

Midlothian

Midlothian Local Plan



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ADOPTED BY RESOLUTION OF
MIDLOTHIAN COUNCIL
ON 23 DECEMBER 2008

This Plan has been produced by the
Planning Unit Strategic Services

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Vision





The Edinburgh and the Lothians Structure Plan 2015 was approved by Scottish Ministers, with modifications, in June 2004. This established a requirement for Midlothian to accommodate further major residential and economic development, in addition to substantial growth already in the pipeline, to help sustain the success of the Edinburgh city region as the 'hotspot' of the Scottish economy.

Midlothian Council aims to provide positively for development which secures long-term social, economic and environmental benefits for existing and new residents of Midlothian. The main purpose of the Local Plan is to provide the statutory policy framework that will guide this development.

The challenge for Midlothian Council, and its partners in the public, private and voluntary sectors, is to cater for this scale of growth in a manner which will:

- ❖ safeguard and enhance the natural and built heritage of Midlothian which sustains the quality of life of its communities;
- ❖ support the development of a competitive and sustainable local economy; and
- ❖ ensure that Midlothian is a welcoming and enriching place to live, work and visit.

The Midlothian Community Plan, *Midlothian Moving Forward*, sets out the vision of the Council and its partners, which is based around the principles of quality of life and sustainability. Fundamental to achieving this through the development plan process is the location of new housing close to good community facilities, shops and employment opportunities, with efficient and high quality public transport connections. Fostering the creation of vibrant, self-contained communities able to retain their separate identities is integral to this vision. This will require a high quality of urban design and careful integration of new building into the landscape. Particular emphasis is placed upon securing an attractive setting and community access to the surrounding countryside.

It is the aim of the Local Plan to ensure that people already living or working in Midlothian benefit as much as possible from the changes. It is hoped that benefits will accrue in the form of enhanced job prospects, improved community facilities and better access to recreational open space and that these will outweigh some of the perceived disadvantages of expanding communities and creating new ones.

Such major development raises special challenges but also the opportunity to create an attractive environment for the people who live there. It is Midlothian Council's aim to fulfil the rightful expectations of existing and future generations for quality in all aspects of the development process.

Background





1.1 Introduction

1.1.1 The Planning System The purpose of the planning system is to guide the future development and use of land in the long-term public interest. As set out in Scottish Planning Policy 1 (SPP 1) *The Planning System*, the aim is to ensure that development and changes in land use occur in suitable locations and are sustainable. Managing change through an efficient and effective development plan process is integral to this. The long-term implications and the short-term effects of planning policies need to be considered from the outset.

1.1.2 The statutory planning system has a positive part to play in guiding appropriate development to the right places, resolving conflict between competing objectives, preventing development that is not acceptable and achieving quality of development on the ground. It can help to deliver the Council's vision for Midlothian.

1.1.3 The primary legislation guiding this Plan is set out in the Town and Country Planning (Scotland) Act 1997. Development usually requires planning permission and Section 25 of the Act requires that decisions as to whether development should be allowed must be made in accordance with the development plan unless other material planning considerations override the plan.

1.1.4 The development plan is made up of two parts – the structure plan and the local plan. The structure plan sets out the broad strategic policy framework for the area, while the local plan provides more detailed guidance as the basis for development management. Once the structure plan is approved by Scottish Ministers, local plans must conform with it.

1.1.5 Taken together, structure and local plans provide:

- ❖ a strategy to guide the location of development for 10 to 15 years;
- ❖ firm guidance on future land use and the pattern of development for the first 5 years of the plan;
- ❖ the incentive of identified opportunities for development and redevelopment;
- ❖ the standards to be achieved in new development; and
- ❖ the policy framework for conserving and enhancing the urban and rural environment and protecting the diversity of the natural and cultural heritage.

1.1.6 While development plan policies are important as a means to protect and improve the environmental quality of our towns and countryside, they can also contribute to the promotion of economic competitiveness so that areas can flourish and grow. They can help foster social justice by taking account of the diverse needs of local communities. An essential component is consideration of the transport impacts of development proposals and how the planning and transport systems in an area might be better integrated. Finally, plan preparation provides a forum for public information and involvement.

1.1.7 Statements of Government policy on nationally important land use and other planning matters are contained in a series of Scottish Planning Policies (SPPs) which are gradually replacing the National Planning Policy Guidelines (NPPGs). Together with Planning Advice Notes (PANs), these are taken into account in plan preparation and development management. This Local Plan adopts the principles contained in the SPPs/NPPGs and PANs in so far as these do not conflict with the provisions of the structure plan. Account has been taken of relevant new national policy guidance published during the production of this Local Plan, where appropriate and where this is consistent with the Edinburgh and the Lothians Structure Plan 2015. This guiding framework is supplemented with other statements of policy from the Scottish Government and Government agencies, for example, the Scottish Historic Environment Policies (SHEPs).

1.1.8 The current planning system is undergoing major review with the coming into force of the provisions of the Planning etc. (Scotland) Act 2006 and relevant secondary legislation. New obligations have been placed upon the planning authorities comprising the Edinburgh city region, including the four Lothian Councils, together with Scottish Borders and Fife Councils, to prepare a strategic development plan for the area. This new city region planning will be set within the context of the National Planning Framework 2 and will be accompanied by more detailed local development plans.

1.2 Strategic Context

1.2.1 National Planning Framework for Scotland (NPFS) In April 2004, the Scottish Executive launched the first NPFS. This is a non-statutory planning framework looking at Scotland from a spatial perspective, focusing on the European dimension, and identifying key drivers of change and challenges to be faced. It sets out a long-term vision to 2025. It examines issues of national importance such as connectivity, environmental quality and the priorities for investment in strategic infrastructure. The NPFS complemented the Executive's *Framework for Economic Development in Scotland* (the later document was replaced in November 2007 by the Scottish Government's *Economic Strategy*) and *Choosing Our Future: Scotland's Sustainable Development Strategy* (the principles, but not the action points, of this document have been endorsed by the Scottish Government). It is a material consideration in framing development plan policy and in planning decisions.

1.2.2 The NPFS provides a useful national perspective on development issues as context for structure plan strategy, and its translation into local plan policies and proposals. It highlights the strengths of the Edinburgh economy which have led to substantial increases in residential land values. This in turn has resulted in rapidly rising house prices and a lack of affordable housing in the wider Edinburgh area as social housing providers struggle to acquire sites.

1.2.3 Economic restructuring has continued in recent years, with further decline in traditional industries and expansion in the service sector and in specialist, knowledge-based activities centered around the universities and research institutes. Across Scotland as a whole, there was an 8% increase in the number of people in employment between 1995 and 2002; with a growth rate of 28%, Midlothian far exceeded the national average and was the fastest growing area in this period. With unemployment low, skills shortages have emerged in Edinburgh and surrounding towns.

1.2.4 The Framework embraced the principles of sustainable development. It sought action to address the threat posed by climate change by using resources and infrastructure more efficiently, reducing energy consumption and CO₂ emissions, promoting waste reduction and recycling, developing renewable sources of energy, promoting more sustainable forms and patterns of transport, and reusing 'brownfield' land.

1.2.5 The NPFS does not include any prioritised

action plan to help guide decisions on major new infrastructure and acknowledges that a more systematic approach is required on strategic infrastructure provision. Nevertheless, the Executive (now the Scottish Government) intends to take it into account in determining future spending priorities for itself and Scottish Water. The NPFS is currently under review and draft NPFS2 has been the subject of consultation.

1.2.6 Edinburgh and the Lothians Structure Plan 2015 (ELSP 2015) In June 2004, the Scottish Ministers approved with modifications the ELSP 2015. Prepared jointly by the four Lothian Councils, it sets out the strategic context within which new developments in Midlothian must be considered. The ELSP 2015 replaced the Lothian Structure Plan 1994 which had a time horizon of 2005 and formed the basis for the current adopted Midlothian and Shawfair Local Plans. It rolled forward the strategic planning framework to 2015.

1.2.7 The overarching aim of the ELSP 2015 is to provide in full for the development needs of Edinburgh and the Lothians in accordance with the principles of sustainable development, whilst maintaining and enhancing the environmental heritage that underpins the area's quality of life.

1.2.8 Although on the periphery of Europe, the Plan recognises the area's continued success as the economic development hub of East Central Scotland and its key role in bolstering the health of the Scottish economy. This success rests on the facts that:

- ❖ its economy has several dynamic sectors such as financial services and telecommunications;
- ❖ its universities and research institutes provide a foundation for technology-based enterprise and skills;
- ❖ the Scottish Parliament acts as a magnet attracting new companies to the Lothians;
- ❖ Edinburgh continues to flourish culturally and as a major international tourist destination; and
- ❖ communications with other parts of the UK and Europe are good.

1.2.9 The Plan considered that the scale of economic growth in Edinburgh and the Lothians would show little sign of slowing down over the next 10 years. Whilst this brings jobs and prosperity generally, the popularity of the area as a place to live has resulted in unaffordable housing, a shortage of employment land, increasing traffic congestion and pressure on services and facilities. The ELSP 2015 cautions that economic growth is not an end in itself, and that Lothian's many environmental assets, including its countryside, must not be sacrificed.

1.2.10 The development strategy incorporates long-term forecasts for growth in population and households, and in employment, which are reflected in the strategic land use policies. If current trends continue, the population of the Lothians is expected to increase by 4.5% in the 10 years to 2015, and there will be a significant demand for land for new housing and for general industry and business use.

1.2.11 Much of the forecast growth within the Lothians is related to Edinburgh, but the ELSP 2015 acknowledges that the opportunities to accommodate new development within the city are limited. The settlement strategy continues to give priority to the reuse of urban brownfield land (although this is in fairly limited supply in Midlothian), and to restrict the outward spread of the city by maintaining the Green Belt. It acknowledges that some Green Belt releases may be required to help achieve housing targets and a better distribution of land for economic development. In these circumstances, sites should be chosen which minimise the impact on Green Belt objectives.

1.2.12 Central to the development strategy is the relationship between land use and transportation. The location of major development is guided to those areas where accessibility to the strategic transport network is good, or will be made so by planned investment in network improvements. The strategy is based on locating new development so as to reduce the need to travel, particularly by private car, and reducing commuting to the city from the surrounding areas.

1.2.13 The majority of new housing and economic development land is to be located in fifteen **Core Development Areas** (CDAs) where infrastructure capacity exists or would be cost-effective to provide. For Midlothian, two CDAs are identified within which the Local Plan must bring forward the sites to meet development needs to 2015. These are based on the main transportation corridors – the **A7/A68/Waverley Line Corridor** and the **A701 Corridor**. The ELSP 2015 defines the communities which fall within the CDAs as follows:

A7/A68/Waverley Line Corridor	Dalkeith, Mayfield, Newtongrange, Gorebridge, Rosewell and Shawfair* (*included for the purposes of identifying further opportunities for economic development only)
A701 Corridor	Loanhead/Straiton, Bilston, Roslin, Auchendinny and Penicuik

1.2.14 Within the **A7/A68/Waverley Line Corridor**, there is potential for business growth and further housing development if linked to improved accessibility through:

- ❖ the reopening of the Waverley rail line (currently programmed for 2013);
- ❖ the construction of the A68 Dalkeith Northern Bypass (opened in September 2008);
- ❖ the grade separation of the Sheriffhall roundabout on the A720 City Bypass (design solutions and funding options for major upgrading are under consideration but no programmed improvement scheme is in place, although some increase in capacity was provided in September 2008 to coincide with the opening of the A68 Dalkeith Northern Bypass); and
- ❖ the completion of the Bonnyrigg-Dalkeith Distributor (Hopefield Section) (currently under construction).

1.2.15 The ELSP 2015 identifies the possibility of establishing a new settlement to the west of Gorebridge dependent on the reopening of the Waverley rail line. The Shawfair area is included within this corridor but only for the identification of further economic growth opportunities to complement the major development proposals already committed here; it is excluded from meeting any of the strategic housing land requirements for the purposes of the ELSP 2015. The creation of a new community at Shawfair is a commitment carried forward from the current adopted Shawfair Local Plan, as part of the South-East Wedge strategic release of Green Belt in accordance with the Lothian Structure Plan 1994. The first tranche of development at Shawfair commenced in 2008.

1.2.16 Within the **A701 Corridor**, bus-based improvement measures are expected to enhance public transport accessibility in the short term with longer-term potential to consider the reopening of the Penicuik rail line or a South Edinburgh Tram extension. However, there is no funding in place, and no proposals brought forward within this Local Plan, to deliver major public transport schemes in this corridor. Similarly, none of the proposed developments in this Plan will provide, or require the provision of, the consented A701 road improvement scheme in the Straiton area. Such large-scale improvements to the public and private transport network in this corridor remain outwith the scope of this Local Plan.

1.2.17 This corridor has potential to accommodate business development to help reduce out-

commuting and housing allocations linked to transport improvements. Some limited Green Belt releases may be possible to accommodate this growth. Penicuik is the only community in Midlothian with spare secondary school capacity and, for this reason, it is included within the CDA for limited expansion. There are growth prospects in the biotechnology/knowledge-based industries sector at the Edinburgh Technopole, the Biocampus etc. and the strategy makes provision for up to 25 hectares of land to support these industries.

1.2.18 In summary, the key requirements of the ELSP 2015 are as follows:

Sites for 2,200 new houses of all tenures (including affordable houses) to be located within two CDAs:	
❖ A7/A68/Waverley Line Corridor (excluding Shawfair)	1,350 houses
❖ A701 Corridor	850 houses
50 hectares of economic development land across both CDAs	
Up to 25 hectares of land for biotechnology/knowledge-based industries in the A701 Corridor	

1.2.19 Outwith the CDAs, the ELSP 2015 identifies **Areas of Restraint** where development is to be restricted and there is a presumption against new housing on greenfield sites. Within Midlothian, the Areas of Restraint include Bonnyrigg, and the villages and small settlements. Bonnyrigg is constrained by landscape and environmental objectives, and is already accommodating a considerable amount of growth through the previous Structure Plan. The villages are constrained by infrastructure, landscape, built heritage and other environmental objectives. Even within the CDAs, there are sensitive locations and villages where new development is to be restrained.

1.2.20 The ELSP 2015 considers the scenario of further growth of the Lothian housing and employment market beyond 2015 and suggests that, within Midlothian, opportunities might exist to accommodate such long-term growth through a further phase of a new settlement to the west of Gorebridge and in the Shawfair area.

1.2.21 The four Lothian Councils commenced a **Structure Plan Review** in May 2006, as required by Scottish Ministers in approving the ELSP 2015. This was intended to roll forward the current development strategy to 2020 and consider the adequacy of the housing land supply, the availability of infrastructure, the provision of affordable housing, and policies on shopping and town centres. An Alteration to the ELSP 2015 was commenced in 2006 but was abandoned in 2007, with the approval of Scottish Ministers, in favour of refocusing resources on the early work required for preparation of the strategic development plan for the wider city region under the new planning legislation.

1.2.22 The ELSP 2015 is supported by an **Action Plan** setting out the items of strategic infrastructure which are essential to the delivery of the development strategy. Most of the strategic housing and economic allocations are wholly dependent on appropriate investment in infrastructure, mainly relating to transport, schools, and water and drainage systems. The Action Plan identifies the primary funding sources and possible timing. The Scottish Government has responsibility for major decisions on the funding of essential infrastructure, with other key partners being Scottish Water and Scottish Enterprise. Lack of investment in strategic infrastructure is still acting as a constraint on the implementation of existing major land allocations with serious repercussions for the ability of the Council to fulfil its development commitments. Without substantial Scottish Government funding, the development strategy cannot be delivered.

1.2.23 The Action Plan confirms that developer contributions will be required to remedy deficiencies in infrastructure and local facilities that result from development. Developers will also be required to contribute towards the provision of affordable housing, where a need has been justified. However, such contributions are increasingly being expected to make good deficiencies in more strategic level infrastructure and this expectation undermines the ability of councils to realise the development potential which underpins continuing growth in the city region.

1.3 Local Context

1.3.1 Profile of Midlothian Midlothian is the smallest of the three landward authorities in the Lothians, both in terms of geographic area and population. Midlothian represents 20% of the Lothian land area (355 sq km). In 2006, its population was estimated to be 79,290, just under 10% of the Lothian estimated total of 801,330.

1.3.2 Despite being relatively small in size, Midlothian occupies a key location on the southern boundary of Scotland's capital. All of Midlothian's main centres of population lie within 30 minutes' drive from Edinburgh, while Dalkeith is only 6 miles from the city centre. This proximity, allied to easy access to the City Bypass which forms much of the Council's northern boundary, is seen as a major advantage in promoting Midlothian as a location for inward investment.

1.3.3 Midlothian comprises a number of small and medium-sized towns, together with many villages and hamlets. It is not dominated by any single centre. Penicuik is the largest town with a population of around 17,000, followed in size by Bonnyrigg and Dalkeith with populations of about 14,000 and 11,000 respectively. Loanhead, Gorebridge, Mayfield and Newtongrange are smaller settlements. For many, the ability to live close to the city but within small communities with strong local identities is one of the attractions of Midlothian.

1.3.4 A further asset of Midlothian is its attractive countryside setting. The area stretches from the Pentlands to the Moorfoots and Lammermuirs, and comprises a gently sloping plain, much of it intensively farmed, rising to moorland with upland country beyond. There are deeply incised river gorges of the Esk and Tyne with dense natural woodland. Much of this landscape is protected by policy designations such as the Green Belt. For the residents of Midlothian, the countryside is literally on their doorstep.

1.3.5 In contrast to the other landward areas of the Lothians which have experienced considerable growth over the past 20 years, Midlothian's population has remained relatively static. The 2006-based projections from the Registrar General estimate that the population of Midlothian will decrease by 1,700 people between 2006 and 2024, however, these projections are based only on past trends and do not take account of committed or planned development.

1.3.6 Midlothian's communities have only recently begun to see development appearing as a result of proposals identified in previous Local Plans. Delays have occurred because of the need to agree planning briefs to achieve good quality development that fits well with the locality, and to secure legal agreements on developer contributions towards infrastructure and facilities. In some cases, there are substantial infrastructure constraints that are difficult to resolve, particularly in the absence of Scottish Government funding support. Lack of spare capacity in key infrastructure has presented a challenge when trying to secure development. More recently, some of the significant constraints have been overcome enabling development to be delivered.

1.3.7 Market conditions also have a bearing on when housebuilders are prepared to deliver new housing. It will be some time until the allocated housing and economic sites are fully built and new residents integrated into existing communities. Similarly, new sites identified for business and industry are gradually coming forward as existing business parks become full and cannot meet demand.

1.3.8 In line with ELSP strategy, Midlothian has embarked on a period of sustained growth. The Local Plan plays a major part in shaping how and where development is best brought forward. Where substantial new development has already taken place, a number of issues have been identified by the communities affected; without proper investment in physical and social infrastructure, these problems could be exacerbated by further expansion already in the pipeline or coming forward through this Local Plan. These concerns include:

- ❖ the creation of large new housing estates which weaken community cohesion;
- ❖ difficulties in integrating new residents whose focus for work and leisure remains in the city;
- ❖ a lower wage economy in Midlothian whilst sustaining a vibrant economy in the city;
- ❖ a lack of affordable housing, with competition from those with better paid jobs in the city;
- ❖ a transport system providing connectivity with the city but not across Midlothian;
- ❖ a very real threat to community identity from physical coalescence; and
- ❖ loss of Green Belt, countryside and environmentally valuable areas.

1.3.9 The strategic land requirements of the ELSP 2015 have to be met. The challenge for this Local Plan is to harness the opportunities presented by growth in the Edinburgh city region in a way that will both enhance the quality of life for Midlothian's residents

and safeguard its key assets – its communities and environment.

1.3.10 The Midlothian Local Plan needs to take a long-term perspective. Taking account of the new housing provided for in the current Local Plans and this replacement Plan, together with sites with planning consent and expected ‘windfall’ developments, Midlothian could experience a growth in households of around one third over the foreseeable future. Even though the Local Plan will be reviewed and updated on a regular basis, it is important that the underlying principles to guide development and investment over the coming decades are soundly based from the start.

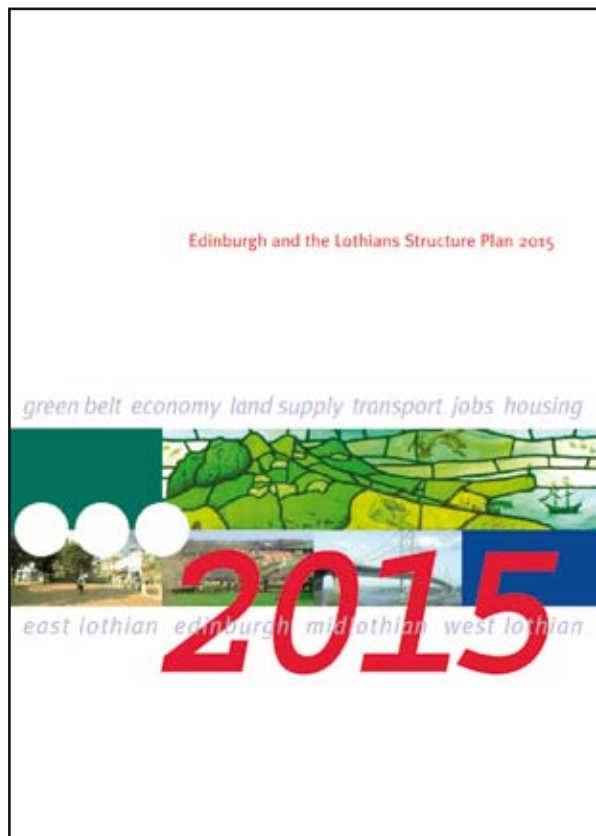
1.3.11 In line with the principles of *Choosing Our Future: Scotland’s Sustainable Development Strategy*, the NPF5, and SPP 1, the Midlothian Local Plan is required to embrace the concept of sustainable development. Essentially this means protecting the environment, both locally and globally, and balancing concerns to secure economic and social wellbeing with environmental considerations also.

1.3.12 Midlothian and Shawfair Local Plans 2003. Prior to adoption of this Local Plan, Midlothian was covered by two Local Plans prepared in conformity with the now defunct Lothian Structure Plan 1994:

- ❖ Midlothian Local Plan 2003 – adopted in December 2003 and covering all of Midlothian lying to the south of the A720 City Bypass; and
- ❖ Shawfair Local Plan 2003 – adopted in September 2003 and covering the area to the north of the A720 City Bypass including the Midlothian part of the South East Wedge.

1.3.13 Both of these Local Plans are now superseded by this replacement **Midlothian Local Plan (MLP)** covering the whole of the Council area. It should be noted that all committed development proposals, the developer contributions required in association with them, and the existing policies and proposals which apply specifically to the Shawfair new community and the expansion of Danderhall, as set out in policy COMD1 and Appendices 1 and 2, roll forward from the 2003 Local Plans as commitments.

1.3.14 The ELSP 2015 states that local plans should be reviewed by December 2005 in order to implement its requirements. This has not proved possible in the case of this Local Plan due to the introduction of the Environmental Assessment of Plans and Programmes



(Scotland) Regulations 2004 requiring the strategic environmental assessment (SEA) of development plans. Whilst the ELSP 2015 was not subject to this legislation, the SEA process has been applied to this Local Plan and has resulted in some delay to plan preparation. On the positive side, the SEA requirements mean that the development strategy of this Local Plan has been assessed in terms of its significant environment effects. The difficult choices inherent in the decision-making process are made clear and ‘reasonable alternatives’ to the strategic land allocations have been identified and appraised. Section 1.5 provides further details on the SEA process.

1.3.15 Midlothian Local Plan (MLP) As the key document setting out the detailed framework for the future use of land in the Council area, this replacement Local Plan:

- ❖ follows national planning policy;
- ❖ conforms with the policies set out in the approved ELSP 2015;
- ❖ allocates sites for new development;
- ❖ identifies areas which need to be protected from development;
- ❖ sets out detailed policies which will be used in determining planning applications; and
- ❖ contains proposals for improving the environment.

1.3.16 The Local Plan is the most important consideration for the Council in helping it to decide whether development applications should receive planning permission. PAN 49 advises that local plans should provide some certainty over a minimum 5-year period, but it is unrealistic for them to have a fixed plan period. The Local Plan provides a clear framework for development for the next five years, and for subsequent years though this will be subject to review.

1.3.17 This is the Midlothian Local Plan as adopted by the Council in December 2008 as its statement of policies and proposals for the whole of Midlothian. During its preparation, two rounds of public engagement were undertaken, and a public local inquiry was held between 1 May and 31 October 2007 to consider objections to the Finalised Midlothian Local Plan (FMLP). The findings of the independent Reporter who conducted the inquiry have resulted in a number of modifications to the Plan. Upon adoption, this Plan superseded the 2003 Midlothian and Shawfair Local Plans, subject to the provisos given in para 1.3.13.

1.3.18 A location map showing the extent of the area covered by the Midlothian Local Plan is provided at the end of Section 1.7.

1.4 Aims and Objectives

1.4.1 Strategic Aims In summary, the key goals of the MLP strategy are as follows:

- ❖ to implement the requirements of the ELSP 2015;
- ❖ to safeguard and enhance the natural and built heritage of Midlothian which sustains the quality of life of its communities;
- ❖ to support the development of a vibrant, competitive and sustainable local economy;
- ❖ to provide positively for development which secures long-term social, economic and environmental benefits for existing and new residents, and not just short-term gain; and
- ❖ to ensure that Midlothian is a welcoming and enriching place to live, work and visit.

1.4.2 Strategic Objectives Particular emphasis has been given to the principles of sustainable development in formulating the objectives which underpin the MLP policies and proposals. These are as follows:

Environmental Objectives

- ❖ Protect Midlothian's built and historic environmental assets from inappropriate development.
- ❖ Avoid coalescence and the loss of community identity.
- ❖ Protect and enhance the countryside and rural environment, the landscape setting of towns and villages, and areas of urban green space.
- ❖ Ensure careful integration of new building into the landscape.
- ❖ Seek the reuse of brownfield land over the development of greenfield, especially Green Belt, land.
- ❖ Direct new development to locations which minimise the need to travel, particularly by private car.
- ❖ Promote the use of renewable energy sources where this can be achieved in an environmentally acceptable manner.
- ❖ Seek to achieve a high quality of design in all new development, including measures to promote community safety and energy efficiency.
- ❖ Safeguard biodiversity and take full account of development impact on the water environment.

Social Objectives

- ❖ Provide an adequate supply of housing suited to local needs, including affordable housing.

- ❖ Secure sustainable transport options for existing communities and future growth areas, and promote opportunities for public transport, cycling and walking.
- ❖ Create new and/or extended communities that are more self-contained with local access to jobs, services and facilities.
- ❖ Seek agreements and partnerships with developers and agencies to ensure delivery of infrastructure, affordable housing, facilities and environmental enhancement.
- ❖ Improve access opportunities to public open space and to Midlothian's countryside.

Economic Objectives

- ❖ Support Midlothian's growing economy by creating quality and sustainable business locations and providing positively for the expansion of existing enterprises.
- ❖ Identify new economic and commercial opportunities to provide local jobs and help reduce out-commuting.
- ❖ Seek the early implementation of strategic transport and other infrastructure projects and ensure that efficient use is made of existing and new infrastructure.
- ❖ Develop and promote tourism with a clear focus on activities, built heritage and the rural environment.

1.5 Strategic Environmental Assessment

1.5.1 Midlothian Council has carried out a strategic environmental assessment (SEA) of the MLP with the assistance of independent consultants David Tyldesley & Associates. Although the Environmental Assessment (Scotland) Act 2005 has effectively revoked the SEA Regulations referred to in para 1.3.14, preparation of the Local Plan commenced under the terms of the Regulations and continues to be subject to them rather than the Act. The ELSP 2015 strategy was approved in advance of the SEA requirements.

1.5.2 The assessment of the Local Plan has been implemented in two stages in accordance with scoping carried out in conjunction with the SEA Consultation Authorities - Historic Scotland (on behalf of the Scottish Ministers), the Scottish Environmental Protection Agency (SEPA), and Scottish Natural Heritage (SNH).

1.5.3 The first stage was the preparation of an Interim Environmental Assessment (IEA) based on the preferred development strategy for the Local Plan. The IEA was available for public scrutiny during the consultation period for the strategy in 2005. 'Reasonable alternatives' to the proposed development sites were also subject to SEA. The second stage was the preparation of the full Environmental Report (ER) prepared on the basis of the Finalised Plan. It was available for public scrutiny alongside the deposit version Finalised Plan. Consideration has been given to the environmental effects of subsequent modifications to the MLP with the preparation of a Supplement to the ER. The purpose of the IEA and ER (and Supplement) is to identify any significant negative environmental effects of policies or development proposals, and to consider mitigation measures. The Council could also have decided to amend the strategy to avoid such identified effects.

1.5.4 In circumstances where the environmental effects of policies are uncertain, projects brought forward under the terms of these policies will require to have their impact investigated under the Environmental Impact Assessment (Scotland) Regulations 1999 (EIA) or other detailed appraisal as appropriate. Some major development proposals (for example, a major road bypass, opencast mineral extraction) may require the preparation of an environmental statement under the provisions of the EIA Regulations.

1.5.5 Potentially negative environmental effects of some of the policies or proposals may need to be balanced against social and/or economic benefits of their implementation. A key function of the SEA is to make such choices, and their environmental impact, as explicit as possible so that the decision-making process is robust and transparent. This approach requires a commitment to monitoring the environmental effects of the Local Plan over time so that mitigation can be fully effective.

1.5.6 Reference should be made to the full Environmental Report for a more detailed explanation of the SEA approach applied to the MLP.

1.5.7 Habitats Directive Development plans are subject to assessment under the provisions of the EU Habitats Directive 1992. Consideration has therefore been given as to whether the Plan is likely to have a significant effect on any Special Area of Conservation (SAC) or Special Protection Area (SPA) (both Natura 2000 areas), or any Ramsar site. This has been carried out in conjunction with the SEA of the finalised MLP and of modifications, and is set out in the ER (and Supplement) accompanying this document.

1.6 The Content of the Plan and How to Use It

1.6.1 Content of the Plan The Local Plan comprises the following:

- ❖ **Written Statement** consisting of policies and proposals, supporting justification and appendices;
- ❖ **Policies and Proposals Map** showing the extent of the area-specific policies and location of proposed developments;
- ❖ **Inset Maps** of the main settlement areas subject to development proposals; and
- ❖ **Village Inset Maps.**

1.6.2 The Written Statement is broken down into the following sections:

Section 1 **Background** sets out the strategic context for the preparation of the Local Plan, including reference to the ELSP 2015.

Section 2 **Resource Protection** focuses on the protection of Midlothian's natural and built environment. In preparing a local plan, it is important to remember that planning policies should not prevent or inhibit development unless there are sound reasons for doing so. The supporting text for these policies provides this justification, where necessary.

Section 3 **Development Topics** contains policies and proposals relating to the major land releases for development over the next ten years, including sites for new housing and economic development.

Section 4 **Detailed Development Policies** sets out supplementary planning guidance of relevance to development proposals. Issues covered include housing in the countryside and detailed development guidelines.

Finally, there are a number of **Appendices** which contain:

- ❖ details of the **committed development** proposals, the developer contributions required in association with these, and the existing policies and proposals which apply specifically to the Shawfair new community and the expansion of Danderhall, as set out in policy COMD1 and Appendices 1 and 2;
- ❖ a listing of additional **supplementary planning guidance** in force;
- ❖ relevant detailed supporting information - lists

of Tree Preservation Orders, nature conservation sites and Scheduled Ancient Monuments; and

- ❖ a glossary of terms used.

1.6.3 How to Use the Written Statement The text of the Local Plan sets out the policy context within which the Council will view any planning application. It is important to consider the Plan as a whole as there may be more than one policy or proposal applicable to a particular area. Current Government initiatives are aimed at speeding up the planning process and advocate the preparation of plans that are brief, clear and precise. This advice has been adhered to; national planning policy is not reiterated for each topic as it is assumed that SPPs/ NPPGs and PANs are available for reference. Similarly, Structure Plan policy tends not be reproduced in full as the Local Plan is intended to be used in conjunction with the ELSP 2015. Where reference is made to other related strategies or policy documents such as the Local Transport Strategy, Area Waste Plan, etc., advice is provided on where these documents can be viewed.

