council's current LDP was adopted in November 2016, at the end of a project which was initiated in 2010. It is the Council's first adopted LDP and replaced two local plans prepared in the 2000s under previous legislation. It was the first authority-wide statutory land use plan since the 1965 Development Plan. At the end of the first LDP project, an 'early review' was recommended by the Scottish Ministers. The project was the subject of an evaluation, an internal audit, and a stakeholder feedback survey. These have informed the approach proposed for LDP 2 as a project.
- 1.3 The Housing and Economy Committee agreed:
  - 1.3.1 To note that the Edinburgh LDP 2 project is now underway;
  - 1.3.2 To note that the project is statutorily dependent on Strategic Development Plan 2, and that a confirmed timetable will therefore be reported later in 2018, as part of a new Development Plan Scheme;
  - 1.3.3 To agree the actions in paragraph 3.13 of the report as first stage engagement activities;
  - 1.3.4 To agree that the project governance includes a forum for Conveners, Vice Conveners and opposition representatives as described in paragraph 3.10. The membership to be considered following discussion and a report to be brought back in 1 cycle for agreement; and
  - 1.3.5 To refer the report to the Planning Committee for its information.

### 2. For Decision/Action

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- 2.1 The Committee is asked to note the report.

## **Background reading/external references**

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Housing and Economy Committee, 22 March 2018

### **Laurence Rockey**

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### **3. Appendices**

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Appendix 1 – Report by the Executive Director of Place

# Housing and Economy Committee

10.00am, Thursday, 22 March 2018

## Edinburgh Local Development Plan 2: Project Overview

<b>Item number</b>	
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	All
<b>Council Commitments</b>	

### Executive Summary

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This report provides the Committee with an overview of the Edinburgh Local Development Plan 2 (LDP 2) project process. It includes the main statutory stages, and current expectations for indicative timescales. The timetable is dependent on that of Strategic Development Plan 2, which is currently in examination.

A confirmed timetable, including dates of formal consultation stages, will be reported later in 2018, as a new statutory Development Plan Scheme. In the meantime this report sets out proposed early stage engagement activities.

## Edinburgh Local Development Plan 2: Project Overview

### 1. Recommendations

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- 1.1 It is recommended that Committee:
  - 1.1.1 Notes that the Edinburgh LDP 2 project is now underway;
  - 1.1.2 Notes that the project is statutorily dependent on Strategic Development Plan 2, and that a confirmed timetable will therefore be reported later in 2018, as part of a new Development Plan Scheme;
  - 1.1.3 Agrees the actions in paragraph 3.13 below as first stage engagement activities;
  - 1.1.4 Agrees that the project governance includes a forum for conveners, vice conveners and opposition representatives as described in paragraph 3.10 and with membership as set out in Appendix 1; and
  - 1.1.5 Refers this report to the Planning Committee for its information.

### 2. Background

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- 2.1 Local authorities have to prepare local development plans (LDPs) as a statutory duty under the Planning etc (Scotland) Act 2006 and associated 2008 Regulations. This duty includes a requirement to keep LDPs under review and to update them at least every five years.
- 2.2 A LDP is to set land use allocations and policies for a ten year period. It is used to determine planning applications.
- 2.3 The Council also has a statutory duty to ensure that its LDP is consistent with the strategic development plan (SDP) for the wider city region. A new SDP – ‘SDP 2’ – was published in proposed form in October 2016. It is currently at examination. The examination is currently expected to report in Spring 2018 and the subsequent version of the SDP is due to be approved by Scottish Ministers in Summer 2018. It will set various land use requirements and targets, including new housing land requirements, for the period 2018 – 2030, and beyond. These will need to be implemented through a new LDP at authority level.
- 2.4 The Council’s current LDP was adopted in November 2016, at the end of a project which initiated in 2010. It is the Council’s first adopted LDP, and replaced two local

plans prepared in the 2000s under previous legislation. It was the first authority-wide statutory land use plan since the 1965 Development Plan.