1.6.4 The Policies and Proposals Map and associated **Inset Maps** are located in pockets at the back of this document. These maps depict in red the locations and sites of development proposals, and they also show the boundaries of policy areas that are specific to particular locations. For clarity of understanding, committed development proposals which are simply rolling forward from the superseded Local Plans are shown on these maps as a grey stipple or as grey symbols. **Note that some of the policies within the Written Statement are not area-specific and apply throughout the Plan area.**



1.7 List of Policy Titles

Resource Protection

THE NATURAL HERITAGE

RP1	Protection of the Countryside
RP2	Protection of the Green Belt
RP3	Major Non-Conforming Land Uses in the Green Belt
RP4	Prime Agricultural Land
RP5	Woodland, Trees and Hedges
RP6	Areas of Great Landscape Value
RP7	Landscape Character
RP8	Water Environment
RP9	Protection of River Valleys
RP10	Internationally Important Nature Conservation Sites
RP11	Nationally Important Nature Conservation Sites
RP12	Regionally and Locally Important Nature Conservation Sites
RP13	Species Protection
RP14	Habitat Protection outwith formally Designated Areas
RP15	Biodiversity Action Plan
RP16	Regional and Country Parks
RP17	Protection of the Mineral Resource
RP18	Protecting Areas from Surface Mineral Extraction
RP19	Peat Extraction

THE BUILT HERITAGE

RP20	Development within the Built-Up Area
RP21	Community Identity and Coalescence
RP22	Conservation Areas
RP23	Conservation Areas - Amendments (PROPOSAL)
RP24	Listed Buildings
RP25	Nationally Important Gardens and Designed Landscapes
RP26	Scheduled Ancient Monuments
RP27	Other Important Archaeological or Historic Sites
RP28	Site Assessment, Evaluation and Recording
RP29	Playing Fields and Sports Facilities
RP30	Open Space in Towns and Villages
RP31	Open Space Standards
RP32	Public Rights of Way and Other Access Routes

COMPENSATION ARRANGEMENTS

RP33	Compensatory Measures for Loss of Environmental Resources
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Development Topics

COMMITTED DEVELOPMENT

COMD1	Committed Development
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HOUSING

HOUS1	Strategic Housing Land Allocations (PROPOSAL)
HOUS2	Village Housing Allocations (PROPOSAL)
HOUS3	Windfall Housing Sites
HOUS4	Affordable Housing
HOUS5	Low Density Rural Housing

ECONOMIC DEVELOPMENT

ECON1	Strategic Economic Land Allocations (PROPOSAL)
ECON2	Biotechnology and Other Knowledge-Based Industries (PROPOSAL)
ECON3	Workshop Homes
ECON4	Storage and Distribution and Other Non-Residential Uses on Existing Industrial Land and Buildings
ECON5	Industries with Potentially Damaging Impacts
ECON6	Offices
ECON7	Tourist Accommodation
ECON8	Rural Development

TRANSPORTATION

TRAN1	Sustainable Modes of Transport
TRAN2	Waverley Rail Line (PROPOSAL)
TRAN3	Trunk Roads (PROPOSAL)
TRAN4	Safeguardings for Transportation Schemes
TRAN5	Freight Movement
TRAN6	Traffic Calming
TRAN7	Cycling

TOWN CENTRES AND RETAILING

SHOP1	Town Centres
SHOP2	Major Retail and Commercial Leisure Development within or on the edge of Strategic Town Centres
SHOP3	Change of Use within Strategic Town Centres

SHOP4	Straiton Retail Park
SHOP5	Major Retail and Commercial Leisure Development outwith Strategic Town Centres and Straiton
SHOP6	Minor Retail Facilities
SHOP7	New Neighbourhood Shopping Facilities
SHOP8	Open Air Markets
SHOP9	Factory Shops

COMMUNITY FACILITIES AND RECREATION

COMF1	Education Facilities (PROPOSAL)
COMF2	Further Education Facilities
COMF3	Health Centres
COMF4	Leisure and Community Facilities (PROPOSAL/POLICY)
COMF5	Protection of Rural Facilities
COMF6	Cemetery
COMF7	Midlothian Ski and Snowboard Centre
COMF8	Golf Courses

ENERGY

NRG1	Renewable Energy Projects
NRG2	Individual Wind Turbines and Microgeneration
NRG3	Energy for Buildings

WASTE MANAGEMENT

WAST1	Waste Management
WAST2	Waste Management Facilities for Municipal Waste
WAST3	Sites for Waste Disposal by Landfill
WAST4	Waste Minimisation

MINERALS

MIN1	Areas of Search for Surface Mineral Extraction
MIN2	Hard Rock Extraction

DERELICT LAND

DERL1	Treatment of Vacant and Derelict Land
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UTILITIES

UTIL1	Water and Drainage
UTIL2	Telecommunications
UTIL3	Emergency Services

IMPLEMENTATION

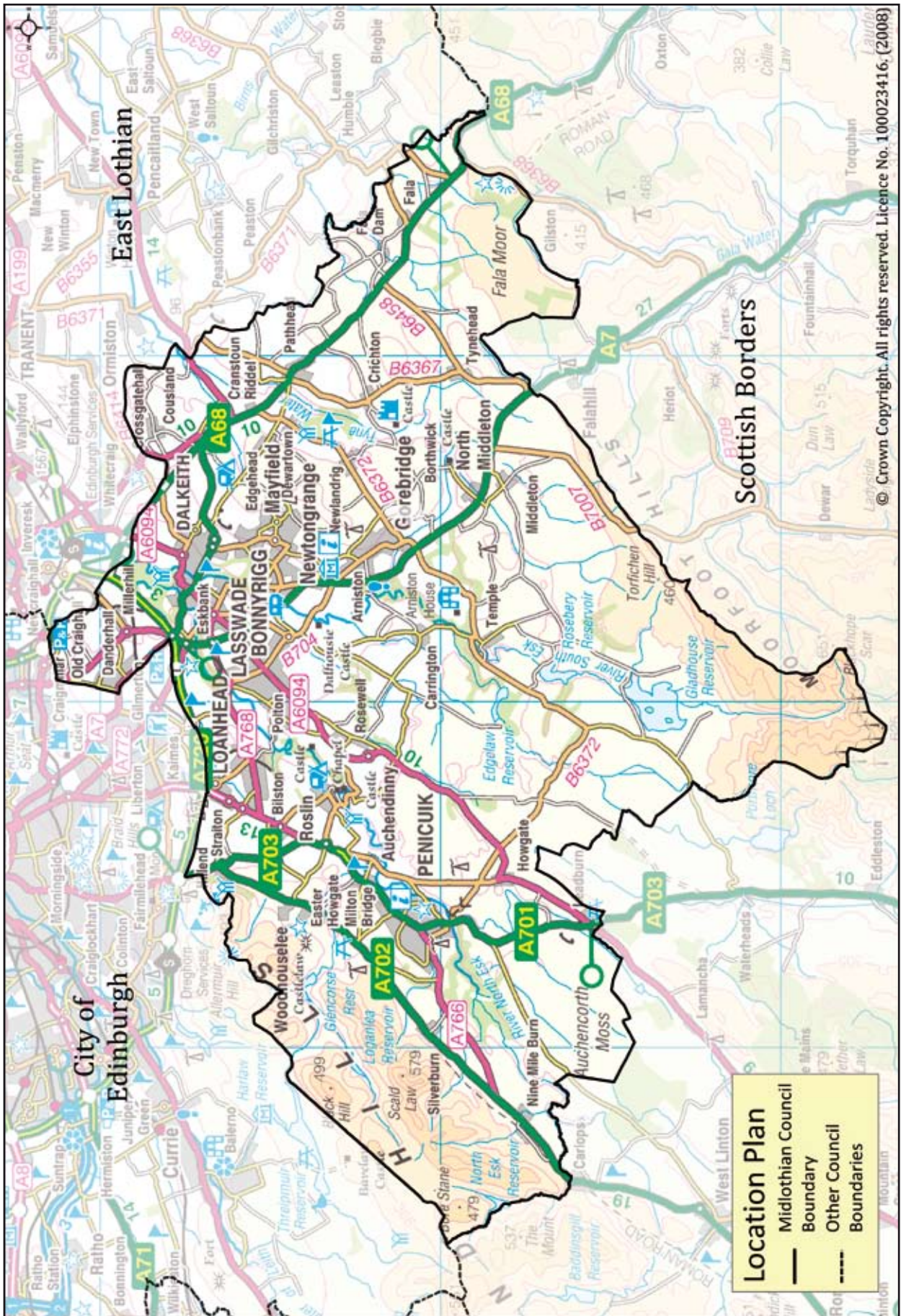
IMP1	New Development
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IMP2	Essential Infrastructure Required to Enable New Development to Take Place
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IMP3	Developer Contributions towards Facility Deficiencies
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Detailed Development Policies

DP1	Development in the Countryside
DP2	Development Guidelines
DP3	Protection of the Water Environment
DP4	Pentland Hills Regional Park
DP5	Conservation Areas: Development Management
DP6	House Extensions
DP7	Control of Class 3 (Food and Drink) Uses and Hot Food Takeaway Shops
DP8	Advertisements
DP9	Planning Enforcement



Resource Protection





2.1 The Natural Heritage

Policy Title

RP1 PROTECTION OF THE COUNTRYSIDE

2.1.1 National Planning Policy National policy on development in the countryside is set out in SPP 3 *Planning for Housing* (now replaced by SPP3 *Planning for Homes* – refer to para. 3.2.6) and SPP 15 *Planning for Rural Development*. SPP 3 *Planning for Housing* stipulates that, in general, rural housing should be provided in accessible locations, within or adjacent to existing settlements. This promotes a more sustainable pattern of development, making efficient use of land and buildings, safeguarding environmental resources and offering opportunities to reduce travel. Traditionally, planning policies have sought to restrict new houses in the countryside, to maintain rural character and amenity and safeguard agricultural production. SPP 3 sets out the case for some small-scale housing in rural areas to assist in the regeneration of the rural economy where this can be justified through local plans.

2.1.2 SPP 15 *Planning for Rural Development* confirms that most development will continue to be met within or adjacent to existing settlements in the more accessible and densely populated areas. Once again, it suggests that there may be scope in rural areas for some small-scale housing development and for businesses to diversify where there is access to public transport and services, or where these may be provided at reasonable cost.

2.1.3 SPP 3 and SPP 15 highlight the need for high quality development that fits in the landscape and further guidance is provided in PAN 72 *Housing in the Countryside*. Advice on rural diversification is set out in PAN 73 *Rural Diversification* which addresses issues such as sustainable diversification, accessibility, infrastructure, scale and design, and the need to respond to individual circumstances.

2.1.4 Structure Plan Policy The Structure Plan strategy for countryside areas is to strike a balance between protecting the character of the countryside from development pressures whilst allowing some limited and appropriate development. Midlothian's countryside falls within the Areas of Restraint referred to in para.1.2.19. ELSP policy ENV3 allows for acceptable development in the countryside where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose, and is compatible with the rural character of the area. Acceptable countryside

development includes agriculture, horticulture, forestry and countryside recreation. Other types of development may be allowed including tourism and other recreational uses, the reuse of redundant rural buildings that make a positive contribution to the landscape, and agricultural diversification of an appropriate scale and character. Such developments must be justified in local plans and must:

- ❖ be well integrated into the rural landscape;
- ❖ reflect its character and quality of place; and
- ❖ not result in a significant loss of prime agricultural land.

Any additional infrastructure required as a result of such development must be either committed through the ELSP Action Plan or funded by the developer.

2.1.5 Local Plan Policy Local Plan policy for protecting Midlothian's countryside follows both national and Structure Plan guidance and makes provision for acceptable countryside development. It allows some scope for rural development opportunities related to specific countryside activities including farm diversification, tourism and waste disposal (where this is essential as a method of site restoration). Provision is made for appropriate development within the areas identified as non-conforming land uses in the Green Belt, where such development satisfies policy RP3, and for development in accordance with the detailed provisions for development in the countryside as set out in policy DP1.

2.1.6 In all such cases development must demonstrate the need for a countryside location; have due regard to scale, character, landscape fit, accessibility to public transport and services; and avoid the significant loss of prime quality agricultural land.

2.1.7 In certain locations some limited and controlled development related to low density housing, new or expanded businesses, the winning of mineral resources, renewable energy and tourist accommodation may be acceptable and specific provisions are set out in proposal ECON1 and policies HOU5, ECON7, ECON8, MIN1 and NRG1. In such circumstances, these policies take precedence over the provisions of policy RP1. For countryside areas that are also Green Belt, policy RP2 takes precedence. Additional limited development may be acceptable where it satisfies the particular provisions of policy DP1, for example, in respect of the reuse of redundant non-residential buildings in the countryside.

RP1 PROTECTION OF THE COUNTRYSIDE

Development in the countryside will only be permitted if:

- A.** it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); or
- B.** it is within a designated non-conforming use in the Green Belt; or
- C.** it accords with policy DP1.

All such development will need to:

- A.** demonstrate a requirement for a countryside location;
- B.** be of a scale and character appropriate to the rural area;
- C.** be well integrated into the rural landscape;
- D.** avoid a significant permanent loss of prime quality agricultural land; and
- E.** take account of accessibility to public transport and services (where appropriate).

In certain locations, new or expanded business development, low density rural housing, the winning of mineral resources or renewable energy developments may be appropriate (refer to proposal ECON1, policies ECON7, ECON8, HOUS5, MIN1 and NRG1).

Policy Titles

RP2 PROTECTION OF THE GREEN BELT

RP3 MAJOR NON-CONFORMING LAND USES IN THE GREEN BELT

2.1.8 National Planning Policy Government policy on green belts is provided by SPP 21 *Green Belts*. This 2006 revision of green belt policy has taken account of changes in Scotland's population, pattern of households and economic base, and the resulting pressures for the expansion of some towns and cities. The aim is to strengthen and enhance the role of green belts and encourage greater stability in order to increase their effectiveness. The SPP emphasises the need for green belts to provide long-term certainty and proposes a timeframe of at least 20 years. Inner boundaries should not be drawn too tightly in order to allow an area between the settlement boundary and the green belt to be reserved for settlement expansion. Proposals to release green belt land should be considered as part of development plan strategy, rather than through individual planning applications. The SPP sets out three key objectives for green belt policy:

- ❖ to direct planned growth to the most appropriate locations and support regeneration;
- ❖ to protect and enhance the character, landscape setting and identity of towns and cities; and
- ❖ to protect and give access to open space within and around towns and cities, as part of a wider structure of green space.

2.1.9 There should be a general presumption against intrusion into designated green belts. In particular, approval should not be given, except in very special circumstances, for development other than that relating to agriculture, horticulture, forestry, outdoor recreation and other uses appropriate to the rural character of the area. SPP 21 recognises that existing institutions in large grounds may be redeveloped if no longer required for their original purpose; where possible, development plans should identify such opportunities. SPP 21 also supports the reuse of buildings of architectural and historic merit.

2.1.10 Structure Plan Policy The Edinburgh Green Belt was established in 1957 and has been successful in limiting the expansion of the city, preserving its identity and landscape setting, and directing new development to urban areas within the city and to the landward towns. The Green Belt boundary has been modified on a number of occasions as development plans have sought the balance between containment and urban growth.

The ELSP 2015 continues to give support for a green belt around Edinburgh, but acknowledges that modifications may be required to the boundaries, where justified in local plans, to accommodate the strategic land allocations defined in ELSP policies ECON2, ECON3 and HOU3. However, in identifying land releases, the Structure Plan makes it clear that these should be limited in extent and confined to locations where the impact on Green Belt objectives is least. The aim is to secure long-term, robust boundaries. The principle of a continuous green belt should not be undermined.

2.1.11 Structure Plan policy ENV2 requires local plans to define the boundaries of the Green Belt, which will be maintained for the following main purposes:

- ❖ to maintain the identity of the city by clearly establishing its physical boundaries and preventing coalescence;
- ❖ to provide countryside for recreation;
- ❖ to maintain the landscape setting of the city; and
- ❖ to protect the setting of neighbouring towns.

The policy seeks to control development and changes of use more strictly than elsewhere in the countryside unless this is necessary for the purposes of agriculture, horticulture, forestry, countryside recreation, or other use appropriate to the rural character of the area. Development associated with the established (non-conforming) uses at the Bush Estate and Roslin Institute in the A701 corridor, as well as their expansion (covered by ELSP policy ECON3), is also supported.

2.1.12 The introduction of SPP 21, and its advice to provide green belt boundaries that allow for longer-term expansion, cannot be applied through this Local Plan. Consideration of such a fundamental review of the Edinburgh Green Belt in order to establish a long-term boundary will require a change in direction through the Structure Plan. A local plan must conform to the current approved structure plan and therefore the changes proposed in the MLP must be compliant with the ELSP 2015.

2.1.13 Local Plan Policy The Local Plan modifies the Green Belt boundary in a number of locations, principally where minor rationalisation is required or to increase protection in areas which are vulnerable to development pressures and whose contribution to the landscape and setting of Midlothian settlements is considered particularly important. The changes are as follows:

- ❖ exclude a small area of land at Pentland Lea, Seafield Road and incorporate it into Bilston village envelope;
- ❖ exclude Loanhead Hospital and Loanhead cemetery and incorporate them into Loanhead settlement envelope, thus enabling the hospital site to be reused when (as expected) it becomes redundant;
- ❖ include land at Nazareth House, Bonnyrigg;
- ❖ include land in the Kevock/Eskgrove area of Lasswade; and
- ❖ include land at Polton and Hewan Bog, west of Poltonhall.

2.1.14 In order to meet the strategic land requirements of the ELSP 2015, a number of Green Belt releases have been made to provide for housing and economic land allocations. For housing purposes, these relate to land at Cowden and Larkfield North in Dalkeith/Eskbank, Ashgrove in Loanhead, both Seafield Moor Road and Seafield Road East in Bilston, and Penicuik Road in Roslin. In all cases the sites have been removed from the Green Belt and incorporated into the relevant settlement envelopes. Land has also been released from the Green Belt to provide for the economic land allocations at Shawfair Park Extension (by Danderhall), and Ashgrove (Loanhead). However, sites designated for economic development at Sheriffhall South (north of Dalkeith) and Oatslie (by Roslin) have been retained in the Green Belt to ensure that the development of these sites respects Green Belt objectives. For further information, reference should be made to proposals HOUS1 and ECON1.

2.1.15 The possibility of more extensive changes to the Green Belt in the Bonnyrigg area will require to be considered as part of the preparation of the strategic development plan (see para. 1.2.21). In line with SPP 21 guidance, this could involve extending the Green Belt designation around and to the south of the town to safeguard its setting, while at the same time leaving room to accommodate a limited amount of planned growth on the inner edge.

2.1.16 The strategic land allocations required for knowledge-based industries are to be found in the A701 Corridor and relate to existing non-conforming Green Belt uses. The boundary of the Bush Estate non-conforming use area has been amended to incorporate these allocated sites. The Roslin Institute has intimated possible future proposals to relocate from its current site to land within the Bush Estate. The Council will be supportive of this relocation and will look at reviewing the use of the non-conforming site. This can be addressed as part of the development plan review process.

2.1.17 The Local Plan Proposals Map identifies the revised boundary of the Green Belt. Within the Green Belt, development will be strictly controlled in line with national guidance and the Structure Plan. Provisions have been made in policies RP3, ECON7 and DP1 and proposal ECON1 to enable development in support of the established non-conforming Green Belt uses; for hotel accommodation in key gateway locations; for the conversion of redundant buildings and on specific allocated economic sites. There is local justification for this policy stance.

RP2 PROTECTION OF THE GREEN BELT

Development will not be permitted in the Green Belt except for proposals that:

- A.** are necessary to agriculture, horticulture or forestry; or
- B.** provide for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield or, in exceptional circumstances, community facilities (where no suitable alternative location exists); or
- C.** are related to other uses appropriate to the rural character of the area; or
- D.** accord with policy RP3, proposal ECON1, policy ECON7 or are permitted through policy DP1.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt to:

- ❖ maintain the identity of the city and Midlothian towns by clearly establishing their physical boundaries and preventing coalescence;
- ❖ provide countryside for recreation and institutional purposes of various kinds; and
- ❖ maintain the landscape setting of the city and Midlothian towns.

RP3 MAJOR NON-CONFORMING LAND USES IN THE GREEN BELT

Planned development of established activity at the following 'non-conforming' sites will be permitted: the Bush Estate and the Roslin Institute.



Policy Title

RP4 PRIME AGRICULTURAL LAND

2.1.18 National Planning Policy SDD Circular 18/1987 confirms that prime quality land is a valuable and flexible national resource and as such should be protected from irreversible development. Although the Scottish Government no longer requires to be notified of development proposals that would result in the loss of prime farmland, the protection of this land remains as an objective for structure and local plans. Furthermore, in particular circumstances, land other than prime quality can be important for the maintenance of agricultural employment and the rural economy. For example, the loss of part of a holding can have important implications for the viability of the remainder.

2.1.19 Structure Plan Policy Most of Lothian's key settlements are surrounded by prime land. In meeting the strategic land requirements, some loss of such land will be unavoidable. However, much prime land remains and the ELSP requires that local plans include policies to safeguard its overall integrity (policy ENV1D). The ELSP also recommends support for agricultural diversification proposals outwith the Green Belt (policy ENV3).

2.1.20 Local Plan Policy Prime quality agricultural land, which supports a wide range of crops, is a finite resource in Scotland representing less than 6% of total farmland. Around 25% of Midlothian's area constitutes prime land; it is therefore important that unplanned development is not allowed to erode Midlothian's contribution to Scotland's resources of prime land.

2.1.21 The remainder of Midlothian's agricultural land, though of lesser quality, is a major contributor to the farming economy. There is concern that this land should not become fragmented in a way that reduces its ability to be farmed efficiently or prevents it making a contribution to agricultural production.

Rural depopulation is not an issue in Midlothian owing to the proximity of Edinburgh.

2.1.22 Local Plan policy RP4 conforms with national and ELSP policy to retain prime farmland for agricultural production and to prevent loss of lesser quality land which is locally valuable. In some cases, development may not lead to the permanent loss of prime agricultural land and therefore may be acceptable. Special provisions regarding opencast coal working are detailed in para. 2.1.69. For the purposes of policy RP4, the Local Plan uses the Macaulay Institute Land Capability for Agriculture system to identify prime agricultural land. It should be noted that, within broad areas of prime farmland, there may exist small areas of non-prime land which may be identified as a result of the detailed analysis of sites. This does not reduce the status of the land protected in this Plan by policy RP4.

2.1.23 Where any proposal is located on prime agricultural land, the applicant must demonstrate either that there is no other suitable site or that the proposal will not lead to the permanent loss of the resource. On other agricultural land, the applicant must show that the operation of the farm as a viable unit will not be damaged by the proposal. In some cases, proposals for agricultural diversification in locations outwith the Green Belt may be acceptable provided local employment opportunities are maintained or increased and the criteria in policy RP1 are satisfied.



RP4 PRIME AGRICULTURAL LAND

Development will not be permitted which leads to the permanent loss of prime agricultural land (Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system) unless:

- A.** the site is allocated to meet Structure Plan requirements; or
- B.** there is a locational justification for the development which outweighs the environmental or economic interests served by retaining the farmland in productive use; and
- C.** the development accords with all other relevant Local Plan policies and proposals.

Policy Title

RP5 WOODLAND, TREES AND HEDGES

2.1.24 National Planning Policy Since 1954, planning authorities have had statutory responsibility for considering the protection of trees in the course of granting planning permission. More recent legislation requires that development plans include policies for the conservation of the natural beauty and amenity of the land. In addition, NPPG 14 *The Natural Heritage* requires that policies be included in local plans to ensure that new development takes full account of the potential impact on the local environment. This means that greater consideration must be given to landscape issues, including trees as part of the landscape setting, when assessing planning applications. The Scottish Government's Forestry Strategy commits to a policy of better protection for ancient and semi-natural woodland.

2.1.25 Structure Plan Policy One of the approved Structure Plan objectives is to protect and enhance the important settings of settlements and areas of urban green space.

2.1.26 Local Plan Policy Trees and hedges make an important contribution to the character and quality of Midlothian's towns, villages and countryside. Particularly notable is the woodland in the main river valleys. It is important that this valuable natural resource is not damaged by development and that developers are encouraged to protect

not only woodland but also hedges and individual smaller groups of trees, and provide appropriate management for the longer term.

2.1.27 Long-term management will be encouraged by ensuring that any application decision takes protection and management into consideration and that there is appropriate compensation for any losses which are sustained. The Greening of Midlothian Strategy provides detailed baseline data as to the condition and significance of trees and forests throughout North Midlothian. When any planning application is made which could affect woodland, trees or hedges, the applicant must include a full appraisal in the form of a tree survey to enable proper consideration of the proposal. Proposals for development shall be accompanied by a scheme to enhance the number of trees and hedges planted on the site or, alternatively, in circumstances where this can be shown not to be warranted, in the vicinity of the site.

2.1.28 Midlothian benefits from significant tracts of ancient and semi-natural woodland along the river valleys and these are particularly worthy of protection. Specific legislation protects trees in Conservation Areas and trees covered by Tree Preservation Orders. Current Tree Preservation Orders in Midlothian are listed in Appendix 4 (as of October 2008). New Tree Preservation Orders may also be considered in certain circumstances as a method of protecting trees at risk.

RP5 WOODLAND, TREES AND HEDGES

Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order, areas defined as ancient and semi-natural woodland, or areas forming part of any designated landscape) and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance.

Where an exception to this policy is agreed, any trees lost will be replaced with equivalent.

Policy Titles

RP6 AREAS OF GREAT LANDSCAPE VALUE**RP7 LANDSCAPE CHARACTER**

2.1.29 National Planning Policy SDD Circular 2/1962 introduced the concept of Areas of Great Landscape Value (AGLVs), requiring local authorities to define their boundaries and to exercise careful control over development proposals in order to safeguard these areas. Particular reference was made to their importance as a tourist resource. In addition, Scottish Natural Heritage (SNH) and Historic Scotland have produced *Guidance on Local Landscape Designations* which promotes the adoption of an 'all-landscapes' approach, within which landscapes of particular value that warrant safeguarding are designated. NPPG 14 *Natural Heritage* requires that policies be included in local plans for the conservation and enhancement of landscape character. In addition, SNH has produced *The Lothians Landscape Character Assessment*, which provides valuable local guidance on the character of Midlothian's landscape and its capacity to accommodate new development. The Conservation (Natural Habitats and Conservation) Regulations 1994 also expect policies to encourage the management of features of the landscape, which are of importance for wild flora and fauna, by maintaining their function in assisting the migration, dispersal and genetic exchange of wild species.

2.1.30 Structure Plan Policy ELSP policy ENV1D continues to safeguard AGLVs or other local landscape designations from inappropriate development. The extent of the areas of landscape interest should

be defined in local plans, and policies included for their protection and enhancement. In addition, ELSP policy ENV4 requires local plans to take account of landscape designations in accordance with new guidance produced by SNH.

2.1.31 Local Plan Policy It is essential not only to maintain the distinctiveness of Midlothian's landscape character, and its diversity as a whole, but also to recognise that there is a need to give particular protection to certain areas considered to be of outstanding local landscape value and attractiveness. These are identified as AGLVs which are areas sensitive to any developments that could potentially damage their special scenic attraction. For example, the widespread planting of conifers would be considered inappropriate within AGLVs, especially in open moorland or in "wild" landscapes.

2.1.32 The Local Plan Proposals Map identifies the following areas as AGLVs:

- ❖ the rolling hill country of the Pentlands, Moorfoots and Lammermuirs;
- ❖ the incised river valleys of the North and South Esk and the Tyne;
- ❖ the estate landscapes of Penicuik, Arniston and Vogrie; and
- ❖ Gladhouse, Edgelaw, Glencorse, Rosebery, Loganlea and North Esk reservoirs.

2.1.33 In addition, many localities contain areas of a diverse yet distinctive landscape character which enhance the attractiveness of Midlothian as a whole. Policy RP7 aims to afford protection to these local landscape character areas and to provide support for landscape planning and management.

RP6 AREAS OF GREAT LANDSCAPE VALUE

Development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value (AGLVs).

The scale, siting, design, form, materials and impact on important landscape features are all aspects of a proposal that could have an adverse effect on the AGLV. These considerations will apply to developments to be located either within or affecting the setting of areas designated as AGLVs.

RP7 LANDSCAPE CHARACTER

Development will not be permitted where it may adversely affect the quality of the local landscape. Where development is acceptable, it will respect the local landscape character and contribute towards its maintenance and enhancement.

New developments will incorporate proposals to:

- A.** maintain the local diversity and distinctiveness of landscape character including natural and built heritage features of landscape value such as woodland, hedges, ponds, stone walls and historical sites; and
- B.** enhance landscape characteristics where they have been weakened and need improvement and create new landscapes where there are few existing features.

Policy Title

RP8 WATER ENVIRONMENT

2.1.34 National Planning Policy National guidance on flooding is provided by SPP 7 *Planning and Flooding*. The basis of SPP 7 is that development should not take place if it would be at significant risk from flooding, or would materially increase the risk of flooding elsewhere. New development should be in harmony with the water environment, and accordingly, construction of major flood prevention schemes simply to protect new development is not favoured.

2.1.35 A significant change in the legislative framework governing the water environment is the EU Water Framework Directive (WFD). The WFD came into force in December 2000, and established new procedures for the use, protection and improvement of the water environment. The provisions of the WFD were incorporated into domestic law by the Water Environment and Water Services (Scotland) Act 2003. The Scottish Environmental Protection Agency (SEPA) is responsible for producing a River Basin Management Plan (RBMP), in collaboration with other bodies, including planning authorities. The key function of the RBMP is to identify environmental objectives that represent an appropriate balance between environmental, social and economic interests. An integrated approach is sought, which co-ordinates the RBMP and river basin planning, with other plans. The first RBMP is scheduled to be prepared by 2009. It will inform subsequent development plans and will be a material consideration in determining applications for planning permission. This relationship between river basin management planning and land use planning is currently under consideration.

2.1.36 SEPA is concerned to ensure that development does not adversely change the surface water run-off regime in a locality, in terms of both water quality and flow rates. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 require surface water to drain to sustainable urban drainage systems or SUDS. Together with the construction industry research group CIRIA, SEPA has published design guidance for SUDS, including *Drainage Assessment: A Guide for Scotland*. CIRIA has also produced updated guidance including *The SUDS Manual (2007; Report C697)*. These build on PAN 61 *Planning and Sustainable Urban Drainage Systems*. Scottish Water (SW) issued *Sewers for Scotland 2nd Edition: A Design and Construction Guide for Developers*

in Scotland (SFS2) in 2008 which includes specification for SUDS where such features are to be vested in/ adopted for maintenance by SW. It is likely that more design guidance will emerge during the lifetime of the Local Plan; developers will be required to comply with best contemporary practice.

2.1.37 Structure Plan Policy ELSP policy ENV12 requires a review of flooding in the Structure Plan area and, if necessary, consideration to be given to altering the Plan if the strategic development allocations are affected. It reinforces national guidance and promotes the use of SUDS to attenuate flood risk and treat surface water. It also requires, in policy ENV1D, that water supply catchment areas are not compromised by development.

2.1.38 Local Plan Policy The water environment in Midlothian includes the rivers, reservoirs, their valleys and catchments, and the groundwater resource. The responsibility for protecting the water environment requires a co-ordinated approach in terms of land use planning and other environmental management regimes, including the developing system of river basin management planning.

2.1.39 The aim of policy RP8, with support from policy RP9, is to prevent development that could adversely affect the water environment. The policy is comprehensive. It applies to the water environment in the broadest sense including groundwater, and provides protection against flooding and pollution and for the range of beneficial uses and habitats that are based on the water environment. Policy DP3 gives greater detail on the procedures and standards to be followed with regard to protection of the water environment.

2.1.40 Midlothian Council has liaised with SEPA regarding the land allocations made in this Local Plan. Where initial concerns have been raised, this is primarily where the presence of an adjacent watercourse has been noted. No site-specific quantitative analysis or investigation has been undertaken. Such concerns are highlighted in the text accompanying the allocations. Flood risk assessment is likely to be required at these locations. If such assessment demonstrates an inherent incompatibility of the proposal with planning policy, then such allocations would be considered not to be developable, and the Council would have to take appropriate measures to ensure compliance with the ELSP strategic requirements.

RP8 WATER ENVIRONMENT

Development will not be permitted which could adversely affect the water environment by:

- A.** having a damaging impact on fisheries, nature conservation, landscape, recreation or public access in a river corridor or other waterside area;
- B.** polluting surface or underground water (including water supply catchment areas) as a result of the nature of the surface, wastewater discharge or leachate;
- C.** giving rise to pollution problems resulting from the disturbance of contaminated land;
- D.** being subject to unacceptable flooding risk, or by causing or exacerbating flooding problems either within the site, or upstream or downstream of the site;
- E.** not meeting standards set in *The SUDS Manual* (published by CIRIA, 2007), or successor document, or failing to take into account best practice on SUDS design and management; or
- F.** not meeting the requirements of policy DP3 relating to the protection of the water environment in relation to all new development proposals.



Policy Title

RP9 PROTECTION OF RIVER VALLEYS

2.1.41 National Planning Policy NPPG 14 *Natural Heritage* recognises the natural heritage value of ancient and semi-natural woodlands and watercourses, both as important wildlife habitats and as valuable landscape features. Local authorities are required to protect these. The National Planning Framework for Scotland requires that development plans consider the distribution of development near watercourses to take account of the forthcoming River Basin Management Plans, in order to ensure that there is an integrated approach to water management. PAN 65 *Planning and Open Space* highlights the value of promoting and consolidating high quality networks of open spaces, including river corridors.

2.1.42 Structure Plan Policy The ELSP 2015 requires local plans to define areas of local value in terms of natural and built heritage (policy ENV1D). One of its objectives is to protect the natural environment from inappropriate or damaging development.

2.1.43 Local Plan Policy The river valleys of the North and South Esk and the Tyne unify some of Midlothian's valuable landscapes. They have great importance to Midlothian for their visual amenity, their rich habitats, and for providing recreational opportunities for local residents. The Local Plan defines a protection area for the North and South Esk on the Local Plan Proposals Map based on a landscape study *Esk River Valleys: Landscape Partnership Initiative* prepared for The Esk River Valleys Partnership by Land Use Consultants. It is intended to similarly define the protection area for the Tyne Valley in due course.

2.1.44 The valleys are distinctive and attractive landscape features running through Midlothian. In the past, the management and protection policies

of the various estates has played a key role in their preservation and enhancement. The river valleys have a variety of protective policy designations scattered along their lengths, including AGLVs, SSSIs, and nationally important gardens and designed landscapes. However, the purpose of these policies does not provide a consistent and comprehensive basis for protecting each valley as a coherent entity. There is increasing concern about the negative effect that inappropriate development could have on the valuable amenity and access contribution made by the river valleys to Midlothian as a whole. Policy RP9 provides a unifying policy to control development in the vicinity of Midlothian's main river valleys.

2.1.45 In recent years, enhancement work has been carried out in the valleys. Such work has focused on improving access through schemes such as the Esk Valley Way. Future enhancement is likely to focus on tree planting. The valleys are home to semi-natural and ancient woodlands that have enormous value in terms of biodiversity, and some are indeed designated as SSSIs. This policy will support the objective of environmental improvement by resisting inappropriate development, which could frustrate such schemes. Where dereliction occurs within the river valleys, redevelopment schemes which achieve environmental enhancement and landscape improvement will be supported, provided they are in accordance with other policies and proposals of the Local Plan. For example, the former Springfield Mill site is being treated and a local wildlife site created under the auspices of the Springfield Mill Action Group.

2.1.46 It is the intention of the Council to apply to the Scottish Ministers for the designation of an Article 4 Direction Order to complement this policy. Removing permitted development rights for specific types of development should reduce the risk of the landscape being harmed by new developments such as visually prominent agricultural structures.

RP9 PROTECTION OF RIVER VALLEYS

Development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne will not be permitted unless there is a specific locational need for the development.

Where the locational requirement has been established, development must demonstrate that:

- A.** it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities; and
- B.** it is not in conflict with other relevant Local Plan policies (in particular the Water Environment policies).

Policy Titles

RP10	INTERNATIONALLY IMPORTANT NATURE CONSERVATION SITES
RP11	NATIONALLY IMPORTANT NATURE CONSERVATION SITES
RP12	REGIONALLY AND LOCALLY IMPORTANT NATURE CONSERVATION SITES
RP13	SPECIES PROTECTION
RP14	HABITAT PROTECTION OUTWITH FORMALLY DESIGNATED AREAS
RP15	BIODIVERSITY ACTION PLAN

2.1.47 National Planning Policy European legislation and the Ramsar Convention introduced special protection measures for areas identified as internationally important nature conservation sites. These Directives were brought into UK law by the Conservation (Natural Habitats and Conservation) Regulations in 1994. SOEnvD Circular 6/95 gives advice on implementation ensuring that these areas are protected from damaging proposals. The internationally important sites are Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) which are jointly referred to as Natura 2000 sites. NPPG 14 *Natural Heritage* requires that policies be included in local plans for the protection and, where appropriate, enhancement of all internationally and nationally designated conservation areas and sites, and for areas of regional and local natural heritage importance. NPPG 14 advises that Ramsar (wetland) sites should be afforded the same level of protection as Natura 2000 sites.

2.1.48 In October 2005, a European Court of Justice ruling found that the EU Habitats Directive 1992 had not been adequately transposed into UK law, and consequently the 1994 Regulations may require modification in respect of the implementation of development plans. In the meantime it is understood that development plans may satisfy the provisions of the Directive by carrying out an appropriate assessment. This has been implemented for this Local Plan in conjunction with the Environmental Report (refer to para.1.5.7).

2.1.49 The main means of protecting nationally important conservation sites in Midlothian is through Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) designations. Both are designated by SNH under the provisions of the

Nature Conservation (Scotland) Act 2004 and the National Parks and Access to the Countryside Act 1949 respectively.

2.1.50 However, designation does not protect all the places where, for example, rare species of plants and animals may occur, and therefore it is important to protect these throughout the wider countryside. The Nature Conservation (Scotland) Act 2004 requires regard to be given to the Scottish Biodiversity Strategy. Planning policies should reflect the priorities identified in local biodiversity action plans as a means to protect these resources for the future.

2.1.51 Structure Plan Policy ELSP policies ENV1A, ENV1B, ENV1D and ENV1E require that local plans include policies and, where appropriate, proposals for the protection and enhancement of international, national, regional and local natural environmental designations and interests. The Plan also requires features of local importance to be protected and enhanced and due regard to be given to the local biodiversity action plan.

2.1.52 The Plan sets out tiered criteria, which must be met before any development will be permitted, as follows:

- ❖ on internationally important Natura 2000 sites, development should only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest, including those of a social and economic nature;
- ❖ on nationally important sites, including SSSIs, it must be demonstrated that either proposals will not compromise the conservation objectives and overall integrity of the designated area, or their social and economic benefits of national importance clearly outweigh the conservation interest of the site;
- ❖ on regionally and locally important sites, it must be demonstrated that proposals will not compromise the objectives and overall integrity of the area, or the social or economic benefits to be gained outweigh the conservation interest of the site.

In all instances, where development proposals affect any designated site or protected priority habitat or species or other important non-statutory locations, an appropriate level of environmental or biodiversity assessment should be carried out. Where development is permitted, measures must be included for mitigation and, where appropriate, enhancement (policy ENV1F)

2.1.53 Local Plan Policy The main means of protecting ecologically and geologically significant areas in Midlothian is by identifying sites of special value, either internationally or nationally. However, other areas may be of regional significance or greatly valued by local communities. The Scottish Wildlife Trust (SWT) designates Wildlife Sites where it has undertaken a detailed survey of environmental significance. If the SWT has still to carry out a detailed survey on a significant site, it is known as a Listed Wildlife Site. Where appropriate these nature conservation sites are listed in Appendix 5 and/ or shown on the Local Plan Proposals Map. Sites that emerge during the Local Plan period, or which are not shown on the Proposals Map, are also protected by policy RP12. In line with the guidance on *Establishing and Managing Local Nature Conservation Site Systems in Scotland* published in March 2006, the Council is currently developing a new system of Local Biodiversity Sites to replace the current local wildlife site system in Midlothian. The guidance requires sites proposed as Local Biodiversity Sites to be assessed against the following factors; species diversity, species rarity, habitat rarity, habitat naturalness, habitat extent and connectivity. The guidance states that direct benefits to local communities should be taken into account when assessing sites that are considered to be on the threshold for biodiversity importance.

2.1.54 The Local Plan takes account of national

and ELSP policy guidance to establish clear criteria against which any development proposals will be judged. In considering proposals that affect the most important sites, the onus is on the developer to show that no significant damage will occur. The policy covering sites of lesser importance aims to be more flexible but still seeks to safeguard the nature conservation of such sites.

2.1.55 A wide range of species and habitats are protected under the Wildlife and Countryside Act 1981 (as amended) or European Directives. The Local Plan will not permit development that will adversely affect such species other than in circumstances where appropriate measures can be taken to minimise the effect of development or make positive provision for the protection of such species and habitats. Development proposals will be expected to be compatible with the aims and objectives of the Midlothian Local Biodiversity Action Plan and related plans (available for inspection at Council offices, Dalkeith).

2.1.56 If development is fully justified, then the developer will always be obliged to compensate for any environmental losses (policy RP33). Planning conditions and agreements may be used to maintain control over such development, and ensure management of valuable sites and species (refer to policy IMP1).

RP10 INTERNATIONALLY IMPORTANT NATURE CONSERVATION SITES

Development will not be permitted where it could adversely affect, either directly or indirectly, the integrity of a nature conservation site of international importance (Natura 2000 areas), or any other site which is proposed or designated as of international importance during the lifetime of the Plan, unless it can be demonstrated that there are imperative reasons of overriding public interest and:

- A.** the proposed development would have no significant effect on the habitats or species being safeguarded; or
- B.** there are no alternative solutions.

RP11 NATIONALLY IMPORTANT NATURE CONSERVATION SITES

Development will not be permitted where it could adversely affect, either directly or indirectly, the integrity of a nature conservation site of national importance, or any other site which is proposed or designated as of national importance during the lifetime of the Plan, unless it can be demonstrated that:

- A.** the objectives of designation and the overall integrity of the area will not be compromised; or
- B.** any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

Sites of national importance are:

- ❖ a National Nature Reserve (NNR); or
- ❖ any other Site of Special Scientific Interest (SSSI)

RP12 REGIONALLY AND LOCALLY IMPORTANT NATURE CONSERVATION SITES

Development will not be permitted where it could adversely affect, either directly or indirectly, the nature conservation interest of any sites, or wildlife corridors, of regional or local conservation importance unless the applicant can show that:

- A.** the development has been sited and designed to minimise damage to the value of the site and includes measures that will appropriately compensate for any damage which cannot be avoided; or
- B.** the public interest to be gained from the proposed development can be demonstrated to clearly outweigh the nature conservation interest of the site.

Sites of regional or local importance are:

- ❖ a Local Nature Reserve (LNR);
- ❖ any other nature reserve (including SWT and RSPB reserves and Woodland Trust woods)*;
- ❖ a Wildlife Site (SWT non-statutory wildlife site) or Local Biodiversity Site;
- ❖ a peatland site identified in the Scottish Raised Bog Inventory as having valuable nature conservation status*;
- ❖ woodland identified in the Inventory of Ancient and Semi-Natural Woodland*;
- ❖ a Regionally Important Geological Site;
- ❖ areas of woodland identified in the Forest Habitat Network Strategy as having significant value in terms of promoting biodiversity and genetic exchange*;
- ❖ any site which is proposed for inclusion in the above categories (including Listed Wildlife Sites) or any other locally important designation during the lifetime of the Plan.

* Categories of sites not included in the Policies and Proposals Map



RP13 SPECIES PROTECTION

Development that would affect a species protected by law will require an appropriate level of environmental and biodiversity assessment. Where development is permitted, proposals will require:

- A.** measures for mitigation; and
- B.** measures for enhancement or sustainable habitat replacement, where appropriate.

RP14 HABITAT PROTECTION OUTWITH FORMALLY DESIGNATED AREAS

In the assessment of planning applications for development that would affect sites which contain habitat of some significance (although insufficient to justify a formal natural heritage designation), effects on the habitat, including the expected results of mitigation measures, will be taken into account.

RP15 BIODIVERSITY ACTION PLAN

Development proposals shall be expected to demonstrate compatibility with the aims and objectives of the Midlothian Local Biodiversity Action Plan and related plans, by identifying appropriate measures to protect, enhance and promote existing habitats and/or the creation of new habitats, and provide for the effective management of these habitats.

Policy Title

RP16 REGIONAL AND COUNTRY PARKS

2.1.57 National Planning Policy The provisions under which local planning authorities can designate regional and country parks are contained within the Countryside (Scotland) Act 1967, as amended in 1981. Regional parks are extensive areas of land, diverse in character, land use and ownership, where recreation is the dominant land use in parts only. In contrast, a country park is a smaller area of countryside which is wholly managed and maintained for the purpose of public enjoyment and open-air recreation. Regional parks may contain one or more country parks where there will be more intensive recreational use.

2.1.58 Structure Plan Policy The ELSP 2015 supports the aims of the Pentland Hills Regional Park as laid down in the Subject Local Plan 1989-94 adopted by the former Lothian Regional Council (policy ENV1D). It provides for the protection and enhancement of the Park.

2.1.59 Local Plan Policy Regional parks and country parks have particular value in terms of landscape management and countryside recreation. The Pentland Hills Regional Park, identified on the Local Plan Proposals Map, straddles the boundary between Midlothian, City of Edinburgh and West Lothian Council areas, with almost half of the park area falling within Midlothian. It is therefore particularly well located to serve a large proportion of the urban population of the Lothians.

2.1.60 Since 2000, an Integrated Management Strategy has provided a framework within which interests in the Pentland Hills Regional Park can be accommodated. This is now due for replacement with an updated management plan, though it will remain an important consideration in the assessment of planning applications. The Midlothian Local Plan contains detailed policies reflecting the policy



framework provided by the Subject Local Plan. It is intended to repeal the Subject Local Plan once all of the relevant up-to-date comprehensive local plans for the area have been adopted.

2.1.61 The Local Plan covers the Regional Park area that lies within Midlothian. Development proposals within the Park boundaries should conform with the aims of the Regional Park designation and with the detailed development policies, both of which are laid out in policy DP4. Reference should also be made to all other relevant Local Plan policies and proposals.

2.1.62 The Country Parks in Midlothian - at Vogrie, Hillend, Roslin Glen and Dalkeith as identified on the Local Plan Proposals Map - provide a focus for open-air leisure in accessible locations. The future management and success of these areas depends upon an appropriate balance of activities and their special qualities, such as nature conservation, landscape or historic value, which should be protected. Development proposals, which may include provision for outdoor recreation, sporting and arts activities, should not compromise these special qualities, or detract from the primary purpose of the Country Parks which is to provide opportunities for countryside recreation and environmental education. Reference will be made to the appropriate management strategies for the Country Parks in determining applications.

RP16 REGIONAL AND COUNTRY PARKS

Development will not be permitted where it would be contrary to the policy aims, the Integrated Management Strategy, future Management Plan/s and policy DP4 relating to the Pentland Hills Regional Park, or management strategies of the Country Parks.

Policy Title

RP17 PROTECTION OF THE MINERAL RESOURCE

2.1.63 National Planning Policy *SPP 4 Planning for Minerals* (which does not apply to opencast coal and associated minerals) requires a sustainable approach to mineral extraction, reconciling the need to safeguard minerals as far as possible, with concern for the environment and communities. *SPP 16 Opencast Coal* similarly requires deposits of coal and related minerals capable of being extracted in accordance with national guidance, to be protected against unnecessary sterilisation. Safeguarding of the mineral and coal resource may be achieved by rephasing other development to enable mineral working to take place.

2.1.64 Structure Plan Policy ELSP 2015 policy ENV7 requires local plans to safeguard deposits of economically important minerals from development which would either sterilise them, or

be a serious hindrance to their extraction, unless such development is essential to meet immediate Structure Plan development requirements and phasing to allow the removal of minerals is not possible.

2.1.65 Local Plan Policy Consistent with national and regional policy, policy RP17 seeks to protect mineral deposits so that they may be extracted for a variety of economic uses in the future. The policy aims to prevent the situation where protection of the mineral resource becomes a blight on other forms of development. It only protects mineral deposits from sterilisation where their extraction would not conflict with the Council's other development objectives, and where consistent with protection of the environment. In particular, the criteria applying to policy RP18 (Protecting Areas from Surface Mineral Extraction) require to be taken into account. Reference should also be made to policy MIN1 which identifies 'areas of search' where future surface mineral extraction may be acceptable in principle.

RP17 PROTECTION OF THE MINERAL RESOURCE

Built development will not be permitted where it could sterilise the extraction of mineral reserves, unless such development is required to meet Structure Plan development requirements, phasing to allow the removal of minerals is not possible, and the site would be unsatisfactory for minerals extraction in terms of policy RP18.

Policy Titles

RP18 PROTECTING AREAS FROM SURFACE MINERAL EXTRACTION

RP19 PEAT EXTRACTION

2.1.66 National Planning Policy SPP 4 and SPP 16 recognise the importance of mineral and coal extraction as an activity in its own right, and in terms of its strategic importance to the economy. The sustainable approach to mineral extraction requires planning authorities to consider protection of communities and the natural and built environment, alongside safeguarding measures to ensure an adequate supply of the mineral resource. As such, sites for mineral extraction by opencast methods are generally less likely to be acceptable in sensitive areas where protection is achieved through the designations detailed in policies including RP10, RP11 and RP12.

2.1.67 Both SPP 4 and SPP 16 require prime agricultural land to be protected from permanent development or irreversible damage. SPP 16 sets a 500m separation distance between local communities and site boundaries, whilst SPP 4 advises that buffer distances can be set after consultation, taking into account the circumstances of the proposal.

2.1.68 Structure Plan Policy The ELSP 2015 concurs with national policy. Policy ENV8, together with other Environment Protection policies, provide a framework for assessing mineral extraction proposals. The Structure Plan identifies broad areas where opencast coal and related minerals extraction may be considered acceptable in the Lothians, including five broad areas within Midlothian. It requires local

plans to define these broad areas in more detail, taking account of relevant environmental factors, and to set out the criteria to be addressed when assessing individual proposals. Outwith these broad areas, the Structure Plan states that there should be a presumption against opencast coal and related minerals extraction.

2.1.69 Local Plan Policy Although there is an accepted need to protect mineral resources, this does not mean that there is a presumption in favour of mineral development in all areas. Policy MIN1 identifies the areas of search within which the Council considers sand and gravel and opencast coal extraction may be acceptable, in principle (refer to Section 3.9). These areas were selected after consultation to determine operator demand, community views, and following a broad assessment of the potential effects of workings against the criteria of policy RP18. However, both within areas of search and elsewhere, individual proposals for extraction will require to be assessed on their merits, having regard to the provisions of policy RP18 and the detailed operational matters set out in policy MIN1. Prime quality agricultural land should be protected against permanent development or irreversible damage.

2.1.70 While there is potential for peat extraction in parts of the Local Plan area, the Council is keen to protect areas of peat moss which are of ecological interest or landscape value. It will therefore resist all proposals for peat extraction within or around areas of ecological importance, and in other areas also unless it can be satisfactorily demonstrated that the environmental impact will be minimal. Other development likely to have a significant adverse impact on peatland of ecological value will be resisted.



RP18 PROTECTING AREAS FROM SURFACE MINERAL EXTRACTION

Mineral extraction will not be permitted where:

- A.** it may be in conflict with policies RP10, RP11 and RP12.
- B.** it may affect the following protected areas, namely, Conservation Areas, Scheduled Ancient Monuments, listed buildings, historic gardens and designed landscapes, significant archaeological sites, (and, where relevant, the settings of the aforementioned designated areas or buildings), prime agricultural land, the Green Belt, Pentland Hills Regional Park, Areas of Great Landscape Value, peatland and water supply catchment areas, unless it can be demonstrated that:
 - ❖ there is no materially damaging impact; or
 - ❖ there are local or community benefits to be gained from mining which would outweigh any adverse impacts on the designated area.
- C.** it is within 500m of an existing or proposed settlement* (and may adversely affect residential and other sensitive property or other activities within that community) or areas of locally important landscape character unless it can be demonstrated that there are other mitigating circumstances or there are local or community gains from mining which outweigh this safeguarding. There may be a case for the separation distance to be adjusted, taking account of the specific circumstances of each individual proposal.
- D.** it may damage the local economy in terms of tourism, leisure or recreation to an unacceptable extent.
- E.** the local roads are unsuitable as mineral haulage routes by virtue of their design and construction, the nature of other usage and the relationship of residential and other sensitive property to the road.
- F.** it would result in adverse effects which, when combined with the effects of other operational, consented or currently proposed surface mineral extraction and landfill sites, would have an unacceptable cumulative impact on the environment or local communities.

Where the Council is minded to permit development that affects any designated site of nature or other conservation value, appropriate mitigating measures will be sought to enhance and safeguard the remaining interest.

*Mineral extraction will not be permitted in the area lying to the north of the A720 City Bypass, including Shawfair new community. Reference to proposed settlement relates to those that are identified through the development plan process.

RP19 PEAT EXTRACTION

Peat extraction, and other development likely to have a deleterious effect on peatland, will not be permitted where it is within or adjacent to the ecologically significant areas listed in policies RP10, RP11 and RP12. Elsewhere in the Local Plan area, peat extraction and development likely to result in a deleterious effect on peatland will not be permitted except where local environmental impacts are shown to be minimal or where there are overriding environmental benefits in the public interest.

2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

2.2.1 National Planning Policy National policy as set out in SPP 1 *The Planning System* states that one of the three general objectives of development plans and development control is “to maintain and enhance the quality of the natural heritage and built environment”. In addition, the importance of good design is highlighted as a priority for the planning system, given that “mistakes cannot be easily or cheaply rectified”.

2.2.2 SPP 3 *Planning for Housing* (now replaced by SPP 3 *Planning for Homes* – see para. 3.2.6) encourages the full and effective use of land within existing built areas, giving priority to reusing derelict and vacant land. However, it also requires that “infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas”. It indicates that this should be an important consideration for planning authorities when preparing development plans and in determining applications, and for developers when preparing proposals.

2.2.3 Structure Plan Policy The ELSP 2015 recognises the importance of protecting and

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENV1G requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

2.2.4 Local Plan Policy Midlothian is not characterised by large areas of brownfield land ripe for redevelopment. It follows therefore that the main areas of new development will be on greenfield sites on the edge of the built-up areas. There will, however, be opportunities for new development within the existing urban areas, including conversion, intensification, infill or redevelopment.

2.2.5 Policy RP20 applies to the existing built-up area of all towns and villages, and the areas of new housing allocations. The Local Plan Proposals Map defines the urban boundaries of the main settlements and also identifies village envelopes. The purpose of the policy is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. Sections 3.7 and 4 contain guidance with regards to wind turbines (policies NRG1 and NRG2), energy for buildings (policy NRG3), the form and layout of development on greenfield sites (policy DP2), extensions to existing housing (policy DP6) and control over advertising (policy DP8), which may be relevant to proposals for development within the built-up area.

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.

Policy Title

RP21 COMMUNITY IDENTITY AND COALESCENCE

2.2.6 Background There is a long established history of planning policy measures to prevent coalescence, usually in relation to larger settlements. In the Lothians, Green Belt policy (ELSP policy ENV2) protects the landscape setting of Edinburgh and neighbouring towns and prevents coalescence. Due to the scale of committed developments across Midlothian, local communities have expressed strong and increasing concern about the prospect of loss of community identity and the need to maintain visual as well as physical separation between settlements. There is already difficulty in visually distinguishing communities like Easthouses, Mayfield and Newtongrange and smaller communities feel under threat of being subsumed into larger neighbouring towns.

2.2.7 Local Plan Policy The Local Plan seeks to directly tackle the issue of creeping coalescence by preventing development that would remove the slim green wedges which remain between the built-up peripheries of Midlothian’s towns and villages.

Where development proposals to meet the ELSP 2015 land requirements are perceived to contribute towards coalescence, mitigation measures will be required. Where possible, new strategic allocations have been chosen to minimise the prospect of coalescence but, where settlement separation is reduced, development briefs will address the need for mitigation measures from the outset, and will support development management decisions that prevent coalescence.

2.2.8 Mitigation may include special landscaping treatment or other measures to assist with retention of both visual and physical separation such as the use of the green wedge for a recreational or other community purpose, for example, a community woodland or parkland. Development briefs will be the subject of community consultation to determine the most appropriate use for such areas. Where mitigation measures are required, such as tree planting and public greenspace, the opportunity should be taken to derive biodiversity and recreational value from them, consistent with the other policies of the Local Plan. The policy is also intended to provide protection where proposals for development arise during the lifetime of the Plan.

RP21 COMMUNITY IDENTITY AND COALESCENCE

Development will not be permitted which would result in the physical or visual coalescence of neighbouring communities unless mitigation measures are proposed which would maintain visual separation and protect community identity. Such measures, which may include landscaped buffer zones and other community woodland, shall be tailored to the particular circumstances of the location.

Policy and Proposal Titles

RP22 CONSERVATION AREAS**RP23 CONSERVATION AREAS – AMENDMENTS (PROPOSAL)****RP24 LISTED BUILDINGS**

2.2.9 National Planning Policy Special controls in respect of buildings and areas of special architectural or historic interest are brought into force under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Under this Act, the Scottish Ministers are required to compile a list of buildings of special architectural or historical interest (listed buildings). Local authorities are required to determine if there are areas of special architectural or historic interest (conservation areas) and if so, to designate these. Both are afforded additional protection through development plan policies seeking to preserve and enhance their character and appearance whilst taking into account that such areas must function successfully as places for social and economic activity. Guidance is set out in NPPG 18 *Planning and the Historic Environment* and in Historic Scotland's *Memorandum of Guidance on Listed Buildings and Conservation Areas*.

2.2.10 Structure Plan Policy Strategic policy takes on board conservation objectives in conservation areas, and in urban areas generally, and supports the conservation of all listed buildings. ELSP policies ENV1 and ENV10 require that policies for maintaining and enhancing conservation areas, and protecting all listed buildings and their settings, are contained in local plans.

2.2.11 Local Plan Policy Midlothian's towns and villages have many historically and architecturally interesting areas and individual buildings of special architectural or historic interest. These contribute to the distinctive character of the urban and rural environment and to the quality of life in Midlothian generally. As part of our heritage, they are valuable for education, recreation and tourism.

2.2.12 Conservation area and listed building status does not mean that development, including new building and alterations to existing buildings, is necessarily opposed. Development proposals must be of an appropriate character, scale and appearance. Consideration requires to be given to opportunities for the preservation and enhancement of these important areas. Policies RP22 and RP24 set out the requirements where new development is proposed in conservation areas, or affecting listed buildings,

and identify where there is scope for enhancing any special qualities.

2.2.13 Minor changes to properties, which normally would not require planning consent, could erode the character and appearance of a conservation area. In Midlothian's Conservation Areas, the Council has put in place Article 4 Direction Orders to remove permitted development rights in order to ensure control over all changes. Requirements specific to individual Conservation Areas (Newtongrange, Broomieknowe and Lasswade & Kevock) are contained in detailed policy DP5. Supplementary planning guidance specific to other Conservation Areas may be approved during the lifetime of the Plan. Work is currently in progress to prepare Conservation Area appraisals for all of Midlothian's Conservation Areas and, when approved as supplementary planning guidance, these will assist with planning decisions relating to development proposals and also help to guide any future enhancement schemes. Conservation Area appraisals and any subsequent enhancement schemes will be the subject of consultation with appropriate organisations including community groups.

2.2.14 There are twenty designated Conservation Areas in Midlothian, three of which are classified as outstanding for grant purposes. Defined on the Local Plan Proposals Map, their locations are: Borthwick & Crichton (outstanding), Broomieknowe, Carrington, Dalkeith (outstanding), Dewartown, Edgehead, Eskbank & Ironmills, Fala, Fala Dam, Gorebridge, Howgate, Lasswade & Kevock, Mavisbank (outstanding), Newbattle, Newlandrig, Newtongrange, Pathhead & Ford, Penicuik, Roslin, and Temple & Arniston. The Local Plan makes provision for the designation of a new Dalhousie Conservation Area, the boundary for which is shown on the Local Plan Proposals Map. In addition, amendments are to be made to the boundaries of the Lasswade & Kevock, Mavisbank and Penicuik Conservation Areas (policy RP23) to ensure that they better reflect the architectural and historic significance of these areas. Statutory procedures are required to implement these proposals, and to update the Article 4 Direction Orders applicable within the Conservation Areas.

2.2.15 In conjunction with the Dalkeith town centre regeneration project, the Council is proposing a Townscape Heritage Initiative within the Dalkeith Conservation Area. This is a Heritage Lottery-funded grant initiative which supports schemes led by partnerships of local, regional and national interests that aim to regenerate the historic parts of their towns and cities. The proposed project focuses on:

- ❖ protecting the historic/architectural fabric of Dalkeith;
- ❖ enhancing the Conservation Area and improving the quality of the public realm;
- ❖ encouraging additional investment in the social and economic infrastructure of Dalkeith, including the reuse of historic buildings; and
- ❖ promoting greater awareness of conservation and the historic environment.

The initiative seeks to involve all sections of the local community in the project and has attracted initial support from the local business community. The Council will seek developer contributions from the proposal HOUS1 sites in Dalkeith as part of the project partnership (refer to policy IMP3).

RP22 CONSERVATION AREAS

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.

New Buildings, Extensions and Alterations

In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings, and extensions and alterations to existing buildings, preserve or enhance the character and appearance of the Conservation Area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings, extensions or alterations. Particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

- A.** Demolition to facilitate new development of part or all of a building or other structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:
- ❖ the structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and
 - ❖ the Conservation Area will be enhanced as a result of the redevelopment of the site; and
 - ❖ there is no alternative location physically capable of accommodating the proposed development.
- B.** Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

RP23 CONSERVATION AREAS – AMENDMENTS (PROPOSAL)

The following changes will be made to Conservation Areas, as defined on the Local Plan Proposals Map:

- ❖ amendments to the boundaries of the Conservation Areas at Lasswade and Kevock, Mavisbank, and Penicuik;
- ❖ the designation of a new Dalhousie Conservation Area.

Policy RP22 shall apply within the new/amended boundaries.

RP24 LISTED BUILDINGS

Development will not be permitted which would adversely affect the character or appearance of a listed building, its setting or any feature of special or architectural or historic interest that it possesses.

New Development

Development within the curtilage of a listed building or its setting will only be permitted where it complements its special architectural or historic character.

Demolition

Demolition will only be permitted in exceptional circumstances where:

- A. the proposed demolition is of an addition to the building which is of little architectural or historic value and its removal would result in an improvement to the quality of the original building; or
- B. there is an overriding requirement in the public interest to allow the redevelopment of the site, the proposed use cannot physically be accommodated elsewhere and the listed building is incapable of adaptation without material loss to its character or appearance; and in either case
- C. there are approved plans for the future development of the site and agreement has been reached on the timescale for demolition and redevelopment.

Extensions and Alterations

Proposals for extensions and/or alterations to a listed building will only be permitted where their siting, scale, design, materials and detailing do not detract from and, wherever appropriate, enhance the original character of the building.

Change of Use

The change of use of a listed building will only be permitted where it can be shown that the proposed use and any necessary alteration can be achieved without detriment to the character, appearance and setting of the building.

Policy Title

RP25 NATIONALLY IMPORTANT GARDENS AND DESIGNED LANDSCAPES

2.2.16 National Planning Policy SNH and Historic Scotland compiled a national *Inventory of Historic Gardens and Designed Landscapes* in 1987, which was updated in 2001. Sites are assessed on the basis of aesthetic and historic value, horticultural, arboricultural or archaeological value, scenic value or nature conservation value. This is a national designation and development affecting these sites is subject to statutory consultation with these bodies. Historic Scotland has consulted on changes to procedures for the designation, management and protection of gardens and landscapes in the Inventory.

2.2.17 Structure Plan Policy The ELSP 2015 values the contribution of planned landscapes to the scenic quality of the Lothians and policy ENV1C requires local plans to identify and protect historic gardens and designed landscapes of particular merit.

2.2.18 Local Plan Policy Landed estates with their extensive areas of policy parkland are very significant features of Midlothian's countryside. Several of these have been identified as having particular importance in the Inventory. Shown on the Local Plan Proposals

Map, these estates are at Arniston, Dalkeith House, Dalhousie Castle, Mavisbank, Melville Castle, Newbattle Abbey, Newhall House, Newton House, Oxenfoord Castle, Penicuik House, Prestonhall, and Roslin Glen and Hawthornden. There is a need to protect the special qualities and character of these gardens and planned landscapes and to encourage their sensitive management. Additional localities may be proposed for inclusion in the Inventory from time to time, and once incorporated, they will become subject to policy RP25.

2.2.19 Any development proposals affecting a garden or designed landscape in the Inventory must include sufficient detail to allow the full extent, impact and quality of the proposals to be examined. Where an outline application is made, the proposals must include enough information to indicate the layout, height and massing of the new development. Proposals should be accompanied by an historical landscape appraisal to allow full consideration to be given to the detailed sensitivities of the site in determining the application. There may be opportunities to benefit the conservation and management of these sites through appropriate development. Planning conditions and agreements may be used to achieve repair, restoration and management of the planned landscape as part of the development proposals.

RP25 NATIONALLY IMPORTANT GARDENS AND DESIGNED LANDSCAPES

Development will not be permitted which would harm the character, appearance or setting of a garden or designed landscape which is included in the Inventory of Historic Gardens and Designed Landscapes.

Policy Titles

RP26	SCHEDULED ANCIENT MONUMENTS
RP27	OTHER IMPORTANT ARCHAEOLOGICAL OR HISTORIC SITES
RP28	SITE ASSESSMENT, EVALUATION AND RECORDING

2.2.20 National Planning Policy Government policy in NPPG 5 *Archaeology and Planning* indicates that all archaeological remains are important in that they provide a resource that cannot be replaced - once they are destroyed they are gone forever. Archaeological sites of national importance are identified as Scheduled Ancient Monuments by the Scottish Ministers. Other sites of more local significance are identified in the Sites and Monuments Record for the area.

2.2.21 Nationally important remains and their settings must be protected, preserved and, where appropriate, enhanced while unscheduled remains and their settings should also be identified and regarded as worthy of preservation. Where preservation proves impractical, planning authorities may strongly encourage developers to give financial support to archaeological works to record sites in advance of development.

2.2.22 Structure Plan Policy ELSP policies ENV1C and ENV1D provide a clear presumption against development which might adversely affect a Scheduled Ancient Monument or a site or area of significant archaeological or historic interest. It indicates, however, that not all sites are of significant interest and suggests that local plans should contain appropriate policies. It reiterates national policy on the importance of excavation and recording where preservation proves impractical and requires that local plans make provision for this.

2.2.23 Local Plan Policy Scheduled Ancient Monuments (SAMs) are afforded the highest level of protection and Scheduled Monument Consent from Historic Scotland is required for works affecting them. Over and above the SAMs, Midlothian is rich in other archaeological and historical remains and these are recorded in the Midlothian Sites and Monuments Record (SMR). Some are familiar landmarks including castles, churches, standing stones and industrial archaeology. Others are less visible such as ancient settlements and fortifications which may be seen only from the air as cropmarks. Although not designated

as SAMs, Midlothian's two battlefields (Roslin Glen, 1303 and Rullion Green, 1666) may have their status enhanced during the Plan period; meantime these will continue to be afforded protection under policies RP27 and RP28.

2.2.24 In line with national and ELSP policy, the objective of Local Plan policies RP26, RP27 and RP28 is to identify archaeological remains of national or local importance and to ensure their preservation, particularly in the face of disturbance from development. The highest level of protection is afforded to sites which are of national importance although sites of more local importance are also protected within the development process. Where a site of archaeological value is proposed for development, developers are required to look at alternative ways of accommodating their proposals in order to minimise damage. Any archaeological losses have to be compensated, and excavation and recording of the site will be required, where appropriate. Developers must provide sufficient information on the archaeological content of any site to allow the Council to adequately assess its importance in determining the application (refer to Appendix 6 for the list of Scheduled Ancient Monuments which are also shown on the Local Plan Proposals Map). Note that non-scheduled sites or areas of archaeological or historic interest are not included in the map or in the Appendix. The Council holds records of these and has the support of an archaeological advisory service when dealing with planning applications that might affect them.



RP26 SCHEDULED ANCIENT MONUMENTS

Development which could have an adverse effect on a Scheduled Ancient Monument, or the integrity of its setting, will not be permitted.

RP27 OTHER IMPORTANT ARCHAEOLOGICAL OR HISTORIC SITES

Development will not be permitted where it could adversely affect an identified regionally or locally important archaeological or historic site or its setting unless the applicant can show that:

- A.** there is a public interest to be gained from the proposed development which outweighs the archaeological importance of the site;
- B.** there is no alternative location for the proposal; and
- C.** the proposal has been sited and designed to minimise damage to the archaeological interest.

RP28 SITE ASSESSMENT, EVALUATION AND RECORDING

Where any development proposal could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the impact of the proposal on the archaeological resource.

Unless the Council is satisfied to the contrary, such an assessment will require a field evaluation of the site to determine:

- A.** the character and extent of the archaeological remains;
- B.** the likely impact of the proposed development on the features of archaeological interest; and
- C.** ways in which the proposed development can be designed to preserve the archaeological interest.

Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource *in situ*, the developer will be required to make arrangements for an archaeological investigation. The scope of this will be appropriate to the physical character of the site and proportionate to the importance of the information expected to be recoverable. Except for sites of minor local interest, this investigation will normally include excavation and recording prior to the start of development, followed by analysis and publication of the field data.

Policy Titles

RP29 PLAYING FIELDS AND SPORTS FACILITIES

RP30 OPEN SPACE IN TOWNS AND VILLAGES

RP31 OPEN SPACE STANDARDS

2.2.25 National Planning Policy In *Choosing our Future: Scotland's Sustainable Development Strategy*, the Scottish Executive reaffirmed its commitment to providing healthy choices by promoting access to recreational opportunities and improving the quality of our parks and greenspaces as places offering 'breathing spaces' away from the stresses of modern life. The principles, but not the action points, of this document have been endorsed by the Scottish Government. NPPG 11 *Sport, Physical Recreation and Open Space* requires local plans to include policies to protect and enhance existing open space, including public parks and playing fields and other land of recreational, amenity or wildlife value. PAN 65 *Planning and Open Space* puts particular emphasis on the need for local authorities to produce formal open space strategies, to provide a structured, rigorous and rounded analysis of open space supply and requirements to inform decision-making, including the processing of planning applications. SPP 11 *Open Space and Physical Activity* was issued in November 2007 and replaced NPPG 11. This was too late to be taken into consideration when preparing the playing field and open space policies in this Plan. The draft SPP 11 had indicated the likely requirement for councils to prepare open space strategies. The Council has considered the content of SPP 11 and is satisfied that the policy framework of the Local Plan is consistent with its requirements.

2.2.26 Structure Plan Policy ELSP policy ENV1D falls in line with national policy in stressing the importance of local plans protecting significant open spaces within urban areas, including operational playing fields, as development pressures intensify.

2.2.27 Local Plan Policy Midlothian Council commissioned an audit of the area's open space assets during 2006/07. The findings of this audit will inform the development of an open space strategy. The strategy will be incorporated into supplementary planning guidance on this topic to be adopted by the Council. Within Midlothian's towns and villages, there are many public and private open spaces which are important for visual amenity, recreation and biodiversity. These often create green corridors through the built-up area, and incorporate public parks, public and private playing fields such as football pitches, informal recreational space, private gardens, allotments, river and burn corridors and areas of unused land. They are particularly important places as green space for local communities and as urban wildlife habitat. Open space requirements in association with new development are detailed in policy DP2.

2.2.28 Policies RP29 and RP30 aim to ensure that areas of open space are preserved and, to be acceptable, proposals must take into account any important open space and make provision for its protection, enhancement and management. In exceptional cases, it may be necessary to accept loss of open space, in which case the policies will ensure that there is appropriate compensation for this loss. Planning conditions and agreements may be used to secure the protection and long-term management of the open space.



RP29 PLAYING FIELDS AND SPORTS FACILITIES

Development will not be permitted on existing playing fields and sports facilities unless it can be demonstrated that the development will not result in a material loss of amenity to the surrounding area as a result of the loss of the existing area of open space or sports facility; and:

- A.** the enhancement of the existing provision can best be achieved by the redevelopment of part of the site; or
- B.** more appropriate and suitable facilities of a similar recreational nature can be provided by the developer at an alternative location within the settlement, where they will achieve a better distribution of recreational facilities to serve the local community; and in both cases,
- C.** it can be demonstrated through the Sports Pitch Assessment that there is a long-term excess of pitches, playing fields and open space.

RP30 OPEN SPACE IN TOWNS AND VILLAGES

Development on open spaces not covered by policy RP29 will not be permitted where:

- A.** these form a visually important part of the settlement or an integral part of the layout of adjacent buildings;
- B.** it would result in the loss of an attractive landscaped area;
- C.** it would result in the loss of land important to informal recreation; or
- D.** it would result in a material change in the character of the locality, unless it can be demonstrated that suitable alternative open space of similar quality can be provided in an appropriate nearby location.

In line with criterion D above, proposals (with the exception of minor householder applications) to develop areas of open space shall be accompanied by an audit of the quantity, quality, function, use, accessibility and distribution of open space within the vicinity of the site and/or local community to demonstrate that the provision of open space would not be adversely affected by the proposed development.

RP31 OPEN SPACE STANDARDS

The Council is preparing an open space strategy for its parks, open spaces and civic spaces. The Council proposes to bring forward supplementary planning guidance based on the open space strategy outlining, *inter alia*, minimum open space standards in respect of all new development. In the meantime, the requirements for open space provision are as set out in policy DP2.

Policy Title

RP32 PUBLIC RIGHTS OF WAY AND OTHER ACCESS ROUTES

2.2.29 National Planning Policy The Land Reform (Scotland) Act 2003 places a duty on local authorities to draw up core paths plans sufficient for the purpose of giving the public reasonable access throughout their area. These should aim to meet the needs of the whole community and contribute to achieving key public policy objectives such as health, sustainable transport, social inclusion, rural regeneration and associated strategies. The Countryside (Scotland) Act 1967 places a duty on local authorities to protect any public right of way.

2.2.30 Structure Plan Policy ELSP policy ENV1D requires that local plans define the means and extent by which defined core and local path networks should be protected.

2.2.31 Local Plan Policy Access within and between communities and to the open countryside is important for all of Midlothian's residents and visitors for recreational and transportation purposes.

The Council considers it important to provide access opportunities for all modes of non-motorised access, including walking, cycling and horseriding, along with access for less able people. It holds a register of routes believed to be rights of way in Midlothian. These are predominantly for pedestrian access but many sections of the routes are used for cycling and some for horseriding. While it is important to protect rights of way and other access routes, the public now has a general right of access to most land and water under the Land Reform (Scotland) Act 2003. Public access over development sites will be a consideration when assessing applications for planning permission, as set out in policy IMP1.