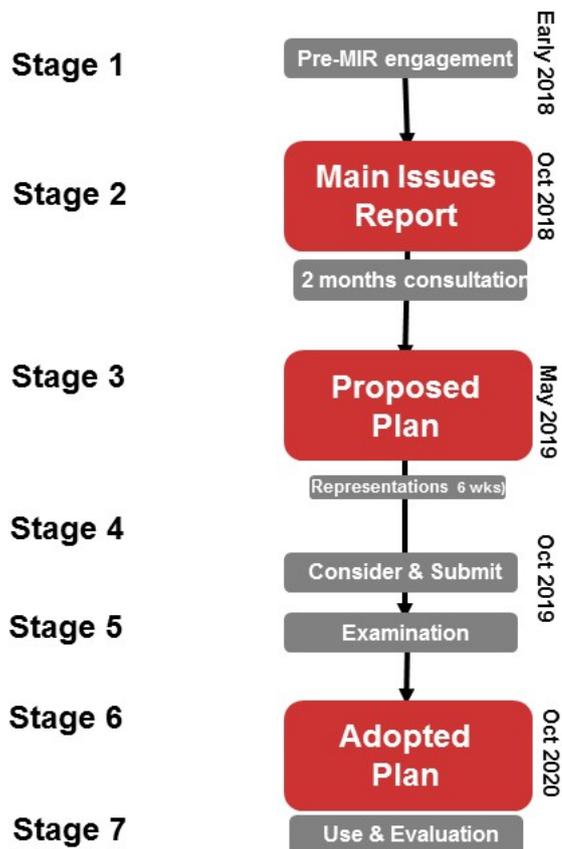
- 2.5 At the end of the first LDP project, an 'early review' was recommended by the Scottish Ministers. The project was the subject of an evaluation, an internal audit, and a stakeholder feedback survey. These have informed the approach proposed for LDP 2 as a project.

### 3. Main report

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#### Overall Process

- 3.1 The Planning Act and Regulations and separate legislation on impact assessments prescribe most of the project outputs. They also prescribe the main stages to be undertaken.
- 3.2 National planning policy sets further expectations, notably those of Scottish Ministers. These include the timescales for LDP preparation, set out in [Circular 6/2013](#).
- 3.3 Councils must publish their timetable and process intentions for LDP preparation at least annually. This is called a Development Plan Scheme.
- 3.4 The current Development Plan Scheme was published in [September 2017](#). It sets out an indicative timetable for LDP 2, based on national expectations and the SDP 2 timetable as anticipated in 2017. LDP 2 must by law be consistent with SDP 2. The current expected timescales for SDP 2 are referred to above however the eventual dates of the examination report and Ministerial approval are still subject to change.
- 3.5 A new Development Plan Scheme will need to be reported and published in 2018. It must give detailed advance notice to stakeholders about how and when the project's main consultation stage – the Main Issues Report (MIR) – will take place. This element of a Scheme has a statutory name: the 'participation statement'. The Council must later submit to examination a report explaining how it conformed with the participation statement active at the time of the Proposed Plan period of representations. Failure to have conformed results in the LDP being sent back before the examination proceeds. A similar level of conformity should be achieved at the MIR stage to avoid reputational and potential legal risks.
- 3.6 Due to the legal significance of a Development Plan Scheme, and the uncertainty related to the outcome of SDP 2, it is not intended to report the 2018 Development Plan Scheme until the outcome of SDP 2 is formally confirmed. The Development Plan Scheme is therefore expected to be reported in either June or August 2018.
- 3.7 The seven main project stages are indicated in the following diagram, using the indicative timings in the September 2017 Development Plan Scheme:



Dates as per September 2017 Development Plan Scheme (DPS). Timings subject to SDP 2 and examination timings, and availability of relevant committee dates. Confirm timetable in 2018 DPS once SDP 2 outcome confirmed



### Project Governance

3.8 Project governance follows a PRINCE 2 approach and includes:

3.8.1 A project team formed of Council staff, with a core of Planning staff and a wider team with officers from relevant other services and directorates;

3.8.2 A project board with relevant senior managers; and

3.8.3 An Oversight Group chaired by the Chief Executive, repurposed from the existing Action Programme Oversight Group. The Oversight Group will include:

- Chief Executive
- Executive Directors (Place, Resources, Communities & Families)
- Director of Edinburgh Health & Social Care Partnership
- Head of Finance
- Head of Place Development
- Chief Planning Officer (reports to Oversight Group)

3.9 The Housing and Economy Committee has the remit to approve the key project documents, including the Main Issues Report, Proposed Plan, submission to examination, and Plan as Modified following examination. The full Council formally adopts the LDP at the end of the process.