2.2.32 The Council's Outdoor Access Strategy 2005-2010 sets the context for Local Plan policy RP32. In addition, the Council is in the process of producing a Core Paths Plan to identify a sustainable network of priority paths throughout Midlothian in line with the Land Reform (Scotland) Act 2003. This will comprise both long distance strategic routes and local paths. Policy RP32 seeks to ensure that there is no conflict between maintaining the access network and development proposals.

RP32 PUBLIC RIGHTS OF WAY AND OTHER ACCESS ROUTES

Development which could lead to the loss of a right of way, cycle path, bridleway, or other access route (including those defined by the Council's Core Paths Plan and Outdoor Access Strategy, once approved) will not be permitted except where the developer makes arrangements for an acceptable alternative route.

2.3 Compensation Arrangements

Policy Title

RP33 COMPENSATORY MEASURES FOR LOSS OF ENVIRONMENTAL RESOURCES

2.3.1 Local Plan Policy The Resource Protection Section sets out those areas of Midlothian’s natural

and built heritage where development will not be permitted, though it is acknowledged that there may be exceptions. In such cases policy RP33 is intended to ensure that, where there is unavoidable environmental loss as the result of development, there will be appropriate compensatory measures to enhance environmental assets. The potential for such compensatory measures will not, however, be used as a justification for allowing development which has an unacceptable impact on an environmental resource.

RP33 COMPENSATORY MEASURES FOR LOSS OF ENVIRONMENTAL RESOURCES

Where, in exceptional cases, development is permitted in the public interest which will lead to unavoidable environmental loss or damage to the resources covered by the Resource Protection policies, the Council will require the developer to carry out appropriate compensatory measures for the loss by enhancing or creating other environmental assets in or close to the development site, or, where that is not practicable, more distant but similar to those which will be affected. Planning conditions will be used and legal agreements sought to secure these arrangements.



Development Topics





3.1 Committed Development

Policy Title

COMD1 COMMITTED DEVELOPMENT

3.1.1 Background. In 2003, the now superseded Midlothian and Shawfair Local Plans were adopted. These plans allocated land for about 9,000 houses and over 70 hectares of economic development land, and included the creation of a new community at Shawfair as part of the South-East Wedge strategic release of Green Belt in accordance with the Lothian Structure Plan 1994. The policies and proposals contained in the 2003 Local Plans were the subject of consultation and major public local inquiries prior to adoption. As well as allocating land to meet the strategic requirements of the Lothian Structure Plan 1994, they set out a framework for the delivery of affordable housing, infrastructure, facilities and a wide range of other key developments.

3.1.2 Para. 1.3.6 explains that delays have occurred in the commencement of development on a number of these sites. This has been linked to factors such as the need to resolve complex infrastructure constraints and to finalising legal agreements. However, good progress is being made, and the housing audit process confirms that house completion rates have risen.

3.1.3 These committed development proposals remain important to Midlothian's future. Given that the policies and proposals of these two Local Plans were the subject of detailed scrutiny, and they continue to be afforded support by the ELSP 2015, these committed proposals are rolled forward in this replacement Local Plan. The purpose of policy COMD1 and Appendices 1 and 2, as explained in para 1.3.13, is to confirm that all committed development proposals, the developer contributions required in association with them, and the existing policies and proposals which apply specifically to the Shawfair new community and the expansion of Danderhall, continue as commitments in the context of this Local Plan.

COMD1 COMMITTED DEVELOPMENT

Midlothian Council will continue to seek the early implementation of all committed development sites, and related infrastructure, facilities and affordable housing requirements, as listed in Appendix 1 and identified on the Local Plan Proposals Map*. These include:

- ❖ sites in the established housing land supply, including the provision of affordable housing as specified for inclusion within particular sites in the base land supply (Appendix 1A.1-1A.3)**;
- ❖ sites in the established economic land supply (Appendix 1B) (refer also to policy ECON4);
- ❖ the Shawfair new community, and expansion of Danderhall, as detailed in the Shawfair Masterplan and Design Guide, and including Shawfair town centre and the redevelopment of the former Monktonhall Colliery site (refer to the Local Plan Proposals Map for the defined area and Appendix 2 for relevant detailed policies and proposals);
- ❖ the site for the Midlothian Community Hospital at Bonnyrigg/Eskbank;
- ❖ sites allocated for new primary schools as listed in Appendix 1C;
- ❖ consented sites for the provision of park and ride facilities at Sheriffhall (extension);
- ❖ the extension of the Drummond Moor landfill site in connection with the provision of a Waste Management Complex (provided it can be shown to contribute to the Best Practicable Environmental Option for Municipal Waste);
- ❖ essential infrastructure required to enable development sites included in the established housing and economic land supply to be implemented (Appendix 1D); and
- ❖ leisure and community facilities to meet deficiencies exacerbated by the additional housing arising from sites included in the established housing land supply (Appendix 1E).

* Shown on Local Plan Proposals Map.

** For housing sites listed in Appendix 1A.2, there is a requirement for the provision of 5 -10% affordable housing units, an estimate of which is included in the site capacities identified. For sites listed in Appendix 1A.3, there is a requirement for the provision of 20% affordable housing units, included in the site capacities identified. Levels of affordable housing provision will be agreed through negotiation between the Council and the developer/ landowner. These may be adjusted where the Council is satisfied that this has been fully justified.

3.2 Housing

Proposal Title

HOUS1 STRATEGIC HOUSING LAND ALLOCATIONS (PROPOSAL)

3.2.1 Background Midlothian is increasingly considered to be a favoured location for new housing development, given its attractive environment and close proximity to Edinburgh. In recent years, however, house build rates have been relatively modest. As explained elsewhere in this Plan, this has been mainly due to infrastructure constraints, principally water supply and drainage. The Council is seeking continuing commitment from Scottish Water that its investment programme will not delay the implementation of the large amounts of committed development land in Midlothian along with the new allocations made as part of this Local Plan.

3.2.2 Bearing in mind the substantial amount of development land already committed through the previous Local Plans, the challenge for this Local Plan is to allocate an additional supply of marketable housing land to meet the strategic requirement and, at the same time, ensure that the identified sites meet environmental objectives and do not impact upon existing communities in a way that is unacceptable.

3.2.3 National Planning Policy The Government's policy on housing is set out in SPP 3 *Planning for Housing*, SPP 15 *Rural Planning*, PAN 44 *Fitting New Housing Development into the Landscape* and PAN 72 *Housing in the Countryside*, providing guidance on where and how new developments can best be accommodated. These are complemented by a series of Planning Advice Notes and Policy Statements relating to topics such as housing quality, design, crime prevention, etc. as a means of communicating best practice in architecture and design standards. Regardless of the location for new housing, due attention should be given to layout, design and environmental quality, as well as energy conservation. Architecture and Design Scotland (A&DS) has been established by the Scottish Ministers as a non-statutory consultee responsible for design review.

3.2.4 National policy continues to emphasise the need to direct new housing development to settlements, with the aim of providing sustainable

communities. The reuse of previously developed land and vacant buildings within settlements is encouraged. Where brownfield and infill sites cannot meet the full range of housing requirements, it will be necessary to release greenfield land adjoining built-up areas. SPP 3 recognises that a new settlement may have a part to play in meeting housing requirements as part of a long-term development strategy.

3.2.5 In all instances, national policy emphasises that an important factor in identifying housing locations is accessibility to jobs, services and leisure activities through a choice of modes of transport. Similarly, as a guiding principle, minimising the adverse effects of new development on natural heritage assets is a key consideration in site selection.

3.2.6 SPP 3 confirms that local plans must conform to the structure plan and requires that they provide sufficient effective land to meet the housing land requirement for at least five years from adoption. It also states that, if development plans do not keep pace with the need to maintain a supply of land, planning permission should be granted in advance of local plan adoption provided that the proposals comply with other policies of the development plan. It should be noted that SPP3 *Planning for Homes* was issued in July 2008 as a replacement for SPP3 *Planning for Housing (2003)*. There are a number of references throughout this Local Plan to matters included in the 2003 SPP3, and the principles are generally in line with the revised 2008 SPP3. It was considered unnecessary and too late to carry out a full assessment of the Local Plan in respect of the revised 2008 SPP3, without potentially delaying the delivery of the housing land supply, which would be in conflict with the aims of the revised 2008 SPP3.

3.2.7 Structure Plan Policy The ELSP 2015 sets out the strategic housing land policies for the Lothians which are aimed at meeting housing needs, providing choice and supporting the economy without damaging environmental quality. A significant proportion of the housing land requirement will be met on land that is already committed, along with an estimate of the contribution that can be expected from windfall developments. To make up the shortfall of land for the period to 2015, strategic housing land allocations have been identified in Core Development Areas (CDAs) as explained in paras. 1.2.13 – 1.2.18. For Midlothian, two CDAs have been identified, based on the two main transport corridors, where the following housing land requirements are to be met:

A7/A68/Waverley Line Corridor	Dalkeith, Mayfield, Newtongrange, Gorebridge and Rosewell*	1,350 houses
A701 Corridor	Loanhead/Straiton, Bilston, Roslin, Auchendinny and Penicuik	850 houses
MIDLOTHIAN TOTAL	All tenures, including affordable housing	2,200 houses

*Shawfair is included within this CDA for the purposes of identifying further opportunities for economic development only.

3.2.8 The ELSP 2015 identifies the possibility of establishing a new settlement to the west of Gorebridge dependent on the re-establishment of the Waverley rail line. In meeting the strategic housing land requirements, ELSP policy HOU 4 sets out a number of factors that should influence the choice of sites, the purpose being to ensure that the sites are effective and linked to infrastructure; that the impact on Green Belt objectives is minimised; that they are well related to public transport/ cycling/ walking networks; and that they provide for housing choice.

3.2.9 In line with national policy, the Structure Plan, through policy HOU 10, requires the maintenance of an effective five-year housing land supply for Edinburgh and the Lothians as a whole. The performance of the land supply is monitored annually. Where the Lothian-wide housing land supply fails to meet the requirements of this policy, the individual Council or Councils experiencing the shortfall (as defined by the policy) will be required to make good the deficit. This can be by way of a local

plan alteration or through the granting of planning permission in advance of local plan adoption. Land brought forward in accordance with policy HOU 10 will be in the CDAs, comply with the other policies of the Structure Plan and must have infrastructure either available or committed.

3.2.10 This Local Plan has brought forward housing sites to meet the requirements of policy HOU 3 of the Structure Plan. The adequacy of this land, along with committed sites and potential windfall, has been assessed as part of the Local Plan inquiry process and the annual ELSP 2015 housing monitoring exercise. This has demonstrated that the Midlothian five-year housing land supply has satisfactorily met the requirements of policy HOU 10. This is set out in the following table (for information only). As required by policy HOU 10, this will be assessed annually. The table confirms that there is adequate housing land to meet the requirements of the entire Structure Plan period to 2015.

For table see over page.

Housing Land Supply as at 31 March 2007

	2001/02- 2006/07	2007/08- 2011/12	2012/13- 2014/15	Total ELSP Period	Post- 2015
Completions 2001 - 2007	907			907	
Committed sites programmed		5,301	1,062	6,363	
Local Plan sites programmed		2,684	931	3,615	
Potential windfall (inc. social housing)		400	73	473	
Total programmed 2007 - 2015		8,385	2,066	10,451	
Structure Plan requirement 2001 - 2015				11,200	
Structure Plan requirement 2007 - 2015				10,293	
Structure Plan 5-year requirement 2007 - 2012		6,433			
Land programmed post - 2015					4,039

(for information only)

3.2.11 Local Plan Policy At the outset of the Local Plan process, consultation was carried out on over 120 sites that were suggested by landowners and developers for housing and other purposes. A preferred development strategy was then drawn up, consulted on, and subsequently refined. Section 1.5 describes the SEA work that informed this process.

3.2.12 The strategy for the allocation of housing land to meet the requirements of ELSP policy HOU3 seeks to achieve a spread of sites throughout each corridor, with the inclusion of a new settlement in the A7/A68/Waverley Line Corridor as prescribed by the ELSP 2015. For each CDA, a number of factors have influenced the choice of sites. These include:

A7/A68/Waverley Line Corridor

- ❖ Identifying sites which have, or can expect to have, good accessibility by public transport, in particular those close to the proposed Waverley rail line.
- ❖ Identifying sites within the built-up areas where available, failing which edge-of-town sites which best meet environmental objectives and achieve good 'fit' in landscape terms.
- ❖ Limiting Green Belt releases to those where the impact on Green Belt objectives is least and where robust long-term boundaries can be secured.
- ❖ Spreading the impact (in line with community support).
- ❖ Minimising coalescence.

A701 Corridor

- ❖ Identifying some sites at the northern end of the corridor, in line with the A701 Multi-Modal Study strategy of integrating land use and transport.
- ❖ Identifying sites which best meet environmental objectives and achieve good 'fit' in landscape terms.
- ❖ Limiting Green Belt releases to those where the impact on Green Belt objectives is least and where robust long-term boundaries can be secured.
- ❖ Identifying opportunities to support the development of the Life Sciences Cluster/ Technology Centre based around Bush Estate/ Roslin Institute.
- ❖ Minimising coalescence.
- ❖ Utilising, as much as is possible, spare educational capacity in the southern end of the corridor.
- ❖ Spreading the impact (in line with community support).
- ❖ Supporting the Council's social housing programme.

3.2.13 Proposal HOU3 1 includes sixteen new housing sites: eleven in the A68/A7/Waverley Line Corridor and five in the A701 Corridor. The assessment carried out for SEA purposes, and taking account of the limited alternative options available, confirms that these sites are acceptable or that they can be made so through mitigation.

3.2.14 In the **A7/A68/Waverley Line Corridor**, the spread of sites includes land in Dalkeith, Eskbank, Easthouses, Mayfield, a new community at Redheugh/Prestonholm, in Gorebridge and at Rosewell. For **Dalkeith/Eskbank**, three sites have been identified, one in Dalkeith and two in Eskbank, which are a mix of brownfield and greenfield sites. The Dalkeith site (H1 Cowden Cleugh) is a greenfield site adjacent to land allocated for housing in the 2003 Local Plan. Though it involves the loss of Green Belt, this site, which is expected to provide 100 houses, relates well to the existing housing allocation. The consultation zone for a gas pipeline runs close to the site but does not cross it. Site layout will be influenced by the neighbouring new housing development.

3.2.15 Site H2 (Larkfield North) in Eskbank, which is expected to provide 50 houses, is a greenfield site and also involves the loss of Green Belt. This site will require sensitive design and boundary treatment due to its location on the edge of Melville Castle historic garden and designed landscape, and an Area of Great Landscape Value (AGLV). Boundary treatment will be important as the site will mark the new settlement boundary and approach to Eskbank along the A768. The second site in Eskbank (H3 Dalhousie Road) is a brownfield site linked to the redevelopment of Jewel and Esk College. It is expected to provide 40 houses. It has the advantage of being located close to the proposed new Eskbank station on the Waverley rail line, and its layout should make provision for links to the station.

3.2.16 In terms of implementation, the Esk Valley Trunk Sewer upgrading is complete, although local network improvements may be required. Whilst the water supply should be adequate to serve the developments, water storage provision and the local network may need to be augmented. Water and drainage impact assessments will be required for all sites, and a flood risk assessment will be needed for site H2. The completion of the A68 Dalkeith Northern Bypass in September 2008 has reduced strategic road traffic in central Dalkeith thus easing congestion and allowing improvements to the local environment. The construction of the Waverley rail line, which is programmed for 2013, will improve public transport accessibility, especially for the Eskbank sites.

3.2.17 Regarding education provision, the Dalkeith Community Campus provides non-denominational secondary education for the Dalkeith/Eskbank areas and denominational secondary education for all Midlothian. Additional accommodation will be required at both facilities. For primary education, an extension will be required to the new primary school at Wester Cowden (provided in association with the

2003 Local Plan allocations), in conjunction with school catchment area adjustments. Developers will be expected to fund any extra capacity required.

3.2.18 Four sites have been identified in the **Easthouses/Mayfield** area totalling 250 houses. Two of the sites are brownfield, being primary school sites that have become redundant with the provision of a new replacement school as part of a public private partnership (PPP) scheme. The former school sites are expected to accommodate 65 houses at site H4 Bryans and 50 houses at site H5 Langlaw. The third site, site H6 Langlaw Road, is greenfield land adjacent to site H5 and can accommodate 85 houses. All three sites are considered to have good access to public transport, and will be close to the new Lawfield Primary School. However, there are potential traffic access issues which will require to be resolved. The fourth site, site H7 Dykeneuk, is identified for 50 houses located towards the northern part of the site with the remainder being utilised for community woodland with public open space and footpaths linked where possible to the local access and wider core paths network in order to promote public access between the urban areas and the surrounding countryside. The design and layout of the site and delivery of development will come forward within the context of the development briefs for the adjoining committed development sites (h34, h35 and h38). Given that additional pressure will be placed on the local roads network, the planned improvements to the B6482 Bryans Road to Gowkshill and the new link to Bogwood Road will have added importance. Appropriate contributions towards the implementation of the Waverley rail line proposals and provision of educational infrastructure to accommodate the additional housing will require to be made.

3.2.19 Regarding implementation, the drainage requirements of these sites will be met by the Esk Valley Trunk Sewer and the overall water supply will be adequate following the recent upgrading of the Rosebery Water Treatment Works (WTW). However, local network improvements may be needed, especially in respect of water storage capacity. Water and drainage impact assessments will be required for all sites. As the sites are sloping, attenuation measures will be needed to address surface water run-off. With regards to education, extensions will be required to Newbattle High School and the new Lawfield Primary School. Developers will be expected to fund any extra capacity required.

3.2.20 The main allocation for the A7/A68/Waverley Line Corridor is the proposed new community at **Redheugh/Prestonholm** with capacity for 700



houses (site H8). Development of the site will be guided by a master plan to be prepared by the developer in conjunction with, and to the satisfaction of, the Council. The new community will benefit from its proximity to the Waverley rail line, which is expected to be operational by 2013, and easy access to the proposed station at Newtongrange; a reservation for a future rail halt will be considered for inclusion in the master plan to allow the new community to gain maximum benefit from its location on the rail line in the longer term. The rail proposals offer scope to make significant improvements to public transport provision in the vicinity and there are also expected to be bus service enhancements through extension to existing services. To ensure a fully sustainable approach, provision is made for the new community to include a 7-hectare economic land allocation in order to promote local access to job opportunities (site E5) (refer to para. 3.3.19).

3.2.21 There is potential for the new community to be expanded in the longer term, and the master plan will be designed to enable such expansion as and when a strategic requirement emerges through the strategic development plan. Such expansion could encroach on a nationally important garden and designed landscape (Dalhousie Castle) and an AGLV. Development of the current allocation will be sensitive to these neighbouring designations, and to the need to incorporate where possible the existing

tree belts and hedgerows as the basis of a landscape framework. The site includes listed farm buildings which should be incorporated into the layout. The master plan for Redheugh offers an opportunity to create a new community within Midlothian with its own identity and characteristics. The master planning process for the development of the new community will be carried out in consultation between the Council, the developer and the local community. The master plan will seek to make the best use of land and accord with the principles of sustainable development.

3.2.22 It is intended that the new settlement will, in time, be a 'stand alone' community, with its own services wherever possible. However, in the development phases, it will be dependent on the neighbouring villages and towns for these. Regarding education, Gorebridge schools will provide primary schooling in the short term. However, a new single-stream primary school will be required in the new community in due course. Secondary education will be provided at either Newbattle or Lasswade High Schools, and additional accommodation will be needed at either school to meet this requirement. Developers will be expected to fund the new primary school and extra capacity required at the secondary school. Developer contributions will also be sought in relation to the implementation of the Waverley rail line proposals. Water and drainage

impact assessments and a flood risk assessment will be required.

3.2.23 Site H9 Robertson's Bank in **Gorebridge** has an indicative capacity of 55 units; if necessary, through the development brief and planning application process, the capacity of the site may need to be adjusted to ensure that a development sensitive to the wooded environment can be achieved, taking into account the steep slope of the site and proximity of the Gore Water / any potential flood risk. The majority of the existing woodland on site should be retained and brought under management; significant structural landscaping will be required on the south-eastern edge to define the long-term boundary of Gorebridge. The site will benefit from proximity to the station at Gorebridge to be established in connection with the Waverley rail line project. Appropriate contributions towards the Waverley rail line, the provision of educational infrastructure to accommodate the additional housing, and a community/leisure facility and town centre improvements will require to be made. The scrapyards at Scally's Yard will be decontaminated to render it suitable for housing development. Robertson's Bank will be improved to provide an acceptable road access.

3.2.24 In **Rosewell**, two sites are allocated totalling 175 houses. All the sites are contained within the line of the Rosewell Bypass. Site H10 Gorton Loan (125 houses) comprises the remainder of a larger parcel of land that was previously restored and stabilised following opencast operations and is currently being developed for housing (committed development from the 2003 Local Plan); the intent behind the opencasting and restoration was to provide for future housing and economic development in the village. An improvement to the A6094/B7003 Gorton Road junction is likely to be required in association with this and the current development proposals for this area. It should also be noted that there is a committed development site for general industrial/business use in close proximity to this site to provide local job opportunities in conjunction with expansion of housing in the locality. This commitment rolls forward from the 2003 Local Plan.

3.2.25 Site H11 Gortonlee (50 houses) is located on land previously included within the village envelope, when it was anticipated that it would provide the next phase of development and growth of the village, as required. Given the location of site H11 adjacent to listed church buildings, careful attention will be required in the layout and landscaping treatment of the housing development. There has been investment in environmental improvements in Rosewell over

recent years, and further improvements to facilities are planned through the provision of a new primary school. Additional capacity at the primary school to cater for both previously allocated housing land and the new allocations, and at Lasswade High School, will require developer funding. Water and drainage impact assessments will be needed for these sites.

3.2.26 In the **A701 Corridor**, the spread of housing sites includes land in Loanhead, Bilston, Roslin and Penicuik. For **Loanhead**, a site at Ashgrove (H12) is allocated on the northern boundary of the settlement and is expected to produce 170 houses. It relates closely to an economic development allocation (site E6 Ashgrove) (refer to 3.3.20). Both Ashgrove sites are greenfield and involve the loss of Green Belt. They will need to be well integrated with existing buildings, which include Ashgrove House, a category C(S) listed building, and the adjacent Straiton Pond Local Nature Reserve. A landscape buffer consisting of significant structure planting will be required to protect Straiton Pond from the proposed developments.

3.2.27 The development of sites H12 and E6 will require the prior construction of a relief road for the Edgefield Industrial Estate. This new road will link the existing industrial estate with the B702 south of Straiton Farm, to the rear of Straiton Retail Park. This road will provide access for the new developments, and will have the additional benefit of helping to ease traffic flows in Loanhead, particularly by diverting larger industrial vehicles away from the existing narrow local road network. The cost of the relief road will be met by the developers of both housing site H12 and economic site E6. The route of this proposed new road is shown on the Local Plan Proposals Map.

3.2.28 The additional housing in Loanhead will require an extension to Paradykes Primary School, for which developer funding will be sought. Secondary school accommodation is expected to be made available through catchment area adjustments, but if additional capacity is required, developers will be expected to provide this funding. Water and drainage impact assessments and a flood risk assessment will be required.

3.2.29 For **Bilston and Roslin**, it is considered that the most appropriate locations for housing are at Seafield Moor Road, Bilston (site H13), Seafield Road East (site H14) and at Penicuik Road, Roslin (site H15), with allocations for 150, 150 and 50 houses respectively. All three sites avoid any protective natural or built heritage designations and have good access to the A701 public transport route. Although these allocations involve releases from

the Green Belt, it is considered that the impact of these releases will have minimal impact on Green Belt objectives while offering the best opportunities for establishing long-term defensible boundaries. Both of these communities have experienced very limited new development over recent years and would benefit from some additional housing opportunities, including affordable housing.

3.2.30 The indicative capacities for the sites at Bilston have been reduced to ensure that there is scope, through the development brief and planning application process, to provide for substantial structural planting to mitigate landscape impact, particularly in the case of site H13 Seafield Moor Road, and to provide a strong defensible Green Belt boundary to the north of site H14 Seafield Road East. The reduced capacity at site H13 should also provide scope to accommodate the additional space requirements for the new primary school, and at site H14 should allow visual separation to be created between Bilston and Loanhead through significant open space and landscaping, together with an access road into the site.

3.2.31 In terms of implementation, there is currently insufficient primary school capacity in the existing schools to cater for these proposed developments. The best solution for these communities is through the provision of a new school at Bilston, to replace the existing school annexe. Support for this scale of development in Bilston is founded on this proposed community gain for the village. The developers of both Bilston sites will be expected to fund the additional capacity required to enable Bilston Annexe to become a new primary school. New community facilities could form part of the new school and will be the subject of consideration and consultation through the requirement to review supplementary planning guidance on developer contributions following adoption of the Plan. The Sports Pitch Needs Assessment will be updated in line with the revised allocations for Bilston. Secondary education will be provided at Penicuik. A review of catchment areas may be needed in the future to accommodate this growth, with any changes being phased in over a ten-year period or longer. Water and drainage impact assessments will be required. Any planning application submitted for site H13 must include a flood risk assessment.

3.2.32 Penicuik, the largest town in Midlothian, will accommodate 400 houses at site H16, North West Penicuik. The site will be served by a new link road connecting Rullion Road with Mauricewood Road, which is expected to bring some relief to the Queensway/ A701/ Tesco junction. Some parts of

the site are not particularly close to current public transport services, however, this situation should improve once housing developments at Deanburn and Mauricewood/Belwood are completed and bus services adjust to new customer demands. The boundary of site H16 includes significant woodland belts. These should be retained and their protection and use should be addressed at the development brief/planning application stage. The site boundary also allows for new landscaping between the new link road and the site boundary, and this will provide the opportunity to create a substantial landscape edge to the site.

3.2.33 In terms of primary education, extensions will be required at either or both Cuiken and Cornbank Primary Schools, which developers will be expected to fund. There is spare capacity at Penicuik High School and the proposed development will help to support pupil numbers needed for the efficient running of the school, but a review of catchment areas may be needed. Water and drainage impact assessments will be required.

3.2.34 The detailed development policies included in Section 4 of this Local Plan provide guidance with regard to the form and layout of housing sites (policy DP2) and water and drainage in new developments (policy DP3) and these should be taken into account when considering the design of new housing allocations. Consideration should also be given to the series of recent national planning guidance and advice, such as SPP 20, PAN 67, PAN 68, PAN 76, PAN 77 and PAN 78. The Council will prepare development briefs for the allocated housing sites identified in proposals HOUS1 and HOUS2 in conjunction with prospective developers; site H8 Redheugh/Prestonholm new community will require the preparation of a master plan by the developers, in conjunction with the Council. Capacities given for housing sites in proposal HOUS1 are indicative only and may be subject to alteration when detailed proposals are submitted. In total, the sites provide for a small margin above the ELSP requirements (+20 houses in the A7/A68/Waverley Line Corridor and +70 houses in A701 Corridor), but this is considered to be within acceptable margins.

HOUS1 STRATEGIC HOUSING LAND ALLOCATIONS (PROPOSAL)

Housing development to meet the Structure Plan strategic housing land requirements will be permitted on the sites identified in the table below and on the Local Plan Proposals Map, provided it accords with Local Plan policies IMP1, IMP2, IMP3 and DP2. Reference should be made to policy HOUS4 with respect to the proportion of affordable housing to be provided on these allocated sites.

A7/A68/Waverley Line Corridor Core Development Area

Site Ref	Location	Indicative Capacity
H1	Cowden Cleugh, Dalkeith	100
H2	Larkfield North, Eskbank	50
H3	Dalhousie Road, Eskbank	40
H4	Bryans, Easthouses	65
H5	Langlaw, Easthouses	50
H6	Langlaw Road, Easthouses	85
H7	Dykeneuk, Mayfield	50
H8	Redheugh/Prestonholm new community	700
H9	Robertson's Bank, Gorebridge	55
H10	Gorton Loan, Rosewell	125
H11	Gortonlee, Rosewell	50
Total		1370

A701 Corridor Core Development Area

Site Ref	Location	Indicative Capacity
H12	Ashgrove, Loanhead	170
H13	Seafeld Moor Road, Bilston	150
H14	Seafeld Road East, Bilston	150
H15	Penicuik Road, Roslin	50
H16	North West Penicuik	400
Total		920

Note: Numbers are approximate and have been rounded.

Proposal Title

HOUS2 VILLAGE HOUSING ALLOCATIONS (PROPOSAL)

3.2.35 Structure Plan Beyond these CDAs, the ELSP 2015 identifies Areas of Restraint where development is to be restricted. Within Midlothian, the Areas of Restraint are Bonnyrigg and the villages and small settlements not included in the named CDA settlements. ELSP policy HOU8 contains a presumption against new housing on greenfield sites in these areas. Any exceptions to this policy will be restricted to proposals which must:

- ❖ be identified through the Local Plan; and
- ❖ be small-scale and in keeping with the character of the settlement or local area; and
- ❖ not be in the Green Belt; and
- ❖ have any additional infrastructure already committed or funded by the developer.

3.2.36 Since approval of the ELSP 2015, the Structure Plan Authorities have formally agreed that the definition of small-scale, for the purpose of implementing policy HOU8, should be developments of a size no more than 10% of the existing number of households, up to a maximum of 50 new houses.

3.2.37 Local Plan Policy The Local Plan, in implementing policy HOU8, has taken account of national guidance to identify suitable housing

locations. Housing allocations have been limited to those small settlements which have accessibility, through a choice of transport, to jobs and services. Two such settlements, Pathhead and North Middleton, also have the advantage that the Council has provided new village primary schools with associated community benefits. Site VH1 Crichton Road, Pathhead is expected to accommodate 35 houses and site VH2 Borthwick Castle Road, North Middleton, 15 houses. Although site VH2 is capable of accommodating a higher number of houses if developed at a higher density, this would exceed the guidance set by the Structure Plan and is therefore not supported at this time.

3.2.38 Both sites have the advantage of being located immediately adjacent to new primary schools. For secondary education, the Pathhead development will utilise Dalkeith High School, whilst the North Middleton site is within the Newbattle High School catchment. Both secondary schools will require additional capacity to accommodate these developments and a developer contribution will be sought. Both sites will need careful landscape treatment around the new settlement boundary to improve their fit in the landscape. The Pathhead site does not encroach upon the nearby Roman Camp Scheduled Ancient Monument, but its design will need to avoid any detrimental effect. The North Middleton site will require careful design to take account of the Borthwick/ Crichton Conservation Area and the AGLV.

HOUS2 VILLAGE HOUSING ALLOCATIONS (PROPOSAL)

Housing development will be permitted on the following village sites (for the approximate numbers shown) as identified on the Local Plan Proposals Map, provided it accords with other relevant Local Plan policies and proposals, including in particular policies IMP1, IMP2, IMP3 and DP2:

Site VH1	Crichton Road, Pathhead	35 houses
Site VH2	Borthwick Castle Road, North Middleton	15 houses

Policy Title

HOUS3 WINDFALL HOUSING SITES

3.2.39 Local Plan Policy Windfall developments are those sites and conversions that come forward for development for various unforeseen reasons through the Plan period. They tend to be infill sites within the built-up area as defined by the Local Plan Proposals Map. Such developments are likely to be acceptable, provided they are not in conflict with other Local Plan policies and proposals. The Structure Plan continues to support brownfield and windfall development within urban areas and an allowance for these is included in the calculation of the housing land requirements.

3.2.40 Small infill sites have not been identified in this context, but a number of such opportunities may exist. An assessment has been undertaken of all the villages and smaller settlements in Midlothian to assess if there could be opportunities for windfall housing. Some opportunities exist for limited development to provide for small-scale housing developments that would bring variety and choice, whilst not 'swamping' these small settlements. In some instances, there are brownfield opportunities for development within existing village envelopes, for example, at Cousland and Temple (vacated primary school sites), Howgate and Fala (redundant schools) and Edgehead (redundant farm steading). In other cases, the settlement boundaries have been adjusted to include identified opportunities. For example, at Newlandrig, a redundant poultry farm site in the centre of the village has been included, where some housing could be acceptable, along with the development of a village green/open space



to provide a village focal point. At Cousland, land at Airybank has been included in the village envelope. This land could accommodate a development of a maximum of four houses without having a negative impact on the setting of the village, subject to the retention of the peripheral landscaping. At Dewartown, the opportunity has been taken to extend the village envelope northwards, contained within the boundary provided by the Dewar Town Burn.

3.2.41 Outwith the built-up areas, there is a general presumption against housing development (see Resource Protection section). There is, in particular, no locus in the approved Structure Plan for releasing new sites in the Green Belt. However, policy DP1 makes provision for limited development outwith built-up areas. This could provide other opportunities just outwith the village envelopes to help to provide scope for new housing or other facilities in these communities, for example, at Newlandrig (derelict poultry farm), and Edgehead and North Middleton (vacated primary school sites). Any such proposals will be considered under the terms of policy DP1.

HOUS3 WINDFALL HOUSING SITES

Within the built-up areas, housing development on non-allocated sites, including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that:

- A.** it does not lead to the loss or damage of valuable public or private open space;
- B.** it does not conflict with the established land use of the area;
- C.** it has regard to the character of the area in terms of scale, form, design and materials;
- D.** it meets traffic and parking requirements; and
- E.** it accords with other relevant Local Plan policies and proposals, including policies IMP1, IMP2, IMP3 and DP2.

Policy Title

HOUS4 AFFORDABLE HOUSING

3.2.42 National Policy For the purposes of this Local Plan, the definition of affordable housing is that provided by the Scottish Executive in PAN 74 *Affordable Housing* which defines it broadly as “housing of a reasonable quality that is affordable to people on modest incomes”. This definition allows a variety of types of provision from social rented housing to low cost home ownership.

3.2.43 SPP 3 *Planning for Housing* (and the replacement SPP 3 *Planning for Homes*), and PAN 74, indicate that planning authorities may properly take account of the need for affordable housing when formulating their development plan policies. PAN 74 accepts the principle of local authorities seeking a percentage contribution of affordable housing on private housing sites. This must be justified by a housing needs assessment as part of the local housing strategy.

3.2.44 Structure Plan Policy ELSP policy HOU7 requires that, where identified and justified by a local needs assessment and any related studies, local plans should include policies requiring appropriate provision of affordable housing. Local plans should set out the planning mechanisms by which this will be achieved. *The Lothian Housing Needs and Market Study* (October 2005) assessing housing needs across Edinburgh and the Lothians, and other evidence, indicate a shortage of affordable housing in Midlothian. Rising land values have made it difficult for social housing providers to acquire sites and house price increases have been fuelled by competition from those with better paid jobs in the city who cannot afford to buy property closer to where they work.

3.2.45 Local Plan Policy Policy HOUS4 sets out the level of affordable housing that will be required in association with the sites identified in proposals HOUS1 and HOUS2, and any future windfall sites. There will be no affordable housing requirement for proposals amounting to less than 15 units, or those less than 0.5 hectares in size. For proposals equal to, or more than, 15 units or 0.5 hectares, there is a staggered rate applied to the requirement for affordable housing. A 25% affordable housing requirement will be sought from housing proposals that are for 50 or more units or are 1.6 hectares or more in size.

3.2.46 The housing land allocations in proposal HOUS1 specify the numbers of houses that will be permitted on the various new sites coming forward in this Local Plan. These capacities have been calculated assuming a relatively conservative density bearing in mind concerns about possible ground stability, and other uncertain development constraints, borne out by past experience. The total provision of proposal HOUS1 meets the strategic housing requirement of ELSP policy HOU3. There may, however, be scope for some adjustment to some site capacities, once detailed ground conditions have been assessed. The additional capacity resulting from such flexibility will be expected to contribute towards affordable housing provision. The level of affordable housing to be provided under policy HOUS4 will be based upon the total capacity of the site (rather than the indicative figures in policy HOUS1).

3.2.47 The Council will adopt a flexible approach to the means by which affordable housing is provided. Affordable housing can be provided as shared equity or low cost market housing by private sector developers, although it is expected that a proportion of the affordable housing provision in each community will be for social rented housing. Supplementary planning guidance will be prepared within 1 year of the adoption of the plan, taking account of the provisions of PAN 74, and will include advice on the requirements for, and delivery of, affordable housing. Full consultation will take place with Homes for Scotland and other stakeholders with an interest in affordable housing before the supplementary guidance is adopted by the Council.

3.2.48 For those sites committed for development through the previous Midlothian and Shawfair Local Plans, or having received consent prior to adoption of this Local Plan, policy HOUS4 does not apply. Policy COMD1 and Appendix 1 and 2 apply in these circumstances.

HOUS4 AFFORDABLE HOUSING

Within the residential sites allocated in this Local Plan (proposals HOUS1 and HOUS2), and on windfall sites identified during the plan period, provision shall be required for affordable housing units equal to or exceeding 25% of the total site capacity (and included within that total capacity), as follows:

- A.** for sites of less than 15 units (or less than 0.5 hectares in size) no provision will be sought;
- B.** for sites of between 15 and 49 units (or 0.5 to 1.6 hectares in size) there will be no provision for the first 14 units thereafter 25% of the remaining units will be for affordable housing;
- C.** for sites of 50 units and over (or larger than 1.6 hectares in size), there will be a requirement for 25% of the total units to be for affordable housing.

Lower levels of provision, or a commuted sum, may be acceptable where this has been fully justified.

Supplementary planning guidance for the affordable housing provision shall provide advice on:

- ❖ the acceptable tenure split between social and low cost housing;
- ❖ possible delivery mechanisms;
- ❖ the scope for commuted sums; and
- ❖ other relevant matters as necessary.

Policy Title

HOUS5 LOW DENSITY RURAL HOUSING

3.2.49 National Planning Policy SPP 3 *Planning for Housing* requires that local authorities give consideration to the need to provide for choice in house types. It gives the example of the West Lothian lowland crofting housing policy as a particular response to providing housing in rural areas. SPP 3 provides guidance on the rehabilitation and renewal that well-designed housing can provide in rural areas. The benefits of lowland crofting in West Lothian, as listed, include landscape and wildlife habitat improvements and improved access to the Central Scotland Forest.

3.2.50 SPP 15 *Planning for Rural Development* requires development plans to identify where there are opportunities for small-scale rural housing development. Such opportunities should, where possible, be located adjacent to existing settlements, have access to local services and/or a public transport route and fit into the landscape. SPP 15 considers that diversification may be more successful where housing and business opportunities are advanced together.

3.2.51 Structure Plan Policy The ELSP 2015 seeks to focus development on the settlements within the identified CDAs. It also allows for some limited housing development within rural areas subject to certain provisos, as explained in para. 3.2.35. Rural diversification is encouraged where it can provide a means of supporting local services or landscape improvements (policy ENV3).

3.2.52 Local Plan Policy The Local Plan has taken the opportunity to provide for a range of rural housing opportunities through a new initiative as set out in this section. In addition, it is recognised that there may be benefits in terms of increasing the variety in rural housing opportunities, whilst enhancing the environment in certain specified areas, by the inclusion of a policy promoting low density rural housing.

3.2.53 In identifying appropriate locations for low density rural housing, the key criteria are:

- ❖ accessibility to a regular public transport service;
- ❖ poor quality agricultural land, or where there may be opportunities for diversification;
- ❖ opportunities for environmental improvements through tree planting.

An area along the A701 near Springfield and Leadburn, was considered to best meet these criteria. Four sites selected within this area for this purpose are those where this very low density housing development could best be accommodated into the landscape. This area has the advantage of avoiding statutory and natural heritage designations, and would benefit from additional woodland planting as landscape features and to provide shelter. In addition, the associated landscape improvements would bring more variety to the biodiversity of the area, as supported by the conclusions of the SEA Environmental Report.

3.2.54 Considerable weight has been given to flooding concerns. Four sites have been identified, at Springfield, Leadburn, Netherton and Wellington. The initial choice of sites was amended following advice from SEPA, causing Leadburn to be excluded at FMLP stage, but it has since been confirmed that this site can proceed to be included within the scope of the policy. The site at Springfield is believed to have some flood risk, but it should be possible to mitigate against such risk through the careful siting of the houses. All four sites will require flood risk assessment to confirm that flooding issues are not significant and can be overcome. This will be required prior to planning permission being issued.

3.2.55 The success of the low density rural housing initiative will be dependent on applying strict controls over housing numbers, design, location and management in order to realise the desired landscape enhancements in these areas which policy HOUS5 aims to achieve. The total number of houses to be permitted is restricted to 8 houses over four sites, and no more than 2 houses per site will be permitted. Supplementary guidance will be provided to determine the appropriate allocation of units to sites, and there may be cases where only a single dwelling on a site is appropriate. As important as the scale of development will be the achievement of high quality design, sensitive to the local setting, and well-planned landscaping/ tree planting. The policy seeks to provide clarity to developers as to what is expected across all of the sites though site specific issues will also be important. Planning conditions will be applied and legal agreements sought to ensure that longer-term management commitments are fulfilled. SNH will be consulted during the preparation of the supplementary planning guidance.

3.2.56 It is intended that policy HOUS5 will provide scope for rural housing whilst retaining the associated land in rural uses. Such uses likely to be acceptable will include equestrian businesses and small holdings. Other rural businesses appropriate to the location may be considered. Supplementary

planning guidance will be prepared to provide advice on suitable business uses as well as other matters, including unit size and numbers and management, public access, implementation matters and longer-term management issues. The policy requires the application of sustainable building design.

3.2.57 Policy HOUS5 will be reviewed in the next

review of the Local Plan. The success or otherwise of the policy in providing very low density rural housing, in areas of the countryside which require landscape enhancement and meet the policy criteria, will determine whether or not the policy may be extended to other potential areas in the future, if appropriate. This will ensure that no undesirable precedent for housing in the countryside is set.

HOUS5 LOW DENSITY RURAL HOUSING

New low density housing linked to landscape enhancement will be considered within four sites (Springfield, Wellington, Netherton and Leadburn), as defined on the Local Plan Proposals Map.

To ensure that no unacceptable cumulative impact occurs within the identified low density housing areas, and to avoid an excessive number of houses on any one individual site, no more than 8 units in total will be permitted during the Plan period across the 4 sites, and no more than 2 units will be allowed on any one individual site.

A minimum of 50% of the gross area of each site shall be allocated to the planting and maintenance of native woodlands and the creation of areas of nature conservation interest, with provision of public access where appropriate, as approved by the Council.

The suitability of low density housing proposals in the identified areas shall be assessed against the following criteria:

- A.** proposals shall demonstrate that:
 - ❖ the landscape is enhanced by the proposed development and, in this regard, applications will be accompanied by a landscape impact assessment of the site prepared by a qualified landscape architect; and
 - ❖ the biodiversity value of the site is enhanced by the proposed development;
- B.** the layout and design of buildings, access roads, footpaths/cycleways/bridleways, as appropriate, and planting comply with a design statement which shall accompany the planning application and accord with national planning advice on development in the countryside and in particular PAN 72;
- C.** proposals are of a character appropriate to existing houses in the local area;
- D.** proposals are capable of:
 - ❖ being served by an adequate and appropriate access which is also satisfactory in terms of landscape impact; and
 - ❖ being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses; and
- E.** proposals accord with all other relevant Local Plan policies and proposals.

Small-scale rural business, such as the growing of local crops in so far as this may require the permission of the Council, or craft industries, in association with the low density housing, may be acceptable subject to proposals satisfying policy ECON8.

Supplementary planning guidance will be prepared to provide advice where only a single dwelling for a particular site is considered appropriate, and on unit size, planting provision and management, public access, suitable associated business uses, the location, layout and design of the house(s), and other implementation matters and longer-term management issues. Sustainable building designs shall be required.

For development proposals brought forward under this policy, legal agreements shall be required to ensure:

- ❖ adherence to an implementation schedule for woodland planting and nature conservation assets, so that these are provided for in advance of, or at the same time as, development of the housing;
- ❖ long-term maintenance and management of the woodland and nature conservation assets and any associated public access; and
- ❖ new houses provided under this policy remain associated with the adjoining land on which these features are provided.

In order to achieve the objectives of this policy in terms of landscape enhancement, and where considered appropriate, the Council may stipulate a requirement for a contribution to be made, in association with such development, towards off-site landscaping works to secure an overall benefit to the landscape value of the area as a whole. In such cases, this contribution shall be secured by means of a legal agreement.

3.3 Economic Development

Proposal Titles

ECON1 STRATEGIC ECONOMIC LAND ALLOCATIONS (PROPOSAL)

ECON2 BIOTECHNOLOGY AND OTHER KNOWLEDGE-BASED INDUSTRIES (PROPOSAL)

3.3.1 National Planning Policy The planning system has a vital role to play in providing the land use framework within which economic growth can be accommodated and which is compatible with environmental objectives.

3.3.2 SPP 2 *Economic Development* sets out Government guidance for the development of business and industry. Some of the key objectives are:

- ❖ to promote development opportunities by providing a range and choice of sites;
- ❖ to secure new development in sustainable locations by improving integration between transport and locations for development; and
- ❖ to safeguard and enhance the environment by ensuring that new development contributes to a high standard of quality and design.

3.3.3 With regards to land allocations, SPP 2 places emphasis on the need to:

- ❖ encourage development to be sited where there is a choice of transport and where location is not dependent predominantly on access by car; and
- ❖ identify sites adjacent to existing centres and at other highly accessible locations.

3.3.4 *A Smart, Successful Scotland – Ambitions for the Enterprise Network* set out a vision for the Scottish economy, whereby an increasing focus would be put on skills, research and development activities with the aim of moving towards a knowledge-based economy (this document was replaced in November 2007 by the Scottish Government's *Economic Strategy*). Scottish Enterprise, in its *Scottish Life Sciences Strategy: Achieving Critical Mass* (updated in January 2008), asserts that, in order to ensure that this sector can compete effectively in the global market place, efforts must be put into achieving scale and critical mass for both the research base and related businesses.

3.3.5 Structure Plan Policy The ELSP 2015

recognises the importance of key economic sectors, from which the region has already benefited, and the need to provide land for their further development. The success of the Edinburgh city region is based on:

- ❖ growth sectors such as financial services and telecommunications;
- ❖ technology-based enterprise and skills linked to its universities/research institutes;
- ❖ the attraction of new companies on the basis of the Scottish Parliament;
- ❖ continued expansion of the tourism sector; and
- ❖ good communications with the rest of the UK and Europe.

The aims of the ELSP 2015 are supported by the well-founded objectives of the Local Economic Forum as set out in *Delivering our Potential: An Economic Strategy for Edinburgh and the Lothians*.

3.3.6 ELSP policy ECON1 provides support for the established economic land supply (refer to Appendix 1B), and also scope to review and reallocate such land for alternative uses, if it is no longer suitable for industrial or business use. Where sites are lost from the established supply, the Structure Plan makes provision to allocate suitable replacement sites.

3.3.7 In addition, the Structure Plan identifies a need to provide new development opportunities within Midlothian to support local economic growth and to reduce out-commuting. To provide for these development opportunities, policy ECON2 requires 50 hectares of land for business and industry to be allocated across Midlothian's two CDAs. Sites should meet the full range of economic requirements, be integrated into walking, cycling and public transport networks, make use of brownfield land where possible, be acceptable on environmental grounds, and infrastructure should be provided or committed. Where sites outwith the Green Belt are not available, sites within the Green Belt can be identified provided that the impact on Green Belt objectives is minimised.

3.3.8 In policy ECON3, the Structure Plan identifies the Bush Estate/Roslin Institute area as an economic cluster of national importance and requires, in support of this cluster, that up to 25 hectares of additional land be allocated in the A701 Corridor CDA for biotechnology and other knowledge-based industries.

3.3.9 Local Plan Policy Midlothian Council and Scottish Enterprise are implementing a joint

strategy for jobs and opportunities for the people of Midlothian. The Economic Strategy for Midlothian, reviewed subsequent to this Local Plan, sets out five key objectives:

- ❖ to develop a modern, dynamic and competitive company base;
- ❖ to create and attract a skilled, flexible and qualified workforce;
- ❖ to ensure the provision of quality infrastructure for business growth/development;
- ❖ to offer an outstanding and distinctive environment for work, housing and leisure; and
- ❖ to promote regeneration and help all sections of the community enjoy the benefits of growth and prosperity.

3.3.10 The strategy emphasises that land releases will be essential to service employment growth in North Midlothian. Key opportunities identified include:

- ❖ Biotechnology: Development of the biotechnology cluster around the Bush Estate and Roslin Institute has provided Midlothian with the opportunity to reverse the long-term drift of jobs out of the area.
- ❖ Competitive business locations: The success of Bilston Glen Industrial Estate has highlighted the appeal of Midlothian as a location for manufacturing, distribution and construction businesses serving the east of Scotland. Catering for this market provides semi-skilled jobs in the local area, and opportunities to strengthen the medium-sized company base.
- ❖ A720 Corridor: North Midlothian and the Shawfair area represent a zone of opportunity. With the right planning framework and careful stewardship of the environment, the area close to the A720 City Bypass can accommodate significant numbers of jobs in the next decade.
- ❖ Tourism: There is an opportunity to develop Midlothian's tourism and leisure industries, with a particular need to supplement the provision of tourist accommodation (refer to paras. 3.3.28-3.3.33 and policy ECON7).
- ❖ Local centres: There is a need to encourage the revival of Midlothian's towns, including creating a new role for key towns as centres for professional business, entertainment and quality retailing.

3.3.11 The strategy for the allocation of economic development land to meet the ELSP requirements is to achieve a spread of sites across the two CDAs,

with 38.5 hectares identified in the A7/A68/Waverley Line Corridor and the balance, 15 hectares, in the A701 Corridor. The former includes extra capacity (3.5 hectares) to enable the Jewel and Esk College to be relocated on part of one of the economic sites. The latter has the lesser allocation because it is also accommodating new land for biotechnology and knowledge-based industries (25 hectares). A spread of sites should provide local employment opportunities in all communities; the sites identified are allocated for business or general industrial use (Classes 4 and 5 in the Use Classes Order). A new settlement to the west of Gorebridge, as prescribed by the ELSP, forms a key part of the strategy and this should include employment land. At the start of Local Plan preparation, consultation was carried out on over 120 sites as suggested by landowners and developers for a variety of land uses; a preferred development strategy was then drawn up and refined as a result of consultation. Section 1.5 describes the SEA work that informed this process.

3.3.12 The strategic economic land allocations are identified for business or general industrial uses (Classes 4 and 5). Only in exceptional cases will other employment uses be considered on these sites, and generally only where such uses would generate equivalent levels of employment to that of business and/or general industry, or there is a significant benefit to the Council area in employment terms. It is expected that storage and distribution uses would not meet these criteria, and additionally are specifically excluded, by the Structure Plan, from locating on land which has been removed from the Green Belt by this Local Plan. Policy ECON4 provides specific guidance for storage and distribution uses.

3.3.13 For both CDAs, a number of factors have influenced the choice of sites. These include:

- ❖ Identifying sites which have, or can expect to have, good accessibility to the main transport networks and by public transport.
- ❖ Identifying sites within the built-up areas where available, following which edge-of-town sites which relate well to existing economic sites and/or minimise environmental impact and achieve good landscape 'fit'.
- ❖ Limiting Green Belt releases to those where the impact on Green Belt objectives is least and where robust long-term boundaries can be secured.
- ❖ Identifying locations with good marketability and visibility.
- ❖ Spreading employment opportunities (in line with community support).
- ❖ Minimising coalescence.

3.3.14 Within the **A7/A68/Waverley Line Corridor**, as well as providing a spread of sites, economic land allocations have been made to enable the establishment of flagship development sites close to Sheriffhall. This is one of the key gateways into Midlothian and enjoys excellent accessibility. The location offers the prospect of establishing high quality business parks, adjacent to the A720 City Bypass. The new sites will be contained within existing or new peripheral tree belts, especially where they are close to existing residential areas.

3.3.15 At the northern end of the corridor close to **Danderhall/Shawfair**, an 8.5 hectare site at Shawfair Park Extension (site E1) is identified for business/industry. This is located in the Green Belt to the east of the proposed Shawfair Park business park which is a committed development site in the 2003 Shawfair Local Plan. It is intended that site E1 will be an extension to Shawfair Park and not be developed in advance of it. Site E1 will be accessed through Shawfair Park. Any additional secondary means of access will be assessed by the Council on its merits. The site benefits from good transport links and is adjacent to the Sheriffhall park and ride facility. The site will require landscaping so as to contain its visual impact. Water and drainage impact assessments will also be required.

3.3.16 To the south of the A720 City Bypass and north of **Dalkeith/Eskbank**, an 11.5 hectare site is allocated at Sheriffhall South (site E2) for business and industry. This allocation comprises three parcels of Green Belt land all contained within significant tree belts, to be retained and reinforced to create natural screening and landscape setting and to reduce visual impact on the Green Belt. The allocation is adjacent to the Melville (Dobbies) Garden Centre; the identification of a site for business and industry here provides the opportunity to build upon the success of this location in attracting economic investment. The area is served by a high frequency bus route. The site is set well back from the A720 Sheriffhall junction, and its development should not impinge on anticipated proposals to upgrade this important junction in the strategic road network. Development of the site can avoid direct trunk road access. Water and drainage impact assessments will be required. It is intended that the site should remain in the Green Belt in order to ensure that the layout of the development and provision of open space respects Green Belt objectives and the character of the surrounding area.

3.3.17 Site E3 Hardengreen, **Eskbank**, amounts to 6.5 hectares and is an extension to the successful Hardengreen Industrial Estate immediately to the

north. There is a proven demand for business uses at this site which has locational advantages in being close to the A7 and the proposed Eskbank Station on the Waverley rail line. It is also suitable for educational uses, in particular, the relocation of the Jewel and Esk College, which is being accommodated on part of site E3. The site avoids the Green Belt. Good boundary planting will be required to define the settlement edge and protect the setting of Hardengreen House, a category C (s) listed building. Water and drainage impact assessments will be required.

3.3.18 Site E4 Stobhill, **Newtongrange**, provides an additional 5 hectares of employment land close to the A7, on a main bus corridor, and within 1 km of the proposed Newtongrange Station. The site is sloping and adjoins the community of Gowkshill at its eastern edge; extensive boundary planting will be required to limit its impact on residential amenity. Water and drainage impact assessments will be required.

3.3.19 An allocation for economic development (site E5) has been included in the **Redheugh/Prestonholm** new community (refer to paras. 3.2.20-3.2.22). The 7-hectare site is part brownfield (former railway sidings) and part greenfield land. The site will build on the success of the nearby Butlerfield Industrial Estate to the north. It lies on the A7 and close to the proposed Newtongrange Station. It is anticipated that development of the new settlement will provide facilities to support new businesses. Water and drainage impact and flood risk assessments will be required. The site is adjacent to Redheugh, a site for special industrial use in the established economic land supply; given the proximity of this site to the proposed new community, it is now considered appropriate to redefine the purpose of this site as business/general industry. This is in line with ELSP policy ECON1 which requires that local plans review sites in the established supply.

3.3.20 Within the **A701 Corridor**, there are limited opportunities to identify new effective economic sites without Green Belt releases. As a result, the two allocations in this corridor involve the loss of land from the Green Belt. In the north of the corridor, a 10-hectare economic allocation is made at site E6, Ashgrove, on the northern boundary of **Loanhead**. The site is identified in conjunction with housing site H12 (Ashgrove). Reference should be made to para. 3.2.26 which discusses the need for the design, layout and landscaping of both sites to take account of listed Ashgrove House and Straiton Pond Local Nature Reserve. Para. 3.2.27 confirms the requirement for the development of these sites to be accompanied by the prior construction of the Edgefield relief road linking the existing industrial estate with the B702 south of

Straiton Farm. The route of the proposed new road is shown on the Local Plan Proposals Map and the cost will be met by the developers of both sites. Water and drainage impact and flood risk assessments will be required. If site E6 proves a successful location in attracting inward investment, there may be scope for further northwards expansion for this purpose in the longer term.

3.3.21 A 5-hectare site has been identified at Oatslie, by **Roslin** (site E7). Although this is located in the Green Belt, it has well-defined physical boundaries to the north, east and west and, with structural planting, its loss would not have a significant impact on the Green Belt objectives. It is well located next to Gowkley Moss roundabout on the A701 and is therefore easily accessible by public transport. The site's location close to the A701 biotechnology cluster will be an advantage in providing a location for supporting businesses. Water and drainage impact assessments will be required. It is intended that the site should remain in the Green Belt in order to ensure that the layout of the development and provision of open space respects Green Belt objectives and the character of the surrounding area.

3.3.22 The Local Plan recognises the national economic importance of the cluster of biotechnology and knowledge-based uses in the A701 Corridor and seeks to support their competitiveness in the global economy by providing for future expansion. Four allocations (site B1 Easter Bush, site B2 Gowkley Moss North, site B3 Gowkley Moss South and site B4 New Milton) for knowledge-based industry and related manufacturing are made in response to the specific requirements of the sector in the Bush Estate/

Edinburgh Technopole area. This is in addition to current commitments here. Sites have been selected in close proximity to existing academic institutions/research facilities to support their expansion plans, to minimise the impact on the Green Belt, and to allow satisfactory landscaping requirements to be achieved. The gross land take slightly exceeds the 25-hectare ELSP requirement (by 5 hectares only) in recognition of the parkland setting characteristic of existing developments in the Bush Estate area and its rural location; this should enable the provision of structural landscaping where needed to maintain this character and provide adequate screening. Flood risk assessments will be required for sites B1, B2 and B3. All four sites fall within the area covered by policy RP3 (Major Non-Conforming Land Uses in the Green Belt).



ECON1 STRATEGIC ECONOMIC LAND ALLOCATIONS (PROPOSAL)

Business (Class 4) and general industrial (Class 5) development to meet the Structure Plan strategic economic land requirements will be permitted on the sites identified in the table below and on the Local Plan Proposals Map, provided it accords with other relevant Local Plan policies and proposals. Proposals for non-employment uses will not be permitted.

A7/A68/Waverley Line Corridor Core Development Area

Site Ref	Location	Use	Site Size
E1+	Shawfair Park Extension	Business/Industry	8.5 hectares
E2+	Sheriffhall South	Business/Industry	11.5 hectares
E3*	Hardengreen, Eskbank	Business/Industry	6.5 hectares
E4	Stobhill, Newtongrange	Business/Industry	5 hectares
E5	Redheugh/Prestonholm new community	Business/Industry	7 hectares
Total			38.5 hectares

A701 Corridor Core Development Area

Site Ref	Location	Use	Site Size
E6+	Ashgrove, Loanhead	Business/Industry	10 hectares
E7+	Oatslie, Roslin	Business/Industry	5 hectares
Total			15 hectares

Note: All sites sizes are approximate.

+Green Belt sites for the purposes of para. 3.3.12.

*The Council considers E3 to be suitable for educational uses, in particular, the relocation of Jewel and Esk College (JEC). The "Total" figure for this CDA is sufficient to meet the ELSP requirement and the relocation of the JEC.

ECON2 BIOTECHNOLOGY AND OTHER KNOWLEDGE-BASED INDUSTRIES (PROPOSAL)

The development of biotechnology and other knowledge-based industries, and related manufacturing, to meet the Structure Plan strategic land requirements for these uses will be permitted on the sites identified in the table below and on the Local Plan Proposals Map, provided it accords with other relevant Local Plan policies and proposals, including in particular policy RP3. Proposals for other employment, or non-employment, uses will not be permitted.

Site Ref	Location	Use	Site Size
B1	Easter Bush	Knowledge-based industry and related manufacturing	7.5 hectares
B2	Gowkley Moss North	Knowledge-based industry and related manufacturing	7.5 hectares
B3	Gowkley Moss South	Knowledge-based industry and related manufacturing	2.5 hectares
B4	New Milton	Knowledge-based industry and related manufacturing	7.5 hectares
Total			25 hectares

Note: All site sizes are approximate; the total site area of these sites is greater than that shown to provide allowance for these developments to be accommodated within a parkland setting, as appropriate to the type of development and the location, and to provide significant shelter belts adequate to screen the sites. The developable area of each site shall not exceed the approximate site size as indicated above.

Policy Titles

ECON3 WORKSHOP HOMES**ECON4 STORAGE AND DISTRIBUTION AND OTHER NON-RESIDENTIAL USES ON EXISTING INDUSTRIAL LAND AND BUILDINGS****ECON5 INDUSTRIES WITH POTENTIALLY DAMAGING IMPACTS****ECON6 OFFICES**

3.3.23 Structure Plan Policy The ELSP 2015 recognises that a range of employment opportunities arises from a broad economic base. This requires the availability of premises and sites to cater for a wide range of business and industrial needs.

3.3.24 The Structure Plan allows for the emergence of secondary office/business centres within the northern end of Midlothian's CDAs. It also considers that office development can be supported on business or industrial land identified as suitable in local plans.

3.3.25 Local Plan Policy Policy ECON3 makes provision for a type of small business enterprise which can make an important contribution to local job prospects. Workshop homes can foster such small-scale businesses, including those that can be operated successfully from the home with some provision for storage or operational premises.

3.3.26 Policies ECON4 and ECON5 address the problems of identifying sites capable of accommodating storage and distribution uses (Class 6) or other operations with special requirements which may be classed as 'bad neighbour'. Whilst promoting the implementation of all sites within the established economic land supply (refer to Appendix 1B for details), policy ECON4 recognises that, with certain provisos, there may be some scope to identify opportunities for storage and distribution uses within the established supply. Policy ECON5 sets out the parameters for assessing development proposals which may potentially have damaging impacts in environmental terms.

3.3.27 Policy ECON6 directs the provision of office accommodation to the main communities of Midlothian.

ECON3 WORKSHOP HOMES

Workshop home proposals will be permitted where they accord with all relevant Local Plan policies and proposals and the following criteria are met:

- A.** the business can be conducted without detriment to local residents with regard to noise, disturbance, traffic movement, visual intrusion and other forms of pollution;
- B.** suitable access, parking, and services are available; and
- C.** the proposal does not include any retail use.

Permission will be subject to appropriate conditions and, where necessary, legal agreements, to prevent any intensification of business use which may result in problems for the surrounding area. In exceptional circumstances, planning permission may be made personal to a particular applicant, because of the specific circumstances of his/her proposed business use.

ECON4 STORAGE AND DISTRIBUTION AND OTHER NON-RESIDENTIAL USES ON EXISTING INDUSTRIAL LAND AND BUILDINGS

Policy COMD1 continues to seek the early implementation of all committed development sites in the established economic land supply (as listed in Appendix 1B). In exceptional circumstances and in locations close to the strategic road network, consideration may be given to a storage and distribution use (Class 6), or other non-residential use, on such sites and on existing industrial land and buildings, subject to the following criteria being met:

- A.** the level of employment arising from the proposed use is equivalent to Class 4 or Class 5 uses;
- B.** there is no loss of land identified for research and development / knowledge-based industries; and
- C.** provision is made to accommodate traffic generated by the proposed use, and for suitable access, without adversely affecting the local area.

ECON5 INDUSTRIES WITH POTENTIALLY DAMAGING IMPACTS

Proposals for industrial developments of a kind which may give rise to environmental problems will be assessed with regard to relevant Local Plan policies and proposals, and to expected economic benefits and any benefits of locally harmful industrial operations to the wider environment. The Council will require to be satisfied that any such site is either uniquely suitable for technical reasons or has been selected with a view to minimising environmental impact, and not primarily because of the availability of the land to the intended developer or operator. Developments of this nature will require to be screened and operational conditions are likely to be imposed.

ECON6 OFFICES

Office development will be permitted on appropriate sites within the main communities of Midlothian, providing the proposal accords with all relevant Local Plan policies and proposals and there is satisfactory access to public transport.

Policy Title

ECON7 TOURIST ACCOMMODATION

3.3.28 National Planning Policy Tourism plays an important role in the diversification and strengthening of local economies, generating income, employment and providing a positive image. The Scottish Government's *Scottish Tourism: The Next Decade – A Tourism Framework for Change (2006)* suggests that visitor numbers in Scotland are likely to increase by 20% in the ten years to 2016. SPP 15 *Planning for Rural Development* states that planning authorities should support development of the tourism industry with appropriate policies on siting and design of facilities. SPP 21 *Green Belts* recognises that the effective management of green belts provides opportunities for tourism.

3.3.29 Structure Plan Policy The ELSP 2015 stresses the importance of the tourism sector to the local economy. In policy ENV3, tourism is identified as a potential use suitable in countryside locations, in support of rural diversification, and if justified in local plans. It also states, in policy ENV2, that local plans can specify exceptions to national planning policy with regard to acceptable uses in green belts.

3.3.30 Local Plan Policy Tourism employment is an important contributor to the service industries of Midlothian and one with considerable potential for expansion, as demonstrated by the recent growth in interest in, and visitors to, Rosslyn Chapel and its environs. The Economic Strategy for Midlothian identifies an opportunity to develop Midlothian's tourism and leisure industries by capitalising on the area's proximity to Edinburgh and exploiting niche markets. There is also considerable scope to promote Midlothian as a tourism destination in its own right, as well as to cater for overflow business associated with Edinburgh.

3.3.31 The Midlothian Tourism Action Plan 2008-2010 identifies a number of major priority areas to assist growth in tourism. This includes support for the upgrading of existing tourist attractions, such as Rosslyn Chapel, the Scottish Mining Museum, Midlothian Ski Centre, the Country Parks, and Edinburgh Butterfly and Insect World, together with the development of new flagship visitor attractions. At present, the tourist accommodation base in Midlothian is modest, as confirmed in the *Edinburgh and Lothians Accommodation Supply and Demand Study*. To complement growth in visitors, the Council will encourage a range of new accommodation, including hotel and travel inn developments on main tourist routes and entrances, and high quality

self-catering units. All such developments will require to be well designed and to offer a high quality and amenity. This will assist in attracting custom. A new *Edinburgh and the Lothians Tourism Accommodation Audit*, published in 2006, confirmed the need for a full range of tourist accommodation across the Lothians.

3.3.32 Urban areas remain the favoured location in policy terms for hotels as these areas generally have a greater provision of existing public transport. However, where there is no suitable alternative site within the urban envelope, policy ECON7 allows for the development of hotels at gateway locations, and sites near the A720 City Bypass may, in certain circumstances, represent the most sustainable location for such development; they are generally located at nodes in the public transport network, or in high frequency bus corridors. New development should not, however, undermine the objectives of the Green Belt.

3.3.33 It is recognised that there can be conflicts between tourism proposals and policies safeguarding the countryside and built heritage. Policy ECON7 sets out criteria for assessing tourism proposals which seek to balance the encouragement of tourism, and the economic benefit it can provide, with the protection of the environment.



ECON7 TOURIST ACCOMMODATION

Proposals for hotel developments which involve new build or conversion within the built-up areas will be supported, provided they accord with all relevant Local Plan policies and proposals, residential amenity is protected, the proposal is in scale with the local area, and subject to the following criteria:

- A.** the proposal is in keeping with the character of the local area;
- B.** the proposal is sited and designed to enhance its setting; and
- C.** the proposal is well located in terms of the strategic road network and maximises public transport access.

Proposals for hotels in business areas, and at key gateway locations with ease of access to the major junctions on the A720 City Bypass, may be supported where it can be demonstrated that there are no suitable alternative sites elsewhere within the urban envelope. Such proposals shall also satisfy criteria A-C above and shall not undermine the objectives of the Green Belt by detracting from the landscape setting of Edinburgh and its neighbouring towns, or lead to coalescence.

Proposals for self-catering tourist accommodation, including touring caravan/camping sites, will be permitted, subject to criteria A-C above, where they can be located in an unobtrusive manner within the rural landscape; are not in the Green Belt unless linked to some related existing development; are of a character and scale in keeping with the rural setting; and will not detract from the landscape of the area.

Policy Title

ECON8 RURAL DEVELOPMENT

3.3.34 National Planning Policy SPP 15 *Planning for Rural Development* sets out Government guidance on how rural areas of Scotland can achieve sustainable development. PAN 73 *Rural Diversification* sets out a policy framework based on the premise that the future of rural Scotland lies in economic diversification allied to a strong commitment to environmental stewardship. It encourages planning authorities to have positive policies to support rural diversification where this is appropriate to the specified area, while addressing issues such as accessibility, provision of infrastructure, and the scale and design of new development.

3.3.35 Structure Plan Policy The ELSP 2015 supports some limited economic development in rural areas, if justified through local plans. Policy ECON7 makes provision for local plans to allocate land for general industry/business or office use in or adjacent to existing settlements so long as the land is outwith the Green Belt, the development is small-scale and in character. Policy ENV3 gives support for the reuse of important redundant rural buildings and for diversification which will support the rural

economy, where such development is justified in local plans.

3.3.36 Local Plan Policy It is recognised that there may be scope to sustain and encourage productive social and economic activity in the countryside of Midlothian, particularly in terms of rural business development, without compromising the natural and built environment and the landscape quality of the countryside itself.

3.3.37 Opportunities for rural development may take many forms including the conversion of redundant farm buildings, farm diversification, and sustainable tourism (see policy ECON7). Policy HOU55 gives support to low density rural housing in specified countryside areas of Midlothian. This policy makes allowance for related rural business use, where justified. All proposals considered under policy ECON8 would have to be in accord with all other relevant Local Plan policies, including the detailed development policies in Section 4.

3.3.38 In Midlothian, the Country Parks may be appropriate for suitable leisure, recreation, sporting and tourism activities, subject to the locational criteria and environmental safeguards set out in policy ECON8.

ECON8 RURAL DEVELOPMENT

Development proposals that will enhance rural economic development opportunities will be permitted provided they accord with all relevant Local Plan policies and proposals and they meet the following criteria:

- A.** the proposal is located adjacent to a smaller settlement (Inset Maps 5 to 16) unless there is a locational requirement for it to be in the countryside;
- B.** the proposal is well located in terms of the strategic road network and access to a regular public transport service (minimum service frequency of 1 bus per hour weekdays, weekends and evenings);
- C.** the proposal is of a character and scale in keeping with the rural setting, will not detract from the landscape of the area, and is sited, designed and landscaped so as to enhance the rural environment;
- D.** the proposal will not introduce unacceptable levels of noise, light or traffic into inherently quiet and undisturbed localities nor cause a nuisance to residents in the vicinity of the site;
- E.** the proposal is capable of being served by an adequate and appropriate access;
- F.** the proposal is capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses; and
- G.** the proposal is not primarily of a retail nature.

Some of the above criteria may be set aside if the site has been identified through supplementary planning guidance as being a location supported by the Council for rural economic development.

3.4 Transportation

Policy and Proposal Titles

TRAN1 SUSTAINABLE MODES OF TRANSPORT

TRAN2 WAVERLEY RAIL LINE (PROPOSAL)

3.4.1 National Transport Context The Transport (Scotland) Act 2005 introduced the requirement for Regional Transport Partnerships. These regional partnerships between local authorities have a statutory requirement to produce a Regional Transport Strategy for their area. This strategic document will guide the activities of the partnership and constituent local authorities. The strategy will make the case for investment, and infrastructure, in that particular region to address transport needs. It will also guide and co-ordinate the transport activities of the member councils and other public bodies. Regional Transport Strategies must take account of any guidance produced by the Scottish Ministers and have to be approved by the Scottish Ministers.

3.4.2 The Transport Act also introduced a new national transport agency for Scotland, Transport Scotland, to help deliver the Scottish Government's vision for transport. Transport Scotland will achieve this vision through supporting the delivery of current and future road and rail projects, delivering committed programmes of enhancements to the road and rail network, and ensuring effective and efficient management of road and rail systems. In conjunction with the enhanced strategic co-ordination introduced through the Transport Act, local authorities are required by national planning policy to make transport and the location of new development a central function of land use planning. *The National Transport Strategy* sets the background for the Council's Local Transport Strategy and will assist the preparation of the strategic development plan.