- 3.10 The following section describes how elected members can be involved in the LDP 2 engagement process in their role as ward councillors. In the interests of achieving alignment of LDP 2 and other Council strategies, it is also intended to provide an informal cross-party forum for relevant conveners, vice conveners and opposition representatives. The purpose of this 'leadership forum' would be to brief these elected members on key project issues and work as it progresses towards formal reporting. The proposed membership is set out in appendix 1.
- 3.11 Detailed project governance arrangements and controls have been informed by the findings of an internal audit. The recommendations of this audit were referenced in a recent report to the Governance, Risk and Best Value Committee ([16 January 2018](#)).

### **Early Engagement**

- 3.12 As explained above, the 2018 Development Plan Scheme will set out the statutory consultation process and period and will be the subject of a separate report.
- 3.13 The following sets out proposals for Stage 1 engagement before the Main Issues Report formal consultation period.
- 3.13.1 [Stakeholder feedback on LDP 1](#) indicated the need for improvement in engaging the wider citizenry of Edinburgh in the preparation of the LDP. Four community briefings on the LDP Action Programme were held in November and December 2017 for community councils and ward councillors, grouped by Locality geography. These briefings found an appetite for involvement in LDP 2 *prior* to the formal consultation stage;
- 3.13.2 Accordingly, Stage 1 of the LDP 2 project includes 'pre-MIR engagement' with these four groupings, to help frame and test the choices to be put to the wider stakeholders and citizenry in the Main Issues Report consultation. These conversations would also aim to build consensus on how best to engage the wider public at that formal stage (Stage 2 – the MIR and consultation). A set of four briefings has been arranged for March 2018. A further set is planned for June 2018;
- 3.13.3 It is also proposed to engage on topics (e.g. housing development, employment space, retail and leisure) with relevant industry/development sectors and community representatives over a similar period, with the same purpose – to help frame the choices presented in the MIR; and
- 3.13.4 Stakeholder feedback on LDP 1 also confirmed that there is a particular gap in engaging younger age groups in plan preparation. This has also been identified in a report to the Planning Committee setting out the Planning service's overall engagement strategy (report to Planning Committee 14 March 2018). It is therefore proposed to include a Children and Young People Engagement Programme as a central element in the LDP 2 project. As part of this, it is proposed to hold engagement activities May and June 2018, in parallel with the community briefings and topic engagement.

3.14 It is proposed to continue to make use of the Planning service’s social media activities to build awareness and interest in the project over 2018 and onwards.

### **Alignment with Other Plans & Strategies**

3.15 The Council Business Plan (August 2017) positions the LDP as an important document and process in delivering the 2050 City Vision, and the aims of the Council and its partners (see following diagram):



3.16 The main project objectives are:

3.16.1 Adopt a new LDP which can be used to deliver the vision, aims and outcomes identified by the Council in the Council Business Plan (August 2017);

3.16.2 Adopt a LDP which is the spatial expression of the forthcoming Edinburgh Community Plan (aka the Local Outcomes Improvement Plan or LOIP) and is aligned with existing and future Locality Improvement Plans and relevant Council strategies;

3.16.3 Prepare and adopt a LDP in a way which prevents a successful legal challenge following adoption. This includes achieving consistency with an approved SDP 2;