3.4.3 National Planning Policy *SPP 17 Planning for Transport* sets out the basis upon which local authorities should frame their transport policies. It lays emphasis on the need to develop an improved transport infrastructure in order to change people's attitudes to their travel choices. Encouragement of walking and cycling and improved public transport have a key role to play in helping to change existing transport trends.

3.4.4 SPP 17 stresses the importance of allocating new development in locations capable of being well

served by a variety of means of transport. It promotes the use of Green Transport Plans to help encourage users of a new development to travel to and from the development by means of transport other than by car. *PAN 75 Planning for Transport* provides advice on indicative criteria for public transport accessibility.

3.4.5 SPP 17 states that disused rail lines with a reasonable prospect of being re-introduced, together with potential sites for stations, should be safeguarded from severance by other developments.

3.4.6 Structure Plan Policy The ELSP 2015 transport strategy aims to reduce the need to travel by private car, to encourage the use of public transport, walking and cycling, and to reduce commuting to the city from the surrounding areas. The location of new development is seen as critical in achieving these aims.

3.4.7 ELSP policy TRAN2 requires that local plans ensure that major new developments are highly accessible by public transport, and preferably by foot, or will be made so by transport investment. The Midlothian CDAs are based on the main transport corridors which already are well-established public transport arteries with proposals for improvement. The ELSP 2015 Action Plan sets out the items of strategic transport infrastructure which are essential to the ELSP development strategy. Lack of Scottish Government investment in the strategic transport network has been acting as a constraint on development in Midlothian for many years and has serious repercussions for the Council's ability to fulfil its development commitments. Developers are also required to contribute towards the cost of both strategic level infrastructure and local network improvements.

3.4.8 Work is in progress to test the current ELSP 2015 development strategy through the application of the Transport Model for Scotland. The outcome of this analysis will be used to refine the requirements for investment.

3.4.9 Local Plan Policy Local Plan policy is consistent with national policy and ELSP policy in seeking to promote public transport and to increase its quality, range and accessibility to the residents of Midlothian. In 2001, nearly 28% of households in Midlothian did not own a car. Local Plan policies, in line with the Local Transport Strategy (LTS) for Midlothian 2007-2010, aim to increase the choice of transport modes available to Midlothian residents by ensuring that public transport is a viable alternative to the private car for all major new development areas. Proposals for such developments will require

to be accompanied by a Green Travel Plan setting out the measures that will be taken to encourage the use of alternatives to the car. In order to make Green Travel Plans effective, it will be essential for suitable routes for public transport, cycling and walking to be established and maintained, with new off-site infrastructure where necessary. It will also be important for potential users to be made aware of the alternatives to the private car.

3.4.10 The Local Plan strategy focuses on the reopening of the Waverley rail line between Edinburgh and Tweedbank, which is expected to be operational in 2013. The housing allocations made in this Plan, including in particular in the Gorebridge area, are aimed at supporting the re-establishment of this railway. The stations proposed for construction along the line within Midlothian are located at Shawfair, Eskbank, Newtongrange and Gorebridge, and each station will be served with appropriate car parking facilities although the location of stations has been selected so as to maximise accessibility from walk-in catchment areas and interchange with existing bus services. Consideration may be given in the longer term to the potential for a rail halt to be located at the proposed new community at Redheugh/ Prestonholm though, in the short term, the new community will enjoy good access to Newtongrange Station.

3.4.11 Following a funding award from the Scottish Government, a Multi-Modal Transport Study for the A701 Corridor was undertaken by consultants in order to establish a strategy for improving transport links in this corridor. The recommended strategy is bus-based rather than rail-based and includes bus priority measures, improved junctions, and facilities to encourage more cycling in the corridor. A further recommendation of the study is the concentration of future development proposals at the northern end of the A701 Corridor as a means of controlling the growth in congestion along the A701.

3.4.12 Midlothian Council has noted the conclusions of this study. Bus-based improvement measures are expected to enhance public transport accessibility in the short term with longer-term potential to consider the reopening of the Penicuik rail line or a South Edinburgh Tram extension. However, there is no funding in place, and no proposals brought forward within this Local Plan, to deliver major public transport schemes in the A701 Corridor. Midlothian Council will support measures to improve and extend public transport provision and to encourage cycling including traffic management, on-road facilities, purpose-built cycling tracks and the provision of cycle facilities.

TRAN1 SUSTAINABLE MODES OF TRANSPORT

Major travel-generating uses will only be permitted where they are well located in relation to existing or proposed public transport services, are accessible by safe and direct routes for pedestrian and cyclists, and accord with the Council's Local Transport Strategy.

Proposals for all new major travel-generating developments, including phases of a major development area, shall be accompanied by a Transport Assessment and a Green Travel Plan, setting out what provisions or measures shall be taken to provide for, and encourage the use of, alternative forms of travel to the private car.

Reference should also be made to policies IMP1 (new development), IMP2 (essential infrastructure), DP2 (development guidelines) and RP32 (public rights of way and other access routes) and to Appendix 2E which sets out the policy for the road and bus network pertaining to the Shawfair area.

TRAN2 WAVERLEY RAIL LINE (PROPOSAL)

Midlothian Council supports the early implementation of the Waverley railway (Edinburgh-Tweedbank) and related infrastructure, including stations and associated car parks at Shawfair, Eskbank, Newtongrange and Gorebridge.

Policy and Proposal Titles

TRAN3 TRUNK ROADS (PROPOSAL)

TRAN4 SAFEGUARDINGS FOR TRANSPORTATION SCHEMES

3.4.13 National Planning Policy Government policy, as set out in SPP 17 *Planning for Transport*, requires local plans to safeguard routes that have a reasonable prospect for reuse as future rail or tram systems, or as footpaths, cycle routes or bridleways. Where current walking and cycle networks are routes that are to be reused for road and rail-based transport, SPP 17 requires that appropriate measures are put in place to safeguard the integrity of such routes, including the replacement of links, where possible, and of any acquired role as wildlife corridors.

3.4.14 Structure Plan Policy The ELSP 2015 identifies transport proposals to be safeguarded. In policy TRAN1, it requires local plans to safeguard all former rail alignments that have a reasonable prospect of future transport use. In terms of rail provision in Midlothian, it safeguards the Waverley rail route from Edinburgh through Shawfair, Eskbank, Newtongrange and Gorebridge to the Central Borders.

3.4.15 Whilst the ELSP 2015 transport strategy emphasises the need to reduce travel by car, it states that significant investment in road proposals will still be needed to support the development strategy. Safeguardings include the A720 City Bypass Sheriffhall Junction grade separation, the A68 Dalkeith Northern Bypass (now completed), and improvements to the Straiton - Milton Bridge section of the A701. Table 5.1 of the Structure Plan sets out the full list of safeguardings required.

3.4.16 Local Plan Policy The safeguarding of former rail routes through Midlothian, including the Millerhill to Loanhead line, will ensure that these routes are protected for future public transport or cycle use. No route is safeguarded for the re-establishment of the Penicuik rail line beyond Loanhead because there is no potential for delivery of this proposal in the Plan period and alternatives exist for defining a preferred route, if such proposals were to be promoted. Even in the Loanhead/Straiton area, there are options for the location of a station, with associated car parking, to serve the town.

3.4.17 There has been increasing congestion in parts of the network including central Dalkeith and the A701 Corridor which is likely to be exacerbated by major development proposals already programmed.

The A68 Dalkeith Northern Bypass was completed in September 2008. The Council attached a high priority to this transport scheme and additional traffic measures for the town are being discussed with Transport Scotland. It is expected that the recently completed bypass will bring significant improvements to central Dalkeith, which will assist the aims of the Dalkeith town centre regeneration initiative (policy SHOP1). It will also allow a substantial amount of economic land at Salters Road, allocated in the 2003 Midlothian Local Plan, to be brought forward for development. Policy TRAN4 also safeguards land for the provision of a future link road from the A720 City Bypass (connecting with the A68 Dalkeith Bypass) to the B6415 at Millerhill although no funding source is identified. This link road is to facilitate access to the proposed Shawfair town centre, with rail station and car park, and committed business land allocations in the vicinity, but would not function as a through route.

3.4.18 Midlothian Council attaches a high priority to the grade separation of the A720/A7 Sheriffhall roundabout. The Council will continue to press the Scottish Government for the early implementation of the upgrading of this junction; current levels of congestion at this junction have a major impact on access to and from Midlothian and repercussions for its prospects for future growth and prosperity.

3.4.19 The Council supports the upgrading not only of radial bus links into central Edinburgh but also the provision of orbital bus links from Midlothian along the A720 City Bypass to access employment growth areas in west Edinburgh, West Lothian and East Lothian.

3.4.20 The ELSP allocates development in the A701 Corridor. A road scheme to improve the A701 has received planning permission, and will continue to be safeguarded as a consented road line. At this time, the Council is implementing a series of measures to ease congestion in this corridor by giving more priority to buses and cycling on this route. It should be noted, however, that none of the proposed developments in this Plan will provide, or require the provision of, the consented A701 road improvement scheme in the Straiton area.

3.4.21 There is a requirement for the prior construction of a number of road proposals as a prerequisite for certain development proposals allocated in this Local Plan. For example, a new relief road for the Edgefield Industrial Estate, Loanhead and a new North West Penicuik Link road must be provided before development proposals in these areas can go ahead. These proposals, together

with minor access and junction upgradings as determined through Transport Assessments, will require to be developer funded. The Plan also continues to safeguard the A6094 to A68 Bonnyrigg to Dalkeith Distributor (Hopefield Section) which is being constructed in conjunction with major development in the Hopefield area (committed development from the 2003 Midlothian Local Plan). The B6482 Bryans Road to Gowkshill Link continues to be safeguarded as does a new distributor road for south Mayfield which is being provided as part of the current development proposals for this area (also committed through the 2003 Local Plan). Similarly, the Plan continues to safeguard the road infrastructure for the Shawfair area (also committed through the 2003 Local Plan).

3.4.22 In summary, the Council will continue to safeguard the routes of the proposed trunk and other road schemes listed in proposal TRAN3 and policy TRAN4 and shown on the Local Plan Proposals Map. Some of the lines of these routes remain notional. Prior to approval, Environmental Assessment would be required for new major transportation infrastructure proposals.

3.4.23 The Structure Plan in Table 5.1 makes reference to strategic park and ride facilities in northern Midlothian at Straiton, Sheriffhall and Lothianburn. The Council supports the implementation of these three park and ride facilities; Sheriffhall park and ride site opened in February 2008 and the Straiton park and ride facility in October 2008. An integrated corridors study carried out by consultants supported the principle of a third park and ride facility at Lothianburn. A specific site has not been earmarked in this Plan, though an indicative location has been identified on the Local Plan Proposals Map. An outline planning application for a park and ride facility at Lothianburn was submitted in 2008. The Plan also recognises the potential for further expansion of the Sheriffhall facility.

3.4.24 Concern has been expressed by Midlothian's main communities about the proliferation of long-term commuter parking in their streets and car parks. Now that the Sheriffhall and Straiton park and ride facilities are operating, their use and effectiveness will be assessed and further consideration given to measures to address these community concerns.

TRAN3 TRUNK ROADS (PROPOSAL)

Midlothian Council supports the early implementation of the upgrading of the following section of trunk road:

- ❖ A720 Sheriffhall Junction Grade Separation.



TRAN4 SAFEGUARDINGS FOR TRANSPORTATION SCHEMES

The Local Plan will safeguard land for the following transport proposals, taking into account any changes to safeguarding requirements arising from the Local Transport Strategy and/or Regional Transport Strategy:

Rail

- ❖ Waverley – Shawfair to Tweedbank
- ❖ Millerhill to Loanhead

Strategic Roads

- ❖ A720 Sheriffhall Junction Grade Separation
- ❖ A701 Straiton to Milton Bridge Improvement
- ❖ A720 City Bypass to B6415 Millerhill Road Link

Local Roads Serving New Developments

- ❖ A6094 to A68 Bonnyrigg to Dalkeith Distributor - Hopefield Section
- ❖ B6482 Bryans Road to Gowkshill Link
- ❖ South Mayfield Distributor
- ❖ Shawfair road network
- ❖ Edgefield Relief Road
- ❖ North West Penicuik Link

Park and Ride

- ❖ Sheriffhall (extension)
- ❖ Lothianburn

Other Public Transport

- ❖ Orbital Rapid Transit on A720 City Bypass
- ❖ Shawfair Infrastructure

Policy Title

TRAN5 FREIGHT MOVEMENT

3.4.25 National Planning Policy SPP 17 *Planning for Transport* requires development plans to recognise the economic importance of freight access to business. SPP 17 indicates that development plans should allocate land for manufacturing, processing, distribution or warehousing that is readily accessible to the strategic road network and suitable rail networks. It also requires consideration to be given to new or expanded rail freight facilities.

3.4.26 Structure Plan Policy The Structure Plan strategy seeks to maximise the use of rail for the movement of freight and to minimise heavy lorry movements through built-up areas by ensuring good access to the strategic road network. ELSP policy TRAN6 requires local plans to give priority to providing locations accessible to the rail network, thereby removing reliance on road freight. If good access to the rail network is not available, locations should be accessible to the strategic road network.

Prior to approval, environmental and/or transport assessments would likely be required for new freight-generating development, depending on the scale and potential impact of the proposal.

3.4.27 Local Plan Policy Local Plan policy TRAN5 accords with SPP 17 and the ELSP 2015 by requiring new storage, distribution and significant other freight-generating developments to be readily accessible to the rail or strategic road facilities. The Council acknowledges the importance of efficient freight distribution and supports the principle of Freight Quality Partnerships between the freight transport industry, business, local communities and local government. However, it considers that these partnerships need to be established and operated at a regional level. As recommended in the SEStran Regional Transport Strategy, SEStran has instigated the establishment of a Freight Quality Partnership. The Council's Local Transport Strategy 2007-2010 identifies its commitment to working with the freight industry and identifies strategy interventions for freight transport-related issues.

TRAN5 FREIGHT MOVEMENT

New storage and distribution and other significant freight-generating developments should be located where they will be readily accessible to the rail or strategic road network.

Policy Title

TRAN6 TRAFFIC CALMING

3.4.28 National Planning Policy Reference in national policy and advice to the management of pedestrian, vehicular and cycle movements within the built-up area can be found in SPP 17 *Planning for Transport*, PAN 75 *Planning for Transport*, SPP 8 *Town Centres and Retailing*, PAN 59 *Improving Town Centres*, PAN 76 *New Residential Streets* and PAN 77 *Designing Safer Places*. The overall aim of the policy and advice is to upgrade the appearance, and improve the vitality, viability and safety, of town centres and residential areas. This includes enhancing their general environment and improving access by foot, cycle and public transport.

3.4.29 Structure Plan Policy The ELSP policies which are pertinent to built-up areas and traffic calming seek to ensure that the design of new development manages and reduces the use of the car and maximises accessibility, and therefore movement, for all in the community by foot, cycle and public transport. The ELSP 2015 contains policies that seek to manage levels of car parking and encourage higher density development in areas more accessible by public transport. While these policies can help to manage car use, specific traffic calming measures will come through the Local Plan and the Local Transport Strategy.

3.4.30 Local Plan Policy Local Plan policies follow the lead given by national guidance regarding the

need to improve the safety and appearance of both residential areas and town centres for all users. The Council attaches great importance to the creation of safe and attractive living and working environments. The Local Transport Strategy for Midlothian 2007-2010 sets out a range of improvements including safe routes to schools and traffic calming in residential areas. Reference should be made to *A Road Safety Plan for Midlothian 2004-2008*.

3.4.31 The principles of traffic calming and creating an enhanced environment for pedestrians and cyclists, as well as public transport and car users, will be applied to existing and proposed new residential developments and town centres. Where new development provides the opportunity to introduce traffic calming measures, agreements will be sought with developers for their provision as part of the development proposals.

3.4.32 Good pedestrian access and the creation of a safe environment for residents is a prerequisite for the establishment of major new housing areas in Midlothian. Developers will be expected to address these issues in their design and layout for such development. Work is in progress to consider the suitability of a more formalised approach for introducing the principles of 'Home Zones' into new housing areas.

3.4.33 Detailed development policy DP2 sets out the requirements for layout designs for developments with respect to accessibility and parking provision.

TRAN6 TRAFFIC CALMING

Midlothian Council will seek to reduce traffic speeds and increase safety, in line with the Midlothian Local Transport Strategy, by the introduction of traffic calming measures in residential and other areas.

Policy Title

TRAN7 CYCLING

3.4.34 National Planning Policy *SPP 17 Planning for Transport* requires local plans to integrate new land allocations with cycle networks; to include proposals for improvement to cycle networks as part of development proposals; and to include cycle facilities in new proposals. It acknowledges the potential health, recreational and tourism benefits that cycling can provide.

3.4.35 Structure Plan Policy Cycling is a key component in the ELSP 2015 transport strategy. Together with walking, it is identified as the most sustainable form of transport and can compete well with the car for short journeys when safe and attractive routes are available. The ELSP strategy seeks to improve safety for cyclists; it recognises that, particularly for children, a high priority must be given to safety and convenience for this method of travel.

3.4.36 Local Plan Policy Local Plan policy is consistent with the aims of national and ELSP policy in promoting cycling as an important element in a modern transport network. An increase in cycling facilities in the built-up area, and the further provision of cycle tracks and routes between communities, will increase travel choices for Midlothian residents. Opportunities for linking to the wider path network will be encouraged.

3.4.37 The Council also supports the improvement or extension by Sustrans of National Cycle Route 1 (Edinburgh to Berwick-upon-Tweed) where it passes through Midlothian. Route 1 provides an important recreational cycling facility for Midlothian residents, and there may be economic benefits for towns and villages along the route. Midlothian Council has been awarded funding from the South East of Scotland Transport Partnership (SEStran) to develop the route between Gorebridge, Eskbank and Dalkeith. Reference should be made to the Local Transport Strategy for Midlothian 2007-2010.

TRAN7 CYCLING

Midlothian Council will continue to support cyclepath proposals that contribute towards the completion and/or maintenance of National Cycle Route 1 from Edinburgh to Berwick-upon-Tweed through Midlothian, and other locally important cycle routes.

3.5 Town Centres and Retailing

Policy Titles

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- SHOP1 TOWN CENTRES**
- SHOP2 MAJOR RETAIL AND COMMERCIAL LEISURE DEVELOPMENT WITHIN OR ON THE EDGE OF STRATEGIC TOWN CENTRES**
- SHOP3 CHANGE OF USE WITHIN STRATEGIC TOWN CENTRES**
- SHOP4 STRAITON RETAIL PARK**
- SHOP5 MAJOR RETAIL AND COMMERCIAL LEISURE DEVELOPMENT OUTWITH STRATEGIC TOWN CENTRES AND STRAITON**
- SHOP6 MINOR RETAIL FACILITIES**
- SHOP7 NEW NEIGHBOURHOOD SHOPPING FACILITIES**
- SHOP8 OPEN AIR MARKETS**
- SHOP9 FACTORY SHOPS**
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3.5.1 National Planning Policy SPP 8 *Town Centres and Retailing* re-emphasises the Government's commitment to town centres, acknowledges the broad range of land uses present in town centres, and sets out policies on retailing and commercial leisure developments. It attaches great importance to the adoption of a sequential approach to selecting sites for retail development, favouring firstly town centre sites, secondly, edge of town centre sites, thirdly, other commercial centres identified within the development plan, and fourthly and finally, out-of-centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport, and where the impact on the vitality and viability of existing centres can be shown to be acceptable. The SPP requires the principles underlying the sequential approach to apply to proposals to expand, or to change the use of, existing developments where the proposals are of a scale or form sufficient to change their role and function. There is support for shops in small towns, for village shops, and for neighbourhood centres and local shops. The emphasis is on town centres accessible by public and private transport, and on improving the town centre environment.

3.5.2 Structure Plan Policy The Structure

Plan was prepared in accordance with NPPG 8, the predecessor guidance to SPP 8. It identifies the region's strategic shopping centres, categorising these as town centres and 'Other Major Shopping Centres of Strategic Importance.' Dalkeith, Bonnyrigg and Penicuik are identified as town centres and Straiton is the only Midlothian 'Other Major Centre of Strategic Importance'. Where development cannot be accommodated within, or on the edge of, a town centre, the next preference is to channel development to these 'Other' centres. The Structure Plan recognises that there are many smaller local centres which provide a vital service to surrounding neighbourhoods. There is a presumption that these local centres will be nurtured and protected, however it is for local plans to determine the future role of individual centres according to local circumstances. The principles of NPPG 8 are not significantly different to those of SPP 8. However, a local plan must conform with the current approved structure plan and therefore the Local Plan must be compliant with the ELSP 2015.

3.5.3 Local Plan Policy Access to a choice of convenient shopping facilities for all of Midlothian's population is an important objective of the Council. Existing town centres serve local communities well. A number of such centres have been the subject of environmental improvements to enhance their town centre environment, for example, the Bonnyrigg town centre environmental enhancement scheme. The Council is also promoting an initiative, with its partners, aimed at revitalising Dalkeith town centre. A draft master plan has been prepared which will create around 3,700m² of new retail floorspace, in the first phase, as part of a mixed-use development. The Council, through policy SHOP1, will continue to support developments that will bring about an improvement to the range and quality of retailing and the environment of all of Midlothian's town centres.

3.5.4 Studies carried out by Midlothian Council and the other ELSP authorities point to continuing future demand for additional food and non-food retail floorspace. In Midlothian this growth will be partly the result of population increases provided for in this and previous development plans. Currently there is significant retail expenditure leakage from Midlothian, and this loss will increase without investment in further retail floorspace in Midlothian. Policy SHOP6 will support minor retail facilities across all Midlothian's town and neighbourhood centres.

3.5.5 For major retail developments, the Local Plan reflects national guidance and the ELSP, by applying a sequential approach through policies

SHOP2, SHOP4, and SHOP5. These policies act to encourage, in the first instance, the development of major retailing proposals within or on the edge of Midlothian's strategic town centres, that is Dalkeith, Penicuik and Bonnyrigg, as defined on the Local Plan Proposals Map. Where no alternative sites are available in these strategic town centres, major retail development is supported in Straiton Retail Park, subject to criteria having been met. Major retailing proposals will only be considered outwith the strategic retail centres where it can be shown that there are no suitable sites available in these centres, and that they can meet a range of criteria, to prevent adverse impacts and encourage accessibility by means other than private car.

3.5.6 Midlothian Council recognises the importance of the strategic town centres, and the need to ensure they retain their vitality. It considers that there can come a point at which the density of shops in a centre is weakened, through increasing losses to non-retail uses, such that the centre no longer functions as an attractive destination, threatening the viability of remaining retailers. Policy SHOP3 seeks to overcome this problem by protecting the role of the three strategic town centres as retail destinations. The policy aims to limit the number of retail units being lost to non-retail functions. However, the policy contains sufficient flexibility to allow, in specified circumstances, for other uses that will improve the image and vitality of the centre. This reflects the view of SPP 8, that a town centre is more than a retail centre. Supplementary guidance on the control of Class 3 (food and drink) uses and hot food takeaway shops is set out in detailed policy DP7 as a means to control this specific non-retail use.

3.5.7 Given the significant number of new houses planned in Midlothian over the next 10 years, policy SHOP7 reflects support for new retail facilities in centres which are well located in relation to residential development. In general, it is not envisaged that there would be a need for retail developments in excess of 1000m² gross floorspace in neighbourhood centres. However, it is acknowledged that there may be occasions where a larger development could be justified in a neighbourhood centre because of the particular circumstances in the area, for example, in areas of significant residential development at some distance from existing centres.

3.5.8 Policies SHOP8 and SHOP9 respectively set out the circumstances whereby open air markets within existing centres and factory shops on industrial sites may be acceptable.

3.5.9 Straiton is the only 'Other Major Shopping Centre of Strategic Importance' in Midlothian, as identified in Schedule 6.2 of the Structure Plan. Apart from the earlier developments of Costco and IKEA, expansion at Straiton has been limited to the development of the Lower Straiton Retail Park and approval of a small extension close to the A701, on the west side of the Park. Both areas lie within the approved retail park boundary. Some rationalisation of parking has been implemented to improve the park environment and operation. Given the results of the recent retail assessments that expenditure is being lost from Midlothian, the Council considers it desirable to support the continued success of Straiton. Accordingly, a small southward extension of the Park is provided for in this Plan, so that limited further expansion can take place if required (subject to the criteria of policy SHOP4). Therefore, provided development meets an identified need which cannot be accommodated in Midlothian's strategic town centres, and subject to its impact not affecting the viability and vitality of other town centres, retail proposals will be supported at Straiton.

3.5.10 Attention in the coming Plan period will focus on the need to overcome deficiencies in the retail park, in particular with regard to accessibility by means other than private car. The A701 Multi-Modal Study concluded that development should concentrate at the northern end of the A701, that is in the Straiton area, to take advantage of current and future public transport provision. The Council is undertaking a series of junction modifications to improve bus movement in this corridor. These, in association with the Straiton park and ride, will modify traffic movement, and offer transport alternatives, in the Straiton A720 junction area. The Structure Plan requires the role of Schedule 6.2 centres to be defined in local plans, and this is set out for Straiton overleaf:

Definition of Role of Schedule 6.2 Centre: Straiton

Straiton is the only 'Other Major Shopping Centre of Strategic Importance' in Midlothian. The role of Straiton is to absorb retail and commercial leisure development that cannot be accommodated in, or on the edge of, Schedule 6.1 centres (which for Midlothian comprise Dalkeith, Penicuik and Bonnyrigg). There is potential to diversify the centre's role, with commercial leisure and food and drink uses, and for redevelopment of units with higher quality design, and environmental improvements. Current limitations for the centre are its linear layout, which encourages short internal car journeys, and poor east-west public transport links within Midlothian. Future development should address these shortcomings.

3.5.11 Major new freestanding retail warehouses and factory outlet centres are unlikely to be supported, in line with SPP 8 and the ELSP. The proactive town centre initiatives, the limited expansion of Straiton Retail Park boundary and the effect of policies SHOP1, 2, 4 and 5, which together combine to provide a comprehensive sequential approach, make it unlikely that a new freestanding retail park or shopping centre would be supported.

3.5.12 The advice provided by SPP 8 relates not

only to retail facilities but also to commercial leisure developments. As such new commercial leisure facilities will be subject to the same sequential test applied to retail developments. Therefore commercial leisure proposals will be supported in the strategic town centres, and if accommodation is not available there, the Straiton area will be considered, subject to the criteria of policy SHOP4 being met.

3.5.13 As a means to assess quantitative, qualitative, vitality and viability issues relating to new retail proposals, there could be a requirement for a Retail Impact Assessment. These assessments will generally be required for larger retail or commercial leisure developments (over 2,500 m² gross floorspace), but may also be sought for smaller proposals where the Council is of the view that these may pose a threat to existing centres.



SHOP1 TOWN CENTRES

Development proposals bringing about an improvement to the range and quality of retail and commercial leisure facilities provided in all Midlothian town centres will be considered favourably. Measures for improving the environment and accessibility of town centres will be supported. In particular, support is given to the implementation of the Dalkeith town centre regeneration initiative.

With respect to the new Shawfair town centre (policy COMD1 – committed development), reference should be made to Appendix 2 for the detail of the policy.

SHOP2 MAJOR RETAIL AND COMMERCIAL LEISURE DEVELOPMENT WITHIN OR ON THE EDGE OF STRATEGIC TOWN CENTRES

Proposals for major retail and commercial leisure development, or extensions to existing facilities, will be permitted within, on the edge of, or sufficiently close to form an effective extension to the strategic town centres of Bonnyrigg, Dalkeith and Penicuik, provided they do not (either individually or cumulatively with other developments) undermine the vitality and viability of other strategic town centres.

SHOP3 CHANGE OF USE WITHIN STRATEGIC TOWN CENTRES

The change of use of shops to non-retail uses in Bonnyrigg, Dalkeith and Penicuik town centres will be permitted provided the proposal meets all the following criteria:

- A.** it is demonstrated to the satisfaction of the Council that there is no realistic prospect of a site continuing in retail use;
- B.** the proposal will lead to an improvement of the image and vitality of the town centre; and
- C.** the change of use does not create a street frontage where three or more adjoining units are in non-retail use, nor does it result in 50% or more of the town centre units (or street frontage or floor space) being in non-retail use.

SHOP4 STRAITON RETAIL PARK

Within Straiton Retail Park, as identified on the Local Plan Proposals Map, proposals will be permitted for new retail and commercial leisure development or extensions to existing facilities provided that:

- A.** there are no alternative sites available within, on the edge of, or sufficiently close to form an effective extension to, Bonnyrigg, Dalkeith and Penicuik town centres;
- B.** they address a quantitative or qualitative deficiency within the local area;
- C.** they do not, either individually or cumulatively with other developments, undermine the vitality and viability of other town centres, or other major shopping centres of strategic importance, within the expected catchment area of the proposed development; and
- D.** they are accompanied by measures to improve the environmental quality of the retail park and its accessibility by public transport, walking and cycling.



SHOP5 MAJOR RETAIL AND COMMERCIAL LEISURE DEVELOPMENT OUTWITH STRATEGIC TOWN CENTRES AND STRAITON

Outwith the strategic town centres referred to in policy SHOP2, and Straiton Retail Park (policy SHOP4), major retail and commercial leisure development proposals will only be permitted if all of the following criteria are met:

- A.** there are no suitable alternative sites available within, on the edge of, or sufficiently close to form an effective extension to a strategic town centre, referred to in policy SHOP2, or Straiton Retail Park to accommodate the proposed development or meet the identified needs;
- B.** they are within, on the edge of, or sufficiently close to form an effective extension to other Midlothian town centres;
- C.** the proposals will satisfy a qualitative or quantitative deficiency which cannot be met within or on the edge of a strategic town centre;
- D.** the proposals will not, either individually or cumulatively with other developments, undermine the vitality and viability of existing town centres or major shopping centres of strategic importance, within the expected catchment area of the proposed development;
- E.** the development has, or will be provided with, satisfactory pedestrian, cycling and public transport links;
- F.** transport impacts are offset by mitigation measures; and
- G.** the development accords with all relevant Local Plan policies and proposals.

SHOP6 MINOR RETAIL FACILITIES

Within all town and neighbourhood shopping centres (including the villages), proposals for minor retail facilities will be permitted. The requirements for provision of local convenience shops will be determined by the Council, following discussion with relevant parties.

SHOP7 NEW NEIGHBOURHOOD SHOPPING FACILITIES

New neighbourhood shopping facilities will be permitted within the built-up area including where new housing developments are to take place, providing they do not undermine the vitality and viability of any of Midlothian's town centres and they accord with all relevant Local Plan policies and proposals.

SHOP8 OPEN AIR MARKETS

Proposals for open air markets will be permitted provided that:

- A.** they are located within a town centre;
- B.** they contribute to the viability and vitality of the centre;
- C.** the amenity of any property, especially dwellings, is not adversely affected to a significant degree; and
- D.** the site can be easily accessed by both vehicles and pedestrians, and parking provision for traders and customers is adequate.

SHOP9 FACTORY SHOPS

Proposals for factory shops on sites adjacent to their production facility will be permitted on business/general industrial sites only, where:

- A.** a suitable site is not available within an existing shopping area;
- B.** the site can be easily accessed by both public and private transport;
- C.** the use of the land does not prejudice the continued availability of a sufficient supply of industrial land in the district, nor constrain the operation of existing business; and
- D.** the vitality and viability of adjacent shopping centres will not be affected.

3.6 Community Facilities and Recreation

Proposal Title

COMF1 EDUCATION FACILITIES (PROPOSAL)

3.6.1 National Policy Government policy on reducing class sizes and increasing nursery provision is reflected in legislative changes which have resulted in the need to reassess the availability of primary and secondary school capacity to service Structure Plan housing land allocations.

3.6.2 Structure Plan Policy The ELSP 2015 states that the successful implementation of the strategy depends on the provision of infrastructure including school capacity. A supporting document to the Plan, the ELSP Action Plan, as updated in January 2007, includes details of the main investments needed to cope with increasing demands on services and infrastructure. Although there is a limit on how definitive the information can be, the Action Plan identifies the investment in education facilities required to meet both the outstanding development commitments of the 1994 Lothian Structure Plan and the requirements of the ELSP 2015. The Structure Plan expects these requirements to be set out in more detail in local plans as sites are allocated.

3.6.3 Local Plan Policy It is essential that adequate education facilities are provided to cater for the needs of the expanded populations in the communities affected by proposals HOUS1 and HOUS2 and development coming through in accordance with policy HOUS3, to ensure that existing facilities are sufficient to cater for increased usage.

3.6.4 The Council has provided, through the Private Public Partnership (PPP) route, seven new primary schools. It has also agreed to rebuild an additional four primary schools through traditional funding arrangements. Developers have been requested to provide, by developer contributions, seven new primary schools and extensions to three primary schools along with extensions to four secondary schools. This increase in school capacity is required to meet the housing commitments from the 1994 Lothian Structure Plan and is set out in Appendix 1C of this Local Plan. Taking account of the changes to capacities arising from this investment in educational facilities, and of estimates of likely pupil generation for non-denominational schools, the Council has identified the level of new / extended educational provision required to serve the

allocations now brought forward in the Local Plan. The requirements are set out in proposal COMF1, with further advice included in the Implementation Section 3.12.

3.6.5 To meet the requirements of the 2003 Midlothian Local Plan, investment was made in major new educational facilities in Dalkeith. This provided two replacement secondary schools (denominational and non-denominational) with shared facilities and special needs school provision. A new primary school with nursery facilities is also being provided, through developer funding, at Wester Cowden. There will be insufficient space in these facilities for the children from the Dalkeith allocations arising from the ELSP 2015, and an extension will be required to the new primary school at Wester Cowden. Additional accommodation will be required at Dalkeith and St David's High Schools.

3.6.6 The allocations in the Easthouses/Mayfield area will require an extension to the new PPP-funded school at Lawfield, Easthouses, which has replaced both Langlaw and Bryans Primary Schools. The secondary children from the sites in this location will attend Newbattle High School, which will require an extension.

3.6.7 The new community at Redheugh/Prestonholm will require a new single-stream primary school to meet the needs of the proposed 700 houses. At the outset, it may be possible to utilise available capacity in the proposed new school required to serve the committed developments at North Gorebridge. This would be a short-term measure until either/ both the committed sites need to use the available school capacity and sufficient houses are provided in the new community to justify providing a school on site. As St Andrew's RC Primary School is currently full, an extension to this school will be required for denominational primary pupils. (Developments arising from the 2003 Midlothian Local Plan in this area have also given rise to a similar request for contributions.) Secondary school provision could be provided at either Newbattle or Lasswade High Schools and will be dependent on adjustment to school catchment areas. Irrespective of the decision on its catchment secondary school, an extension will be required to the selected secondary school to accommodate this development, as both schools will be full after meeting other committed developments.

3.6.8 Rosewell Primary School requires to be extended to provide adequate accommodation to meet committed developments. It is expected that this will be provided in association with the new replacement school currently planned for the village.

Additional capacity will be required to accommodate the children from the Local Plan allocations. Furthermore, additional capacity will be needed at Lasswade High School to meet the needs of secondary pupils from the Rosewell allocated sites.

3.6.9 In the A701 Corridor, the allocations in Loanhead will require an extension to Paradykes Primary School and developers will be expected to fund this additional capacity. The allocations at Bilston will require additional capacity at primary school level. Currently, primary education is provided on a split site, with Bilston providing for P1 to P3 in an annexe for children from Bilston only. The Council agreed to allocate housing at Bilston on the proviso that there would be significant improvements to the education arrangements at Bilston, by way of the removal of the split school arrangement, and the provision of a new single-stream school for Bilston. With the transfer of Bilston children out of Roslin Primary School as a result of the provision of the new Bilston Primary School, no additional capacity will be required at Roslin Primary School to cater for the Roslin housing allocation.

3.6.10 The children from the housing allocation in Penicuik cannot be fully accommodated in current schools. Extensions will be required at Cuiken and/or Cornbank Primary Schools. There is expected to be sufficient capacity between the two secondary schools in Penicuik, Penicuik High School and Beeslack High School, to meet the requirements of children from current housing commitments and

the new allocations in the A701 Corridor. Catchment area changes will be required to better distribute the pupils with the available capacity. Implementation of catchment changes which will not be required until late in the Plan period, will be the subject of statutory consultation and will be phased.

3.6.11 Denominational secondary education for all of Midlothian is provided at St David's High School in Dalkeith. The new housing allocations will require additional capacity at St David's. Developers of all new allocations will be expected to make a contribution to the necessary extension to the school.

3.6.12 Developer contributions on a pro rata basis will be required in order to secure the necessary provision of educational facilities as set out in proposal COMF1. Planning conditions will be applied and legal agreements sought to bring developers together to ensure that provision can be achieved timeously. It is acknowledged that negotiations may be complex where a number of developers are involved in one community, but the Council will seek to facilitate this process on an equitable basis. Pro-rata contributions will be based largely on house numbers, with house types taken into consideration.

3.6.13 New 'windfall' housing sites which come forward through the planning process (that is, sites not allocated through the Local Plan) may result in a requirement to extend or rationalise school facilities. Appropriate developer contributions will be sought to enable these improvements to proceed.



COMF1 EDUCATION FACILITIES (PROPOSAL)

Midlothian Council supports the early implementation of new educational facilities to serve new housing development as follows:

- A.** Dalkeith – extension to new primary school at Wester Cowden;
- B.** Mayfield/Easthouses – extension to new Lawfield Primary School;
- C.** Redheugh/Prestonholm new community – new single-stream primary school;
- D.** Rosewell – extension to new Rosewell Primary School;
- E.** Loanhead – extension to Paradykes Primary School;
- F.** Roslin/Bilston – Bilston Annexe to be replaced by new Bilston Primary School;
- G.** Penicuik – extensions to either or both Cuiken Primary School and Cornbank Primary School.

An extension to St Andrew's RC Primary School is also required in order to provide sufficient denominational primary school capacity to accommodate the new development.

With respect to providing sufficient capacity in the non-denominational secondary schools, additional accommodation will be required at Dalkeith, Lasswade and Newbattle High Schools to meet demand, in association with a strategic review of secondary school catchment area boundaries. Additional capacity at St David's RC High School will also be required.

Policy Title

COMF2 FURTHER EDUCATION FACILITIES

3.6.14 Background Midlothian has two further education facilities - Jewel and Esk College and Newbattle Abbey College - both based in Eskbank, Dalkeith, and providing different types of educational experience.

3.6.15 Jewel and Esk College comprises the Midlothian Campus of a split college facility, with the other campus based in east Edinburgh. The College offers vocational courses leading to employment and university courses, and provides important further education opportunities. The College is undergoing a rationalisation of its Eskbank Campus, which has brought about the opportunity to release some of its landholdings for housing (site H3). Newbattle

Abbey College provides the only adult residential college in Scotland, and provides a unique learning facility. The 16th Century Newbattle House was gifted for educational use. The College has, however, a responsibility to maintain this historic property with substantial cost implications, and there may be opportunities for development which can complement the college use whilst providing scope to meet its maintenance obligations. A review of its use and opportunities is underway.

3.6.16 Midlothian Council supports the continued use and enhancement of the further education facilities at Jewel and Esk College and Newbattle Abbey College. Where required, and taking account of the policies and proposals of this Local Plan, the Council will assist the colleges in their development programmes as a means to provide fit-for-purpose facilities for further education in Midlothian.

COMF2 FURTHER EDUCATION FACILITIES

Midlothian Council supports the continued use and enhancement of the further education facilities at Jewel and Esk College and Newbattle Abbey College.

Policy Title

COMF3 HEALTH CENTRES

3.6.17 Background The provision of health care facilities is the responsibility of NHS Lothian. It is currently progressing plans to develop a new community hospital in North Midlothian. Planning consent has been granted and the site continues to have support through policy COMD1. With regards health centres, there have been significant levels of investment across Midlothian. New or expanded health centres have been provided in recent years at Bonnyrigg, Eastfield (Penicuik), Mayfield, Pathhead and Roslin.

3.6.18 Structure Plan Policy The growth in Midlothian's population resulting from the new housing allocations required by the ELSP 2015 will put pressure on existing facilities. The Structure Plan recognises that additional community facilities will be required to meet the needs of expanding communities. The ELSP Action Plan includes details of the main investments needed to cope with

increasing demands on services and infrastructure. There is a limit on how definitive the information can be, given the uncertainties of funding. The Action Plan does not identify any specific health centre requirements for Midlothian.

3.6.19 Local Plan Policy The Council has assisted NHS Lothian (and its predecessor Trust) in identifying suitable sites for the implementation of its recent programme of health centre developments. The NHS has intimated its intention to redevelop the medical centre in Dalkeith. It is expected that the new facility will be provided on the current site. However, if required, the Council will assist in site identification and/or rationalisation.

3.6.20 The Council recognises that the increase in population associated with the new housing allocations in this Plan could place pressure on the existing health centres, despite recent improvements. It will work with NHS Lothian and GPs to identify sites to expand or replace facilities, where this is considered necessary.

COMF3 HEALTH CENTRES

Midlothian Council supports the development of new health centre facilities where there is an identified need to enhance health services within a community.

Proposal/Policy Title

COMF4 LEISURE AND COMMUNITY FACILITIES (PROPOSAL/POLICY)

3.6.21 National Planning Policy The Government has targeted exercise as an area for action in order to increase the health of the nation. Opportunities for formal and informal recreation should be available to all. NPPG 11 *Sport and Recreation* states that councils should found their planning for sport and recreation on the advice of national agencies. Councils should seek to meet the sporting and recreational needs of all members of the community whilst protecting the quality of the natural and cultural heritage. NPPG 11 states that local plans should indicate where unmet demand for facilities exists and how it will be catered for. SPP 11 *Open Space and Physical Activity* was issued in November 2007 and replaced NPPG 11. The Council has considered the content of SPP 11 and is satisfied that the policy framework of the Local Plan is generally consistent with its requirements.

3.6.22 Structure Plan One of the aims of the ELSP 2015 strategy is to provide for a more inclusive society. Without adequate investment in physical and social infrastructure, it is difficult to expand existing settlements or create new ones in a manner which fosters community development and a sense of place and identity. There are particular difficulties in integrating new residents, whose main focus for work and leisure is the city, if local community and leisure facilities are unable to meet their needs. The Structure Plan supports increased access to leisure facilities by giving preference to locations for new development with easy access by foot, cycle and public transport.

3.6.23 Local Plan Policy The Local Plan provides an opportunity to assess existing provision and requirements, and to identify potential deficiencies in recreational facilities that will arise as a result of the new housing development brought forward in proposals HOUS1 and HOUS2. To inform the Local Plan and facilities planning in general, the Council has

commissioned sportscotland to assess the supply and demand for sports facilities in Midlothian using the Facilities Planning Model (FPM). The model provides an objective assessment of the relationship between the likely demand for, and supply of, sports facilities and identifies the level and type of provision required to meet any existing or projected deficiencies as a result of the proposed new housing in the Plan.

3.6.24 The FPM findings indicate adequate provision for sports halls, swimming and athletics (current or programmed) but some deficiencies in respect of indoor bowling, ice sports and golf. Proposal COMF4 outlines the likely additional facility requirements on this basis, taking account of the sports facilities that will be provided through the community primary school programme and other local factors. Rosewell, Pathhead and North Middleton may also benefit from the provision of, or improvements to, community facilities.

3.6.25 In addition the Council, in conjunction with sportscotland, commissioned consultants to prepare a sports pitch needs assessment in line with its guidelines. This, together with the results from the FPM, will provide a comprehensive analysis of indoor and outdoor sports facilities and identify the requirements to address any deficiencies.

3.6.26 In addition to the sports/leisure requirements, the new housing developments will give rise to an increased demand for local community space such as meeting rooms for clubs, social groups etc within existing settlements and this will also be a requirement for the proposed new settlement at Redheugh/Prestonholm. The proposed new community schools will provide some space for this purpose but this is based on existing demand/activities, not future demand. The problem will be exacerbated because many of the 2003 Local Plan sites are only now being developed and the full impact is yet to be felt. The Council will reassess the situation on a settlement by settlement basis as and when the proposed sites are developed. (Refer to policy COMF4 over page).

COMF4 LEISURE AND COMMUNITY FACILITIES (PROPOSAL/POLICY)

Midlothian Council supports the development of recreational and community facilities identified, through application of the sportscotland Facilities Planning Model, to meet deficiencies which will be exacerbated by the additional housing proposed in proposals HOUS1 and HOUS2.

Midlothian

- ❖ 1 indoor bowling facility (minimum 7 rinks)
- ❖ 1 ice sports facility
- ❖ 1 18-hole golf course (pay as you play), North Midlothian
- ❖ 1 9-hole golf course (pay as you play), West Midlothian

Redheugh/Prestonholm

- ❖ a community/leisure facility

Bilston

- ❖ a community facility/community space

Loanhead

- ❖ additional fitness facilities

Bonnyrigg

- ❖ additional fitness facilities

The development of the above leisure facilities (indoor or outdoor), and any other leisure facilities, will be permitted provided the proposal accords with all relevant Local Plan policies and proposals and subject to the following criteria:

- A.** the development is of a character and scale appropriate to its immediate surroundings. Developments which will attract large numbers of people on a regular basis are unlikely to be acceptable in the open countryside, unless it can be demonstrated that such a location is essential for their functioning and no alternative site, in Midlothian or elsewhere, is available;
- B.** the development will not introduce unacceptable levels of noise, light or traffic into inherently quiet and undisturbed localities nor cause a nuisance to residents in the vicinity of the site;
- C.** the local road network is capable of accommodating the additional traffic generated by the development;
- D.** the development is accessible by disabled people and to people arriving on foot, by cycle and by public transport, as well as by car. In the case of facilities catering for large numbers of children, particular attention must be paid to the ease and safety of pedestrian access;
- E.** preference is given to development on derelict or vacant land within the existing or proposed settlement boundaries;
- F.** any ancillary development is capable of sensitive integration into the proposal and is not, or likely to become, the dominant element on the site; and
- G.** the development will not result in the pollution of local watercourses.

Policy Title

COMF5 PROTECTION OF RURAL FACILITIES

3.6.27 Background Most of Midlothian's rural communities have suffered from a loss of local services and facilities over a considerable period, particularly with the demise of the village post office. With regards to Midlothian's smaller communities, Cousland, Carrington, North Middleton, Temple and Pathhead still retain post office facilities. Of these, only Pathhead Post Office helps to support a retail outlet and the village also benefits from banking facilities. Over recent years, many rural shops have changed to non-retail use or have gone out of business leaving some areas only served by mobile shops or, more often, delivery vans operating from supermarkets located in neighbouring towns. There has been a

similar trend towards the loss of rural public houses which play an important role as community meeting places.

3.6.28 The current programme of rationalisation and replacement of traditional village schools with better equipped schools in the larger villages or neighbouring towns will provide enhanced educational facilities for the rural population. However, the disadvantage will be the loss of a community focal point for several villages, particularly where there is no village hall facility. Church halls have also been subject to closure. The Council is keen to resist the conversion to residential or other non-community use of premises currently providing a service or facility within the villages or rural area and thus avoid further erosion of rural facilities.

COMF5 PROTECTION OF RURAL FACILITIES

The change of use to residential purposes, or other non-community use, of premises within the villages and rural area, which provide a service or facility to the local community, will not be permitted except where it is clearly demonstrated that there is no realistic prospect of the service or facility continuing to be provided, or the premises being reusable for an alternative community service.

Policy Title

COMF6 CEMETERY

3.6.29 Local Plan Policy The Council has responsibility for cemetery provision in Midlothian and there is adequate spare capacity in most of the main communities. The Council has recently developed new cemeteries or cemetery extensions at Loanhead, Rosewell, Cockpen and Newton/Danderhall.

3.6.30 Dalkeith Cemetery is now full and has been closed for the sale of new lairs since 2002. Over the past three years, 50% of the lair purchases at Newbattle Cemetery have been by residents of Dalkeith and Easthouses. Due to increased demand at Newbattle Cemetery, the Council estimates that

the final available lairs will be sold in 10 to 12 years. A new cemetery serving the Dalkeith, Easthouses and Mayfield catchment would relieve pressure on Newbattle Cemetery and help ensure the availability of lairs there for the foreseeable future. A site for a new cemetery at Thornybank was considered at the Public Local Inquiry held in 2001/02 prior to adoption of the 2003 Midlothian Local Plan but was rejected by the Reporter.

3.6.31 It has not yet been possible to identify a suitable alternative site that is likely to be realised during the life of the Local Plan. Therefore, in order to meet future needs, the Council will seek to identify a suitable site during the life of the Local Plan which will be included in the next review of the Local Plan.

COMF6 CEMETERY

Midlothian Council supports the provision of a new Dalkeith Cemetery to serve the Dalkeith, Mayfield and Easthouses communities.

Policy Title

COMF7 MIDLOTHIAN SKI AND SNOWBOARD CENTRE

3.6.32 Structure Plan Policy The Midlothian Ski Centre is located on the northern slopes of the Pentland Hills within Hillend Country Park. The whole of the Country Park lies within the Pentland Hills Regional Park and the Edinburgh Green Belt. The ELSP 2015 protects the Regional Park, and requires that development does not compromise the objectives and overall integrity of the designated area, unless the social or economic benefits to be gained outweigh the interests of the Park. As regards the Ski Centre's Green Belt location, the Structure Plan recognises countryside recreation as an appropriate land use. Reference should be made to paras. 2.1.57-2.1.62 and policy RP16 for further information on the policy framework for the Regional Park and Hillend Country Park.

3.6.33 Local Plan Policy The Ski Centre is a unique facility in the Pentland Hills. It has been in operation for over 40 years and has expanded to become the largest artificial ski slope in Europe. Hillend Country Park receives more than 800 visitors per day, including users of the Ski Centre, making it the most visited site in the Regional Park. The importance of the Ski Centre as a recreational and educational resource is acknowledged, the Centre being utilised by many local schools and to host competitions of an international standing. Midlothian Council supports the continuation of this popular facility, and considers it appropriately located on the Green Belt fringe of the urban areas of Midlothian and Edinburgh.

3.6.34 The facilities available at the Ski Centre are ageing. There is a recognised need, in the face of competition from other leisure developments, to upgrade and enhance the Centre in order to secure its future as a centre of excellence. Proposals will be

brought forward for functional improvements to the existing ski and snowboarding facility and other development complementary and ancillary to the Centre's function and necessary for its continued viable operation. This might include accommodation, related retail and restaurant facilities.



3.6.35 Any such proposals must respect the sensitivity of the landscape setting and environmental assets of Hillend Country Park and the wider Pentland Hills. The Country Park falls within an Area of Great Landscape Value. The scale, character and detailed location of development will require careful consideration to ensure that the overall landscape impact of the improved facilities is not substantially greater than the visual impact of the existing Ski Centre. This may be achieved in part by measures to improve the appearance of the current facilities. Landscaping proposals must be appropriate to the physical character of the site and the surrounding hill slopes. Whilst promoting the tourism potential of the site and the opportunities for more intensive use of Hillend Country Park, care must be taken to control visitor numbers to levels compatible with the local environment.

COMF7 MIDLOTHIAN SKI AND SNOWBOARD CENTRE

Development proposals will be permitted for the upgrading and enhancement of the Midlothian Ski Centre and ancillary facilities in order to secure its future as a centre of excellence for artificial skiing and snowboarding.

Policy Title

COMF8 GOLF COURSES

3.6.36 National Planning Policy NPPG 11 *Sport, Physical Recreation and Open Space* and PAN 43 *Golf Courses and Associated Developments* provide detailed guidance and advice regarding the provision of new golf courses and driving ranges. New courses should seek to enhance the natural habitat and be designed so as to integrate into the landscape. Historic features should be recognised.

3.6.37 Conflicts can arise from the provision of either type of facility, but NPPG 11 accepts that, in general, a golf driving range is likely to be the more intrusive development as it encompasses buildings, fencing and lighting. There is likely to be demand for driving ranges close to urban centres and this may put pressure on the Green Belt to accommodate such recreational facilities.

3.6.38 NPPG 11 deals with pressure for associated developments such as hotels. Such developments may increase the attractiveness of an area for tourists and provide employment opportunities. The guidance is clear that a golf course should not provide the justification for ancillary development which would not be acceptable in its own right. SPP 11 *Open Space and Physical Activity* was issued in November 2007 and replaced NPPG 11. The

Council has considered the content of SPP 11 and is satisfied that the policy framework of the Local Plan is consistent with its requirements.

3.6.39 Local Plan Policy Midlothian has experienced pressure in recent years for new golf courses and driving ranges. Taking account of the level of housing growth proposed in Midlothian, the draft findings of the sportscotland Facilities Planning Model (FPM) identify deficiencies in respect of golf. The FPM identifies a need for further facilities, estimated at one new 18-hole or one 9-hole 'pay as you play' course in Midlothian. Although the catchment area for golf courses is relatively wide, sportscotland suggests that the 18-hole course would best meet need if located in northern Midlothian and the 9-hole course in the west of the county.

3.6.40 Midlothian Council is promoting grassroots golf and will use its own 9-hole golf course at Vogrie in this scheme. It may seek to meet part of the deficiencies in golf facilities through improvement/expansion of the golf course at Vogrie. The Council will support proposals for new golf facilities which meet the deficiencies set out above and meet the criteria set out in policy COMF8. In designing new golf courses reference should be made to *Landscape Guidelines for Golf Course Development*, prepared by the Golf Course Environment Group, which provides useful guidance on fitting golf courses into the landscape.

COMF8 GOLF COURSES

The development of new golf courses, extensions to existing courses, or driving ranges will be permitted in the countryside provided the proposals accord with all relevant Local Plan policies and proposals and subject to the following criteria:

- A.** all ancillary development should be sensitively integrated into the development and must not be a dominant element in the development;
- B.** new buildings will only be permitted if they are essential to the functioning of the golf course or driving range;
- C.** appropriate site services must be available and the development must not result in a volume of traffic which exceeds the capacity of the surrounding road network;
- D.** there will be no adverse impact on the local economy or adjacent settlements;
- E.** all new buildings must be of sympathetic design and materials, must be well sited in terms of location and landscape setting;
- F.** light pollution must be avoided; and
- G.** the design of new golf courses should respect the landscape character of the area and minimise impacts on existing habitats.

3.7 Energy

Policy Titles

NRG1 RENEWABLE ENERGY PROJECTS

NRG2 INDIVIDUAL WIND TURBINES AND MICROGENERATION

NRG3 ENERGY FOR BUILDINGS

3.7.1 National Planning Policy In the context of the ongoing national energy debate, climate change and sustainable development, this Section brings together existing and new planning policies relating to renewable energy generation, energy consumption and energy efficiency with greater emphasis on reducing carbon dioxide (CO₂) emissions from built development. The Scottish Government's *National Planning Framework for Scotland* acknowledges the need to use resources more efficiently, reduce energy consumption and CO₂ emissions, and develop renewable sources of energy.

3.7.2 Paragraph 39 of SPP 6 *Renewable Energy* requires that, in updating development plan policies, such policies should support Scottish Ministers' commitment to renewable energy and provide positively for its development; identify broad areas of search where projects for wind farms above 20 MW will be supported; indicate areas that will be given significant protection from wind farms over 20 MW; guide developers on broad criteria to be considered for all renewable energy development proposals; include policies supporting wider application of medium and small-scale renewable technologies and provide a clear development management framework.

3.7.3 SPP 6 sets out a national policy for low or zero on-site carbon reduction requirements for new development. PAN 84 *Reducing Carbon Emissions in New Development* provides further information and guidance on these requirements. PAN 45 and its Annex *Planning for Micro Renewables* (May 2006) support SPP 6 and provide information and best practice on renewable energy development. The Local Plan policies as set out below are consistent with SPP 6 and will contribute towards achieving the Government's climate change targets up to 2020 and beyond.

3.7.4 Structure Plan Policy The principles of sustainable development underpin the ELSP 2015 development strategy. Policy ENV6 supports

the development of renewable energy resources where they can be achieved in an environmentally acceptable manner. It requires local plans to set out the specific criteria for assessing proposals including, if appropriate, areas of search or specific sites for wind or other renewable energy developments.

3.7.5 Local Plan Policy The Local Plan policy framework follows national and ELSP guidance on renewable energy developments. Policy NRG1 identifies the most likely sources of renewable energy within Midlothian and provides support for the development of renewable energy projects. Policy NRG2 provides specific guidance for individual wind turbines and microgeneration. In order to enhance its understanding, the Council commissioned a landscape capacity study for wind energy development in Midlothian. The purpose of the study was to:

- ❖ assess the suitability, and capacity, of the landscape to accommodate commercial wind farms and community/individual wind turbine development;
- ❖ provide advice on the siting and design of wind turbines, including their cumulative effect; and
- ❖ identify areas of search, if appropriate.

3.7.6 Although national guidance is supportive of wind energy developments, it accepts that this can only be where environmental impacts can be addressed. The study found that there is limited capacity in Midlothian for wind energy development and that a policy focused on giving priority to smaller "domestic" or "community" scale development in the lowlands would be appropriate. The study provides information on the potential of cumulative impact of turbines. The Council endorses the findings of the study, and as a result, it is not considered appropriate, or necessary, to identify areas of search for wind energy. The study will be a material consideration when assessing planning applications for wind turbine developments and reference should be made to the full study when preparing development proposals. The Council considers the approach taken in the Local Plan conforms with national policy and guidance in promoting a positive approach to renewable energy. The Scottish Government Reporter found, in his report to the Council on the public local inquiry on the Finalised MLP (2006), that the Landscape Capacity Study justifies the Council's intention not to identify search areas for wind energy development in Midlothian. He concluded that the area is too small, and has a diversity of landscape character that makes the identification of search areas impractical.

3.7.7 Forby that the study considers that there is limited capacity for wind energy development in Midlothian, the Local Plan is seeking to ensure that all development proposals incorporate optimal use of microgeneration technologies (for example, biomass, solar thermal, micro-wind turbine, heat pumps etc). This will assist Midlothian's contribution to energy efficiency and carbon reduction.

3.7.8 SPP 6 and PAN 84 require that new development and redevelopment schemes should reduce their energy needs and contribute towards meeting those needs through such on-site low and zero-carbon technologies. This approach should allow a positive contribution to be made towards meeting CO₂ targets without undue reliance on

often controversial centralised energy systems. Policy NRG3 relates to the whole life energy requirements of buildings. It requires a reduction in the amount of CO₂ associated with development through good design practice, on-site low and zero-carbon technologies, and energy savings, all contributing towards a reduced environmental "footprint".

3.7.9 In relation to the Shawfair new community (committed development proposal), the Council is engaged in promoting decentralised sustainable energy solutions with developers as part of the master plan process. It is likely that the final energy strategy will incorporate elements similar to those required under policy NRG3.

NRG1 RENEWABLE ENERGY PROJECTS

Renewable energy developments, including wind energy, landfill gas, biomass, combined heat and power and geothermal schemes will be permitted provided any proposal:

- A.** will not cause a significant adverse effect upon areas of nature conservation interest covered by policies RP10, RP11 and RP12, nor the following protected areas: Conservation Areas, Scheduled Ancient Monuments, Listed Buildings, Historic Gardens and Designed Landscapes, significant archaeological sites, Pentland Hills Regional Park, (and where relevant, the settings of the aforementioned designated areas or buildings), prime agricultural land, the Green Belt, Areas of Great Landscape Value, peatland and water supply catchment areas;
 - B.** will not have an unacceptable effect on the amenity of nearby residential properties;
 - C.** will not have an unacceptable effect on the wider environment by reason of landscape and/or visual impact *1 *2, noise, safety, traffic generation or pollution control;
 - D.** will not demonstrably damage the local economy in terms of tourism or recreation;
 - E.** includes a realistic means of securing the removal of the equipment when redundant, and restoring the site to a satisfactory condition;
 - F.** will not require infrastructure for access and/or power transmission which in itself has a significantly unacceptable environmental impact; and
 - G.** accords with any other relevant Local Plan policies or proposals;
- and, in the case of wind energy proposals:*
- H.** will not significantly increase the risk of shadow flicker or driver distraction; and
 - I.** will be unlikely to cause interference with the flight paths of migratory birds or with military low fly zones.

*1 The cumulative landscape and/or visual impact of such proposals will be taken into consideration when assessing individual planning applications.

*2 In assessing wind energy proposals against this criterion, the Council will have regard to the findings of the *Landscape Capacity Study for Wind Turbine Development in Midlothian (2007)* which will be

given significant weight as a material consideration. Reference should be made to the guidance provided on siting, design and location in the study and good practice as set out in PAN 45.

NRG2 INDIVIDUAL WIND TURBINES AND MICROGENERATION

The Council will support individual wind turbines and other microgeneration technologies for localised power requirements provided they are located to minimise any potential adverse impact on the local environment, residential amenity, landscape and/or any settlement in close proximity. The cumulative landscape and/ or visual impact of such proposals will be taken into consideration when assessing individual planning applications. Reference should be made to the guidance provided on siting, design and location in the report *Landscape Capacity Study for Wind Turbine Development in Midlothian (2007)* and good practice set out in the Annex to PAN 45 (2006).

NRG3 ENERGY FOR BUILDINGS

The Council will require predicted CO₂ emissions associated with the life cycle of all new buildings and conversions to be minimised as far as is practicable.

In the case of residential development, proposals must compensate for any failure to optimise useful gains from passive solar energy by demonstrating achievement of a reduced level of CO₂ emissions.

Proposals with a total cumulative floorspace of 500m², and windfall development of any size, should incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ in terms of the 2007 building regulations carbon dioxide emissions standard.

In the case of HOUS1 and HOUS2 sites; ECON1 and ECON2 sites (where proposals exceed 1000 m² total cumulative floorspace); and windfall developments (where proposals exceed 1000m² total cumulative floorspace in the case of non-dwellings; and, in the case of housing sites, where proposals exceed 14 units or that the site is 0.5 hectares or more in size); proposals must demonstrate a "Good" or better BREEAM or bespoke BREEAM rating or its equivalent.

3.8 Waste Management

Policy Titles

WAST1 WASTE MANAGEMENT

WAST2 WASTE MANAGEMENT FACILITIES FOR MUNICIPAL WASTE

WAST3 SITES FOR WASTE DISPOSAL BY LANDFILL

WAST4 WASTE MINIMISATION

3.8.1 National Planning Policy NPPG 10 *Planning and Waste Management* sets the planning policy background, and PAN 63 *Waste Management Planning* gives advice on best practice. In 1999, SEPA launched its *National Waste Strategy: Scotland*. This charts a course to meet the requirements of EU directives. A key part of implementing the *National Waste Strategy: Scotland* was production of the *National Waste Plan for Scotland 2003* and a series of Area Waste Plans (AWPs) for eleven Waste Strategy Areas (WSAs) established in Scotland. SPP 10 *Planning for Waste Management* was issued in August 2007 and replaced NPPG 10. This was too late to be taken into consideration when preparing the waste policies in this Plan.

3.8.2 Reflecting the national strategy, and applying it to local circumstances, the Lothians and Borders Area Waste Plan was published in March 2003. This Area Waste Plan (available for inspection at Council offices) applies to a WSA defined as City of Edinburgh, East Lothian, Midlothian, Scottish Borders and West Lothian. *The National Waste Strategy: Scotland* and NPPG 10 set out a waste hierarchy, where, in order of preference, waste should be prevented from arising in the first place, failing which it should be reused, recycled or otherwise recovered, with the final option being disposal, the least favoured method of waste treatment. *The National Waste Plan for Scotland 2003* also develops principles of sustainable waste management – these are proximity and self-sufficiency, the ‘polluter pays’ principle, and the need to make choices in accordance with the Best Practicable Environmental Option (BPEO).

3.8.3 It should be noted that the *Lothian and Borders Area Waste Plan 2003* concentrates primarily on management of municipal waste, and future revisions of the AWP will address other waste streams. Work is currently underway to understand the nature of these, so that a BPEO for their management can be produced. However, the waste hierarchy and the

principles of sustainable waste management will be common to all types of waste.

3.8.4 The AWP sets out a BPEO of waste management techniques. A facilities requirement is also set out in the AWP, although there is still uncertainty about what type of plant will be employed and where it will be located, partly as a result of the Public Private Partnership (PPP) tendering process. The BPEO may be subject to review during the lifetime of the Local Plan.

3.8.5 Structure Plan Policy ELSP policy ENV11 states that proposals meeting the BPEO will, in principle, be supported. Local plans allocating sites for waste management, or setting out a policy framework for determining waste proposals, will require to follow the principles of sustainable waste management and accord with environmental policies elsewhere in the Plan.

3.8.6 Local Plan Policy Policy WAST1 establishes a requirement for the principles of sustainable waste management to be regarded as paramount in the consideration of proposals for waste management facilities, including those for non-municipal waste.

3.8.7 The majority of household and commercial waste that is collected in Midlothian is still disposed of through landfill, although this is decreasing as the kerbside collection and recycling scheme is rolled out. The existing waste disposal sites in Midlothian are:

- ❖ Drummond Moor: household, industrial, commercial (not currently operational but proposal for waste management complex carried forward as a commitment from the 2003 Local Plan (refer to policy COMD1)); and
- ❖ Oatslie: household, industrial, commercial.

The AWP BPEO sets out a requirement for ‘downstream’ processing plant to complement the collection systems, and to further reduce the quantity of waste which goes to landfill. In order to comply with the AWP BPEO, the Lothians and Scottish Borders Councils will require to use processing plant which may involve mechanical and biological treatment. The plant is being procured on a joint basis, through the PPP method. As the outcome of the tendering is uncertain, Midlothian Council cannot expressly allocate a site for the project, but instead will use its waste and other policies to guide the development to an appropriate location. Policy WAST2 provides the basis for determining applications for the supporting infrastructure required to handle municipal waste, including smaller-scale facilities such as community recycling facilities.

3.8.8 Whatever the outcome of this process, a significant reduction in the requirement for landfill capacity will occur. Accordingly, it is considered unnecessary to identify additional landfill sites in this Plan. Policy WAST3 provides the basis for determining any planning applications for landfill that may arise during the lifetime of the Plan. The policy places the need for landfill within the waste hierarchy, links to the principles of sustainable waste management, and sets out criteria to assess and manage any proposal appropriately.

3.8.9 As well as providing a policy framework to consider waste proposals, this Local Plan, through policy WAST4, sets out the requirements for other types of development to facilitate proper waste management. The Council is committed to preparing supplementary planning guidance on waste separation, collection and recycling requirements for new developments. This guidance will be subject to consultation. Development proposals for retail facilities of more than 1000m², will require to provide recycling points. The supplementary planning guidance will provide advice on requirements for residential development. The criteria for siting of recycling points include:

- ❖ safe and convenient for access by both pedestrians and vehicles;
- ❖ adequately screened/landscaped to avoid overlooking and noise nuisance; and
- ❖ avoiding the use of land intended for public recreation and high amenity open space.

3.8.10 The supplementary planning guidance will also set requirements for individual dwellings. To achieve good design, provision for waste management should be incorporated as an integral component of developments, not an extra element bolted on at the end of the process. There may, however, be a continuing need for planning conditions and planning agreements to secure provision, and where appropriate, the servicing of such facilities.

3.8.11 The recycling of demolition materials in civil engineering and building construction, where specifications permit, can make a significant contribution towards reducing the demands of the construction industry for the extraction of aggregates. Moreover, the provision of facilities that allow for sorting and transfer of materials reduces the need to landfill such waste. The Council will require proposals for new built development to demonstrate that generation of waste has been minimised, residual wastes will be used in a sustainable manner and recycled construction and demolition materials are incorporated as far as possible.

WAST1 WASTE MANAGEMENT

All proposals for waste management facilities shall demonstrate that they:

- A.** meet the principles of the *National Waste Strategy: Scotland 1999* and the *National Waste Plan 2003*, in terms of sustainability; proximity and self-sufficiency; compliance with the waste hierarchy; and achieving the Best Practicable Environmental Option (BPEO); and
- B.** can be developed, operated and restored without unacceptable detriment to the localities in which they are sited, or which will be affected by transport movements to and from the site.

WAST2 WASTE MANAGEMENT FACILITIES FOR MUNICIPAL WASTE

Midlothian Council will support in principle the development of new waste recycling centres (or civic amenity sites), if required, in each of the Core Development Areas, and other applications for supporting Municipal Waste (MW) facilities, provided that:

- A.** it is demonstrated that they contribute to the Best Practicable Environmental Option of the Area Waste Plan for MW;

- B.** they are located in or adjacent to existing waste management facilities, general industrial areas, or on degraded, contaminated or derelict land;
- C.** they are readily accessible from the population centres they serve;
- D.** appropriate road access can be provided*;
- E.** there is no unacceptable detriment to the locality in which they are sited, particularly to residential, commercial, recreational or high amenity business areas; and
- F.** the proposal accords with all other relevant Local Plan policies and proposals.

*Where appropriate, applications shall require to be accompanied by a Transport Assessment, to be prepared in consultation with the Council.

WAST3 SITES FOR WASTE DISPOSAL BY LANDFILL

Proposals for waste disposal by landfill will only be permitted where it can be demonstrated that:

EITHER

- A.** the proposal meets an identified need and provides principally for waste originating in the Waste Strategy Area (WSA); and
- B.** other options in the waste hierarchy have been explored and there is no practicable means of diverting or treating the waste, or of disposing of it, other than through landfill, and the waste cannot be accommodated in existing landfill sites either within Midlothian or elsewhere in the WSA;

OR

- C.** a significant environmental benefit can be achieved through landfilling, in particular by facilitating the reclamation of contaminated or derelict land, or enabling the restoration of disused mineral workings to a productive afteruse which could not otherwise be achieved.

Any development proposal that fulfils the above criteria will also need to comply with the following requirements before planning permission will be granted:

- A.** the use and development of the site does not conflict with the policies in the Resource Protection Section of this Plan;
- B.** it can be demonstrated that the use and development of the site will not have a significantly detrimental effect on the amenity of adjoining or nearby residential or other sensitive areas, particularly with regards to visual intrusion, noise, smell, dust, litter, and the environmental impact of the traffic associated with the proposal;
- C.** it can be demonstrated that the use of the site will not result in water pollution;
- D.** the site restoration and aftercare will be of the highest standards applicable at the time relative to the proposed afteruse of the site. Applicants will be expected to submit details of restoration and aftercare proposals with the planning application for the development;
- E.** it can be demonstrated that the additional traffic generated by the development can be accommodated on the local road network without causing an unacceptable hazard or

inconvenience to other road users, or damage to the surface of the road carriageway and adjoining verges. Where appropriate, the application will also need to be accompanied by a Transport Assessment, prepared in consultation with the Council; and

- F.** proposals minimise the visual impact of the landfill operations on the surrounding landscape through careful design and phasing of the operations, together with the provision of screening bunds where appropriate. Where waste disposal operations are likely to be of prolonged duration, the proposals shall incorporate tree planting as a method of visually containing the effects of the operations.

WAST4 WASTE MINIMISATION

Facilities for the separation and collection of waste will be required for all new development which generates waste. The siting, design, location of collection points and levels of provision should be discussed and agreed with the Council during the early stages of all proposed development.

Recycling points will be required for new major housing developments*. Recycling points shall not have a detrimental impact on the amenity of existing or proposed new housing and shall be laid out in a manner suitable for the depositing and uplifting of waste intended for recycling. In some circumstances, it may be acceptable for the recycling facility requirements for new domestic and commercial development to be combined.