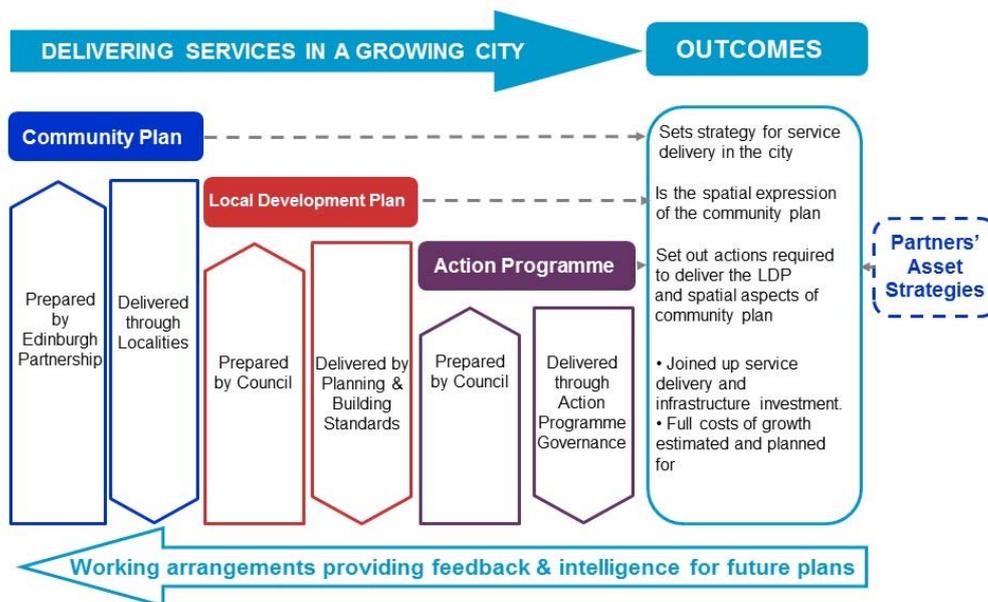
3.16.4 Prepare a new LDP in an inclusive and transparent way which represent good practice in terms of participation of individual citizens and community groups;

3.16.5 Prepare a new LDP which has the support of: elected representatives, Scottish Ministers and their directorates, statutory Key Agencies and all relevant Council officials;

3.16.6 Achieve an up-to-date and robust policy basis for good development management decisions which deliver good places on the ground. This should translate national planning policy into a policy framework which is appropriate for Edinburgh as a distinct place;

- 3.16.7 Establish a strategy for growth which is resource efficient in terms of providing and running infrastructure, as supported through a new cycle of statutory Action Programmes; and
- 3.16.8 Adopt a new LDP within the four years from adoption of the current LDP (i.e. by end October 2020), and no later than the statutory five year target (i.e. October 2021).
- 3.17 More detailed objectives relating to the specific content of the LDP itself, such as individual policy objectives or site and area outcomes, will be identified as outputs of the project. This is a key element of policymaking projects. The main statutory consultation stage – the Main Issues Report – is the key vehicle for identifying these specific objectives and seeking views on them and on how best to achieve them.
- 3.18 There are several other key strategies in preparation or implementation in parallel with the LDP, including:
  - 3.18.1 Community Plan (LOIP);
  - 3.18.2 Local Transport Strategy;
  - 3.18.3 Air Quality Strategy / Low Emissions Zone project;
  - 3.18.4 Economy Strategy;
  - 3.18.5 Central Edinburgh Transformation project;
  - 3.18.6 Locality Improvement Plans; and
  - 3.18.7 SDP 2 Supplementary Guidance (x2).
- 3.19 The following diagram shows the relationship of the LDP and its Action Programme with the Community Plan:

## Community Planning & Spatial Planning



- 3.20 Detailed alignment with the other relevant strategy documents identified above will be considered as part of individual workstreams.
- 3.21 LDP 2 is required by statute to be consistent with the approved SDP 2.
- 3.22 Planning legislation requires LDPs to be prepared with regard to certain other documents and matters as follows:
- 3.22.1 The resources available for implementing the plan;
  - 3.22.2 Any neighbouring LDPs;
  - 3.22.3 Any adopted national marine plan or regional marine plan relating to areas adjoining the plan area;
  - 3.22.4 Any regional or local transport strategy (referred to above);
  - 3.22.5 Any approved flood risk management plan;
  - 3.22.6 Any finalised local flood risk management plan;
  - 3.22.7 Any river basin management plan;
  - 3.22.8 Any local housing strategy relating to the plan area (referred to above);
  - 3.22.9 The national waste management plan; and
  - 3.22.10 Issues arising out of the European Directive on the control of major accident hazards involving dangerous substances.
- 3.23 In addition, the project will seek to achieve alignment with the key national planning policy documents expected to be reviewed over the LDP project's duration (Scottish Planning Policy and National Planning Framework 4) as far as practicable within timescales.

#### **4. Measures of success**

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- 4.1 The measure of success is that the Council adopts a new LDP which can be used to deliver the vision, aims and outcomes identified by the Council in the Council Business Plan and achieves the other project objectives identified above.

#### **5. Financial impact**

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- 5.1 There are no direct financial impacts arising from the approval of this report.
- 5.2 It is anticipated that the cost of preparing key project documents will be met through existing budgets, primarily those relating to staff. There is existing budget provision for potential legal costs, however these are not anticipated to arise until the later years of the project.
- 5.3 Some costs may arise in relation to limited consultancy work for certain specialist matters which Council staff do not have expertise in, and for engagement events and materials. These will be identified and managed as part of the formal governance process referred to above.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 The risks associated with this area of work are significant in terms of finance, reputation, and performance in relation to the statutory duties of the Council as Planning Authority and in several of its other capacities.
- 6.2 Project governance arrangements include regular monitoring and management of identified risks.
- 6.3 Project governance arrangements are outlined above, and include the formation of a forum for conveners, vice conveners and opposition representatives as proposed in appendix 1.

#### **7. Equalities impact**

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- 7.1 An Integrated Impact Assessment will be carried out as an integral part of the LDP 2 project.

#### **8. Sustainability impact**

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- 8.1 There are no direct sustainability impacts arising from this report although the ability of the Council to manage successfully the impacts arising from the growth of the city is critical to achieving sustainable development.

- 8.2 A Strategic Environmental Assessment will be carried out as an integral part of the LDP 2 project.

## 9. Consultation and engagement

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- 9.1 The formal consultation stages are set out in statute and focus in the Main Issues Report and Proposed Plan stages. These will be the subject of future statutory Development Plan Schemes, to be reported and published separately, as described above.
- 9.2 Pre-Main Issues Report engagement activities are proposed as described above, summarised as follows:
- 9.2.1 Community briefings with community councillors and ward councillors, on a Locality geography, in March and June 2018;
  - 9.2.2 Topic engagement, with relevant industry stakeholders, including community representatives; and
  - 9.2.3 Children and Young People's Engagement Programme, including events in May/June 2018.
- 9.3 It is intended that engagement processes will include reports to the four Locality Committees.

## 10. Background reading/external references

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- 10.1 Community Engagement in Planning – detailing proposals, Report to Planning Committee, 14 March 2018
- 10.2 Development Plan Scheme, [Report to Housing & Economy Committee, 7 September 2017](#)
- 10.3 Edinburgh Local Development Plan - Adoption, [Report to Full Council, 24 November 2016](#)
- 10.4 Internal Audit Quarterly Update Report: Quarter 2 – (1 July – 30 September 2017), [Report to Governance, Risk and Best Value Committee, 16 January 2018](#)
- 10.5 Programme for the Capital – The City of Edinburgh Council 2017-2022, [Report to Full Council, 24 August 2017](#)
- 10.6 SESplan Strategic Development Plan 2, Proposed Plan (October 2016), available at: [www.sesplan.gov.uk](http://www.sesplan.gov.uk)
- 10.7 Scottish Government [Circular 6/2013](#): Development Planning
- 10.8 Scottish Government [Planning Advice Note 82](#): Local Authority Interest Developments

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**11. Appendices**

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Appendix 1 - Proposed representation on LDP 2 leadership forum

Appendix 1

LDP 2 Leadership Forum – Proposed Representation

<b>Housing &amp; Economy Committee</b>	
Convener	1
Vice Convener	1
Opposition Representatives	3
<b>Planning Committee</b>	
Convener	1
Other Administration Representative	1
Opposition Representatives	3
<b>Transport &amp; Environment Committee</b>	
Convener	1
Vice Convener	1
Opposition Representative	3
<b>Total:</b>	15