Recycling points shall be required for retail development of more than 1000m² gross floorspace.

Development should comply with the Council's supplementary planning guidance on waste separation, collection and recycling requirements, once prepared.

Proposals for new built development shall demonstrate that the generation of waste during the construction period has been minimised, that residual waste will be utilised in a sustainable manner, and that recycled construction and demolition wastes are incorporated into the proposal as far as reasonably possible.

*Supplementary planning guidance will provide advice on the appropriate thresholds for housing developments.

3.9 Minerals

Policy Titles

MIN1 AREAS OF SEARCH FOR SURFACE MINERAL EXTRACTION

MIN2 HARD ROCK EXTRACTION

3.9.1 National Planning Policy National planning policy and guidance on mineral extraction is provided by SPP 4 *Planning for Minerals*, SPP 16 *Opencast Coal* and PAN 50 *Surface Mineral Working* and its annexes.

3.9.2 SPP 14, issued in September 2006, provides national planning policy for all minerals other than coal and related minerals. It outlines the need for a sustainable approach to mineral extraction, which:

- ❖ reconciles the need for minerals with concern for the natural and built environment, and communities;
- ❖ safeguards minerals as far as possible for future use and ensures a steady and adequate supply is maintained;
- ❖ encourages sensitive working practices that minimise environmental and transport impacts, and ensure sites are reclaimed to a high standard or to a beneficial afteruse;
- ❖ promotes use and recycling of secondary materials through development plan policies; and
- ❖ protects international, national and locally designated areas of natural or built heritage importance from adverse impacts.

3.9.3 National policy requires planning authorities, through local plans, to identify areas of search, with a reasoned justification for the safeguarding of such areas and the criteria to be met by mineral proposals. In identifying such areas regard should be had to resource availability, quality of deposit, and suitability for working. Planning authorities should consider the operation and effectiveness of previously identified areas of search. The need for areas of search may be obviated, particularly where land banks for construction aggregates in excess of ten years are identified.

3.9.4 SPP 16 *Opencast Coal*, issued in July 2005, establishes a general principle that there should be a presumption against development unless the proposal is or can be made acceptable, or if the proposal provides benefits which outweigh the likely impacts of granting permission. SPP 16 introduces

the Scottish Government's "environmental justice" agenda which focuses on the requirements to balance the needs of local communities and the environment against those of the opencast coal industry. There is particular emphasis on the need to consider the cumulative impacts on communities, especially where two or more operational/ consented sites (including other mineral opencast and landfill sites) raise similar impacts within five kilometres of a community. Development plans should set the longer-term framework for opencast coal working, including identification of broad areas where opencast extraction may be acceptable, and setting out criteria that will be used to assess individual proposals.

3.9.5 An important element of both SPP 16 and SPP 4 is that, where there is little likelihood of applications being made at previously identified areas of search or of permission being granted, authorities are advised to delete such areas from the development plan. PAN 50 *Surface Mineral Working* and its annexes provide advice on the environmental effects of mineral working and indicate what should be considered as good practice.

3.9.6 Structure Plan Policy The ELSP 2015 supports the protection of mineral resources, and defines the sensitive designations and features of the natural and built environment to be considered in assessing proposals for mineral extraction. It sets out the parameters for taking cognisance of the potential impact of mineral working on communities and their local environments, with particular reference to cumulative impact. Transport of minerals should be by rail or water rather than public roads; if there is no alternative but to use the latter, then there should be no unacceptable impact on local roads through communities.

3.9.7 The ELSP 2015 commits the Structure Plan Authorities to reviewing the adequacy of mineral resources towards the end of the Plan period and, if required, preferred areas of search for the working of such minerals will be defined through a Structure Plan Alteration.

3.9.8 Within Midlothian, the ELSP sets out five broad areas of search for the extraction of coal and other related minerals as follows:

- ❖ area around Rosewell;
- ❖ area east of Dalkeith;
- ❖ area east and north-east of Gorebridge;
- ❖ Cauldhall Moor area; and
- ❖ Halkerston area.

The Plan sets out matters to be taken into account in local plans when defining these in more detail including proximity to, and landscape setting of, settlements and visual impacts.

3.9.9 Local Plan Policy Mineral working within Midlothian includes the working of coal by opencast methods, quarrying for sand and gravel, and hard rock quarrying. These products serve both local markets and those further afield.

3.9.10 Mineral extraction can lead to environmental damage with detrimental changes in landscape character, losses in wildlife habitat and declining quality of life for local communities. In some locations, however, mineral working of an appropriate scale and nature, carried out well, can enhance degraded landscapes, and restoration can create habitats, provide recreation facilities and benefits for local people. It is important that, where mineral extraction takes place, its operation is controlled to ensure minimum disturbance and a high standard of restoration and aftercare. In many instances, the impact of lorry traffic involved in transporting the minerals can be as detrimental as the mineral operation itself.

3.9.11 Both national and strategic policy requires local plans to define "areas of search" where mineral working would be favoured. This approach aims to give greater certainty to the industry and communities. However, identification of a site as an area of search does not necessarily imply the Council's acceptance of mineral extraction within such an area; individual proposals for opencast coal extraction will require to be assessed on their merits, having regard to the provisions of policies RP18 and MIN1.

3.9.12 The ELSP 2015 sets out the factors to be taken into account when defining these detailed areas of search. In order to comply with Structure Plan policy, the Council has carried out an assessment of the potential for opencast coal extraction within Midlothian against the criteria of policy RP18. It has had regard to the likely effects of opencast working upon communities and the environment, the most up-to-date national guidance, and the results of consultation with the public and potential operators. The locations identified by the Council as areas of search where opencast coal extraction may be acceptable (provided transportation, landscape and other relevant matters can be adequately addressed in respect of individual proposals) are set out in policy MIN1 and are shown on the Local Plan Proposals Map.

3.9.13 The 2003 Local Plan identifies sites at Oxenfoord and Monteith Houses which are now deleted as areas of search as both have been worked and restored. The existing Halkerston site is deleted as an area of search as the resource here is no longer considered to be viable and there is no operator interest. The existing areas of search at Mountskip and at Cauldhall Moor are proposed for amendment to better reflect the availability of viable coal resources as well as environmental considerations. Mountskip is extended to include some land at Stobs, whilst Cauldhall Moor has been replaced with a smaller area to the west at Ancrielaw. The existing area of search at Newbigging is currently being worked, but it is proposed to retain an extended area as an area of search. Two new areas of search have been identified at Halkerston North and at Shewington, by Rosewell, the latter again being proposed as a replacement for Cauldhall Moor. The extent of these locations has been restricted to those areas where it is considered opencast working would in principle have least impact on the landscape. Whilst the Halkerston North site is acceptable in landscape terms, any proposals would have to demonstrate a satisfactory arrangement for access on to the A7. Provision is made in policy MIN1 to allow specific mineral working proposals in exceptional circumstances to extend beyond the boundaries of the areas of search for operational purposes.

3.9.14 Scottish Coal has requested that an additional area of search for opencast coal be identified at Airfield, Cousland. The Council considers that this area may have potential for opencast coal working in the longer term, albeit with the boundary reduced to remove sensitive areas (in landscape terms), and linked to enhanced road access (in respect of the A68 Dalkeith Bypass). The next review of the Local Plan will provide the opportunity to revisit this issue, although earlier consideration may be given to this location (on the basis of the reduced boundary) if one or more of the identified areas of search are proven to have a coal resource which is not economically recoverable. In this case, support for the uneconomical area(s) of search will be withdrawn.

3.9.15 Although the areas of search have been selected after careful examination and consultation, they do not preclude other economically viable mineral resources coming to light within the lifetime of this Plan. Proposals which come forward outwith the areas of search will however generally not be favoured by the Council.

3.9.16 In terms of sand and gravel, there is an operational site at Outerston which commenced operations in 2005 and is expected to contribute

to the requirements of the local market area up to the end of 2012. The Structure Plan Authorities are committed to reviewing the adequacy of the supply of mineral resources towards the end of the Structure Plan period, through ELSP policy ENV9. Midlothian Council does not propose to identify further areas of search for sand and gravel working in advance of this; the next review of the Local Plan will provide the opportunity to revisit the need to identify any additional resource and the potential of a site at Upper Dalhousie to meet these longer-term requirements, if any.

3.9.17 In terms of peat, there is a history of extraction in two locations, namely Springfield Moss and Auchencorth Moss. In recent years, there has been greater recognition of the ecological significance of peatland areas, and consequently greater concern over the working of peat. Future proposals for peat extraction will have to comply with the terms of policy RP19.

3.9.18 With respect to the quarrying of hard rock, some extensions of existing quarries may be considered but support will not be given for quarrying at new locations given the sensitive areas, with regards to landscape and environment, in which this resource is to be found.

3.9.19 Proposals for mineral working will require the inclusion of specific information that will be used by the Council in considering planning applications. The preparation of an Environmental Statement, in line with the Environmental Impact Assessment (Scotland) Regulations 1999 (as amended), will be required. Information to be supplied will include:

- ❖ the environmental impacts of the proposed development, consideration of alternative locations, where appropriate, and possible environmental and community benefits arising from the proposal;
- ❖ the type, quality and volume of the mineral(s) to be worked;
- ❖ the rate of extraction and timescale and working methods including details of operations, hours of working and traffic analysis and management;
- ❖ all the methods being employed to alleviate any adverse effects of the mineral working; and
- ❖ detailed proposals for restoration, aftercare and afteruse.

3.9.20 Planning conditions, legal agreements and financial bonds will be used, where appropriate, to secure arrangements and ensure long-term control over the operation.



MIN1 AREAS OF SEARCH FOR SURFACE MINERAL EXTRACTION

The following locations are identified as existing areas of working, or areas of search where future surface mineral extraction may be acceptable in principle:

Sand and Gravel (operational site)

- ❖ Outerston

Opencast Coal (areas of search)

- ❖ Gorebridge – Mountskip/Stobs;
- ❖ Rosewell – Newbigging and Shewington;
- ❖ Ancrielaw;
- ❖ Halkerston North

Within these areas, the protection of the identified surface mineral resource from sterilisation as a result of other built development proposals shall be a material factor in considering planning applications for any such development proposal.

Identification as an area of search does not indicate the Council's acceptance of any particular proposal for the winning and working of a surface mineral resource within any or all of that area of search. Individual proposals for surface mineral extraction will require to be assessed on their merits, having regard to the provisions of policy RP18 and the detailed operational matters set out below. The Council recognises that specific mineral working proposals in exceptional circumstances may extend beyond the boundaries of the areas of search for operational purposes, and the acceptability of the use of any such land will be included within the assessment referred to above. Outwith the areas of current working and areas of search, there is a presumption against surface mineral extraction.

All proposals for surface mineral extraction shall be required to meet the following general criteria:

- A. the proposal does not conflict with policy RP18; and
- B. the site has good transport links to, and is within reasonable travelling distance of, the proposed destination of the specified mineral resource; and
- C. the proposal will not result in adverse effects which, when combined with the effects of other operational, consented and currently proposed surface mineral extraction and landfill sites, will have an unacceptable cumulative impact on the environment or local communities. Proposals shall be accompanied by an assessment of the likely cumulative effects of additional workings on local communities and the environment which will also set out mitigation measures.

All surface mineral extraction proposals shall also be required to address the following operational criteria:

Blasting Vibration, Noise and Dust

Proposals must meet acceptable standards for:

- ❖ levels of ground or airborne vibration; and
- ❖ levels of dust and noise emissions.

Traffic

Proposals must show that the local road network is capable of safely accommodating vehicles associated with the development without damaging the road surface and verges or harming the amenity of local communities.

Operating Hours

Proposals must indicate operating times that are reasonable in relation to the specific circumstances of the application.

Extraction

Proposals must minimise environmental disturbance through the removal of all minerals in a single operation from any site where this is economically feasible.

Duration of Extraction

Proposals must include, as far as is practicable, supporting information indicating the operator's understanding of the availability of mineral reserves in adjoining land and their interest in any likely future extensions to their proposed workings.

Visual Impact

Proposals must minimise the visual impact of the operations on the surrounding landscape through the careful design and phasing of the workings and of overburden mounds, together with the provision of screening bunds where appropriate. Where mineral workings are likely to be of prolonged duration, the proposals may be required to include tree planting as a method of visually containing the effect of the operations.

Restoration and Aftercare

Proposals must include schemes for both restoration and aftercare of the site, including progressive restoration where appropriate. The original landscape should be restored and if possible enhanced as a result of the eventual restoration of the mineral working. The Council will require a bond to cover the cost of restoring the site.

Prime Agricultural Land

The Council is concerned about loss of quality in certain classes of prime agricultural land (Macaulay Institute Land Classification System classes 1 and 2 only) following mineral extraction and will therefore give rigorous consideration to this aspect in any proposals for mineral working on these classes of prime farmland and will require high quality restoration to be demonstrated.

Impact on Water Resources

Proposals must demonstrate that there are no unacceptable impacts on controlled water, including during restoration and reuse.

MIN2 HARD ROCK EXTRACTION

Mineral development that involves hard rock quarrying will not be permitted unless it is for the extension of an existing (active or dormant) hard rock quarry.

A proposal that may be acceptable in terms of this policy will not be permitted unless it also meets with the detailed requirements relating to mineral extraction in policy RP18 and any other relevant Local Plan policies.

3.10 Derelict Land

Policy Title

DERL1 TREATMENT OF VACANT AND DERELICT LAND

3.10.1 National Planning Policy Government guidance in PAN 33 *Development of Contaminated Land* encourages the full and effective use of all land, including that which has been previously developed and is now lying derelict. Reuse of such 'brownfield' land helps to revitalise urban areas and reduces the need to use greenfield land for new development. This will assist in the protection of the Green Belt and the countryside.

3.10.2 Structure Plan Policy One of the objectives of the ELSP 2015 is to protect and enhance the environment by ensuring that, where possible, brownfield land is developed in preference to greenfield land.

3.10.3 Local Plan Policy The most recent Scottish Vacant and Derelict Land Survey (2007) lists 28 vacant and derelict sites of 2 hectares or more in size in Midlothian, of which, by area, about 50% are in the Green Belt. The nature of these sites varies greatly,

ranging from smaller sites lying vacant often close to settlements, to sites in more remote areas such as the derelict land associated with limestone quarrying at Esperston. The list is updated annually and sites are added/removed through this process.

3.10.4 A number of the sites listed are already subject to development proposals, for example, the proposed reuse of the former Waverley Line. In addition, a development brief has been prepared for the provision of housing at the former Dalkeith High School. This still leaves a number of sites which require general improvement or restoration. In many cases, the most appropriate use of such sites will be for agriculture, woodland or open space and may well have potential for continued use as wildlife habitats. In a few cases, sites could have development potential to offset the costs of remediation.

3.10.5 Scottish Enterprise has the continuing remit to improve the environment by removing major areas of dereliction in support of social and economic objectives. Midlothian Council will seek grant assistance from Scottish Enterprise and funding from other sources (such as landfill tax credits), and will develop partnerships as appropriate, to secure the treatment and restoration of areas of vacant and derelict land, especially major sites.

DERL1 TREATMENT OF VACANT AND DERELICT LAND

Midlothian Council will seek the treatment of vacant and derelict sites, either in conjunction with redevelopment proposals, or as land restoration schemes in partnership with other agencies. The proposed afteruse should not conflict with other Local Plan policies and proposals. In any treatment, consideration will be given to the enhancement of the wildlife value of the site.

Priority will be given to:

- A. the rehabilitation and reuse of sites in the Green Belt;
- B. the treatment of sites which are visible from the strategic road network; and
- C. sites where treatment would complement other economic and environmental regeneration initiatives.

3.11 Utilities

Policy Title

UTIL1 WATER AND DRAINAGE

3.11.1 National Planning Policy Government guidance in PAN 79 *Water and Drainage* sets out the importance of water and waste water infrastructure, and the need for joint working between parties involved in the provision and regulation of this infrastructure. Partnership working will be required between planning authorities, Scottish Water, SEPA, developers and other important stakeholders. PAN 79 highlights that Development Impact Assessments (DIA) can help identify the scale of works required to overcome development constraints.

3.11.2 Background Since 2005, a new regime has been in place for investment in water and drainage infrastructure. The provision of certain types of infrastructure, such as treatment plants, both water and wastewater, remains the responsibility of Scottish Water. Other infrastructure, such as trunk water mains, water storage reservoirs and trunk sewers, where capacity is insufficient for new development, are to be provided by developers. Due to the scale of committed developments in Midlothian, and the new allocations in this Local Plan, there is a need for significant investment in new infrastructure.

3.11.3 There has already been significant investment in infrastructure to serve development in Midlothian. The Esk Valley Trunk Sewer, which serves most of Midlothian, was upgraded through an improvement scheme completed in 2005. A major upgrading of Midlothian's water supply has been undertaken with improvements to Rosebery Water

Treatment Works (WTW), which will be capable of serving all anticipated growth from this Local Plan.

3.11.4 There are, however, a number of infrastructure components whose capacity is either uncertain or is known to be inadequate to meet programmed development. The Scottish Water investment programme for the period 2006-14 (known as Quality and Standards III) will address some of these shortfalls, but others will require developer funding. It is imperative that those elements of infrastructure that are essential to enable Local Plan developments to proceed within the Plan timescale, are implemented timeously and are not the cause of delays in achieving development targets.

3.11.5 One element in the sewerage network serving much of Midlothian (and south-east Edinburgh and west East Lothian) is the Eastern Interceptor Sewer (EIS). In the past, Scottish Water expressed concerns about the ability of the EIS to cope with programmed developments in its catchment, but a study to model its capacity confirmed that it has sufficient capacity to meet committed development and this Local Plan's requirements.

3.11.6 Where capacity limitations are identified, Midlothian Council will expect Scottish Water and developers to work co-operatively to resolve these matters.

3.11.7 All allocated sites will require water and drainage impact assessments and proposed solutions will require both Scottish Water and SEPA approval. Some sites will also require flood risk assessments (FRA) and these are referred to alongside detailed comments on each of the allocations in Sections 3.2 Housing and 3.3 Economic Development.

UTIL1 WATER AND DRAINAGE

Midlothian Council urges Scottish Water, in association with developers, to design and implement the upgrading of local water and drainage network improvements required to enable new development in accordance with the Local Plan.

Reference should be made to policy DP3 with respect to drainage in new development, flood risk and the treatment of watercourses.

Policy Title

UTIL2 TELECOMMUNICATIONS

3.11.8 National Planning Policy NPPG 19 *Radio Telecommunications* confirms the Government's support for the expansion of the telecommunications industry. It requires that such expansion should be undertaken in a manner which keeps the environmental impact of telecommunications equipment to a minimum. Planning authorities are required to provide, through either local plans or supplementary guidance, criteria for such development, including areas more suited for radio telecommunication development, and areas where particular care should be exercised.

3.11.9 Local Plan Policy Telecommunications are becoming increasingly important especially as a developing industry offering employment opportunities. Whilst the Council is anxious to encourage projects that will improve the telecommunications network, it is also aware of the possible environmental impact of the proliferation of such developments. Policy UTIL2 is therefore intended to ensure that all telecommunication proposals within Midlothian have the minimum environmental impact. It is particularly important that conspicuous or obtrusive developments are avoided in those parts of Midlothian which have protected countryside and built heritage (refer to Resource Protection Section).

UTIL2 TELECOMMUNICATIONS

Proposals for telecommunications developments should be sited and designed to minimise environmental impact, taking into account:

- A.** technical and operational considerations;
- B.** the possibility of sharing existing telecommunication facilities;
- C.** the possibility of erecting radio antennae on an existing building or other structure;
- D.** the development of technology that makes possible the use of slimline supporting structures and reduced-size antennae;
- E.** the availability of alternative sites; and
- F.** any other relevant Local Plan policies and proposals.

Policy Title

UTIL3 EMERGENCY SERVICES

3.11.10 Local Plan Policy The local emergency services – Ambulance, Fire, and Police – have been advised of the scale of the future growth in

population and facilities arising from this Local Plan. Lothians and Borders Fire Brigade has carried out a review of its service. Where new emergency service facilities are identified as a result of such reviews, the Council will assist in identifying suitable sites for their development.

UTIL3 EMERGENCY SERVICES

The Council supports the provision and/or extension of facilities to enable the emergency services in Midlothian to cater for the existing and expanded communities, and for proposed new developments.

3.12 Implementation

Policy Titles

IMP1	NEW DEVELOPMENT
IMP2	ESSENTIAL INFRASTRUCTURE REQUIRED TO ENABLE NEW DEVELOPMENT TO TAKE PLACE
IMP3	DEVELOPER CONTRIBUTIONS TOWARDS FACILITY DEFICIENCIES

3.12.1 Background Local authorities no longer have the ability to finance the physical and social infrastructure associated with major developments. The scale of new development in this Plan is such that it will require significant public and private investment in infrastructure and other facilities to ensure that it is properly planned and implemented over the Plan period. This will rely on a number of public bodies, agencies and private developers working together. Amongst these, the Scottish Government (Transport Scotland), Scottish Water and Scottish Enterprise all have key roles in respect of transport, drainage infrastructure and promoting economic development. The private sector also has a fundamental role in assisting to bring forward development proposals in the Plan. Where private investment is required, legal agreements and planning conditions will be used to secure the provision of the necessary infrastructure. Partnership arrangements will also be developed where appropriate.

3.12.2 National Planning Policy SPP 1 *The Planning System* encourages planning authorities to develop partnerships and promote co-operation with the various implementing agencies in their areas to ensure the delivery of the development strategy. SPP 1 also supports the use of supplementary planning guidance to provide more detailed guidance on planning policy as well as the use of planning agreements as an enabling mechanism (Circular 12/1996). In line with the Circular, the Local Plan gives clear guidance on the circumstances in which the Council will seek to use agreements. This allows developers to anticipate the financial implications for development at the outset of the Local Plan process, rather than at the planning application stage.

3.12.3 Structure Plan Policy The ELSP 2015 development strategy is dependent on the ability to provide essential infrastructure, in particular transport and road improvements, but also drainage and school capacity. The ELSP acknowledges that new transport infrastructure will be the key requirement

in the Plan period. The ELSP Action Plan identifies these requirements, the implementing agency and the likely timing for delivery. The Structure Plan (policy IMP3) requires Councils to work with the relevant agencies to bring forward the necessary infrastructure related to the strategic transport investment proposals (Schedule 2 of the Action Plan). In addition, the Structure Plan (policy IMP4) requires that planning agreements relating to the main housing and economic land allocations are in place before granting planning consent (policies HOU5, HOU6 and ECON2, Schedule 3 of the Action Plan).

3.12.4 The key transport issues are (as identified in the ELSP):

- ❖ construction of the A68 Dalkeith Northern Bypass (now completed);
- ❖ reopening of the Waverley rail line;
- ❖ grade separation of the Sheriffhall roundabout on the A720 City Bypass;
- ❖ upgrading of the A701 -Straiton to Milton Bridge and public transport improvements;
- ❖ provision of park and ride facilities - Todhills, Straiton and Hillend;
- ❖ reopening of the Penicuik rail line;
- ❖ South-East Wedge public transport infrastructure; and
- ❖ provision of orbital rapid transit.

3.12.5 The Scottish Government committed funding for the A68 Dalkeith Northern Bypass and it was completed in September 2008. The Scottish Parliament endorsed the Waverley Bill in June 2006. The Government has committed funding for the reopening of the Waverley rail line, though developer contributions will also be required to deliver the project. A decision on funding for the grade separation of Sheriffhall roundabout has still to be taken by the Government. Funding was made available for park and ride facilities at Sheriffhall and Straiton.

3.12.6 The ELSP 2015 did not expect water and drainage infrastructure to place a significant constraint on development, in the way that the key transport issues could affect development programmes. However, since the ELSP was approved, new information on water and drainage infrastructure raises concerns in some areas. Previous and programmed investment by Scottish Water, as set out in para. 3.11.3, will provide capacity capable of serving the anticipated growth from this Plan. However, there remain some infrastructure components whose capacity is uncertain or unknown. Scottish Water has confirmed to the Council that the Eastern

Interceptor Sewer has capacity for the development required by the ELSP. Some of the required works will be undertaken as part of SW's Quality and Standards III investment programme but others will require developer funding.

3.12.7 The Council has successfully implemented the Dalkeith Community Campus through Public Private Partnership (PPP) together with seven replacement primary schools. It has also delivered a new denominational primary school, and agreed a replacement programme for four further primary schools. Developers have been requested to provide, by developer contributions, seven new primary schools and extensions to both three further primary schools and four secondary schools, to meet the requirements of committed development (refer to policy COMD1). Additional education capacity will be required to accommodate the extent of development over the Plan period both at secondary and primary levels.

3.12.8 With regards community facilities and services, ELSP policy IMP4 supports the identification of additional requirements over and above those identified in Schedule 3 of the Action Plan. Where there are existing deficiencies in the wider community which may be exacerbated by housing development, councils may, through local plans, seek voluntary contributions from developers towards new facilities and amenities.

3.12.9 Local Plan Policy Policy IMP1 sets out the context for, and the range and scope of, the use of planning agreements where new development gives rise to the need for additional infrastructure or facilities. Additional guidance on developer contributions is available in supplementary planning guidance on the matter. This was approved in November 2001 and updated in November 2005 (refer to paras. 3.12.11 and 3.12.15 also).

3.12.10 Policy IMP2 identifies the essential infrastructure that will be required to enable the housing allocations in each settlement to take place. In the case of school accommodation, developers will be expected to fund the provision of the additional capacity required, and the policy makes it clear that development shall not proceed until the capacity has been provided. In respect of improvements to transport infrastructure, there may be a requirement for additional works to upgrade access and junctions arrangements not specified in policy IMP2 as these may only be identified as the result of Transport Assessments. Similarly, there may be specific requirements arising from water and drainage and flood risk assessments.

3.12.11 Policy IMP2 also identifies the requirement for developer contributions from the new housing allocations in the A7/A68/Waverley Line Corridor CDA towards the reopening of the Waverley rail line. The Waverley Railway (Scotland) Act 2006 provides the legislative context for these contributions. Developments located close to the railway, such as in Gorebridge and in other communities in the corridor, will benefit greatly from the enhanced access it will provide. It is envisaged that contributions totalling £1.8 million (at 2002 prices) and index-linked will be sought from the new housing in this area. The Council will revise existing supplementary policy guidance on developer contributions in this respect.

3.12.12 Policy IMP3 identifies developer contributions required to address facility deficiencies that will result from the proposed allocations. The recent application of the sportscotland Facilities Planning Model to the Midlothian area identifies existing deficiencies in sports and leisure facilities in some communities, and these will likely be exacerbated by major new housing developments. In addition the Council, in conjunction with sportscotland, commissioned consultants to prepare a Sports Pitch Assessment in line with its guidelines. This, together with the results from the FPM, provides a comprehensive analysis of indoor and outdoor sports facilities and identifies the requirements to address any deficiencies. Contributions will also be sought to help address town centre problems which will also be exacerbated by town expansion.

3.12.13 Note that for windfall sites, the Council will also seek developer contributions, as appropriate, where the development gives rise to a need. Most windfall sites are likely to be small, but there may still be infrastructure or environmental works required before development can proceed. In the case of social or affordable housing projects by Housing Associations or by the Council, contributions will be expected if the development gives rise to the need. Similarly, for other land use proposals, the Council will seek contributions towards infrastructure and other works as appropriate.

3.12.14 Wherever possible, for example, in settlements where the proposal HOUS1 sites are in different ownerships, the Council will encourage developers to form consortia which will work jointly to deliver the essential infrastructure required under policy IMP2 and to contribute to the facility needs identified in policy IMP3. Where more than one developer is involved in a group of sites relating to discrete items of infrastructure, the Council will require to be satisfied that all the funding for these will be in place before planning permission is granted for any

constituent site in the group. The usual mechanism for this is expected to be prior conclusion of Section 75 agreements by all the parties concerned.

3.12.15 The Council has prepared a statement, which has been made publicly available, setting out the basis for the proposed developer contributions

listed in policies IMP2 and IMP3 and giving indicative costs related in scale and kind to the strategic housing sites. The Council will review the existing supplementary policy guidance on developer contributions at the earliest opportunity following the adoption of the local plan.

IMP1 NEW DEVELOPMENT

Planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for:

- A.** essential infrastructure, including transport, required to enable the new development to take place (refer to policy IMP2);
- B.** contributions towards making good facility deficiencies resulting from, or exacerbated by, the new development (refer to policy IMP3);
- C.** affordable housing (refer to policy HOU54);
- D.** landscaping, including its management for the longer term, and the retention of open spaces and amenity land;
- E.** public transport connections (including financial support for services) and bus stops and shelters;
- F.** parking in accordance with approved parking standards;
- G.** cycling access and cycling facilities;
- H.** easy and safe access and movement for pedestrians;
- I.** acceptable alternative access routes or public rights of way where existing routes would be lost as a result of the development;
- J.** access for people with mobility difficulties;
- K.** traffic and environmental management measures;
- L.** the protection and/or management of, and/or compensation measures for, any feature of the natural and built conservation interests affected by the development;
- M.** site assessment, evaluation and recording of any identified site of archaeological importance which could be affected; and
- N.** 'Percent for Art' and Areas of Improved Quality as identified through development briefs*.

Development briefs or master plans will be prepared by the Council in conjunction with prospective developers for all allocated housing sites setting out the main planning and design principles upon which the development of the sites is to be based and aimed at:

- ❖ improving the quality of the built environment;
- ❖ creating an attractive sustainable place of individuality and character; and
- ❖ providing places which are safe and promote ease of movement, particularly for pedestrians.

These will address issues such as vehicle and pedestrian access, provision of public transport, house

types, density, layout, design, landscaping, open space provision, the provision and location of facilities, and energy conservation, and will be a material consideration in respect of planning applications for the detailed development of the sites.

Where relevant, reference shall also be made to the detailed development policies DP1 (Development in the Countryside), DP2 (Development Guidelines), and DP3 (Protection of the Water Environment), in particular, and any other current or future supplementary planning guidance as produced by the Council.

* Promoters of new built developments of substantial scale and accessible to the public will be encouraged to enhance public enjoyment of them by incorporating artwork through the 'Percent for Art' scheme. A proportion of the capital budget of a building (ideally 1%) is set aside for commissioning new works by an artist, craftsman or designer. Such a contribution can be in the form of, for example, sculpture, murals, tiling, paving design, stained glass or textiles.

IMP2 ESSENTIAL INFRASTRUCTURE REQUIRED TO ENABLE NEW DEVELOPMENT TO TAKE PLACE

Development will not proceed until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal. Planning conditions and legal agreements will be used to secure the appropriate developer funding and the proper phasing of development.

The developer will be required to fund:

- A.** the essential infrastructure including roads and schools required by the development either on-site or off-site in order for it to proceed;
- B.** the protection of valuable environmental assets within or adjacent to the development site, and compensation for any losses including alternative provision, where appropriate (refer to policy RP33); and
- C.** the relevant requirements of policy DP2.

The following essential requirements have been identified for the housing sites listed in proposals HOUS1 and HOUS2:

Dalkeith

- ❖ extension to new primary school at Wester Cowden
- ❖ contributions to extra capacity at Dalkeith High School

Mayfield/Easthouses

- ❖ extension to new primary school at Lawfield
- ❖ contributions to extra capacity at Newbattle High School
- ❖ access and junction improvements

Redheugh/Prestonholm new community

- ❖ new primary school
- ❖ extension to St Andrews RC Primary School
- ❖ contributions to extra capacity at Newbattle or Lasswade High Schools
- ❖ new road junctions (subject to Transport Assessment)

Gorebridge

- ❖ extension to Gorebridge Primary School
- ❖ extension to St Andrew's RC Primary School
- ❖ contributions to extra capacity at Newbattle High School

Rosewell

- ❖ extension to new Rosewell Primary School
- ❖ contributions to extra capacity at Lasswade High School
- ❖ contributions to junction improvement at A6094/B7003 Gorton Road

Loanhead

- ❖ extension to primary school at Paradykes
- ❖ new Edgefield relief road

Bilston

- ❖ contribution to new Bilston Primary School

Penicuik

- ❖ extensions to either or both Cuiken and Cornbank Primary Schools
- ❖ new North West Penicuik link road

Midlothian

- ❖ additional denominational secondary school capacity (on Community Campus)
- ❖ water and drainage infrastructure (as required)
- ❖ contributions to Waverley rail line (A7/A68/Waverley Line Corridor only)

Note: There may be a requirement for additional works to upgrade access and junctions arrangements not specified in policy IMP2 as these may only be identified as the result of Transport Assessments. Similarly, there may be specific requirements arising from water and drainage and flood risk assessments.

IMP3 DEVELOPER CONTRIBUTIONS TOWARDS FACILITY DEFICIENCIES

In addition to the essential infrastructure requirements set out in policy IMP2, contributions will be required from proposal HOU51 and HOU52 developers to remedy any deficiencies in local facilities and amenities identified within the community which result from the additional housing, including leisure, local shops (subject to favourable assessments of prospects for commercial viability) and open space. Legal agreements will be used to secure the appropriate developer contributions.

For the allocated housing sites, contributions will be sought towards the following:

Dalkeith

- ❖ town centre improvements

Mayfield/Easthouses/Newtongrange

- ❖ improved library provision

Redheugh/Prestonholm new community

- ❖ a community/leisure facility

Gorebridge

- ❖ a community/leisure facility
- ❖ town centre improvements

Rosewell

- ❖ a community facility

Bilston

- ❖ a community facility/community space

Penicuik

- ❖ town centre improvements

Loanhead

- ❖ additional fitness facilities

Pathhead and North Middleton

- ❖ contributions towards community or leisure facilities

Detailed Development Policies





4.1 Development in the Countryside

DP1 DEVELOPMENT IN THE COUNTRYSIDE

1 New Housing

1.1 Single Houses (not related to Housing Groups/ Farm Steadings)

New houses will be permitted in the countryside only when they can be demonstrated to be required for the furtherance of an established countryside activity (see policy RP1 - Protection of the Countryside and policy RP2 - Protection of the Green Belt for definition of respective acceptable countryside activities). Applicants will be required to show that the need for the new dwelling is permanent; cannot be met within an existing settlement; and that the occupier of the property will be employed full-time in the countryside activity being furthered by the provision of the new house. The applicant will be expected to demonstrate the long-term need for the proposed house by submitting an independent report on the viability of the associated business and its operational requirements.

In approving the new house, the Council will require that it, and any other houses within the control of the applicant related to the same countryside activity, will be subject of an occupancy condition and/or a legal agreement. It will generally be the case that a legal agreement will be required. This will relate to the employment of the occupiers of the house or houses, and tie the new dwelling to the landholding associated with the countryside activity in question.

Any single new dwelling shall:

- a) fit in the landscape and be of a character appropriate to existing houses in the local area;
- b) be capable of being served by an adequate and appropriate access;
- c) be capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses;
- d) be no larger in size than required to fulfil the purpose for which the development has been allowed; and
- e) incorporate sustainable building design.

1.2 Housing Groups

Where there are clearly identifiable groupings of 5 or more houses in close proximity, already located in the countryside and outwith village envelopes, it may be possible to supplement these with a limited number of additional dwellings subject to the following criteria:

- a) the location is outwith the Green Belt;
- b) the new units are restricted to a maximum of 1 new unit per 5 existing units within the Local Plan period;
- c) the location is close to local services (school, shops) and/or has access to a regular public transport service giving access to such facilities;
- d) the new units fit in the landscape and are of a character and scale appropriate to the existing units;
- e) the new units are capable of being served by an adequate and appropriate access;
- f) the new units are capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoid unacceptable discharge to watercourses;
- g) the new units incorporate sustainable building design;
- h) the new units enhance the landscape and appearance of the existing group of buildings; and
- i) the new units will not result in ribbon development and the plot size/width should be similar to other units within the group.

Housing groups to which this policy may apply must form a cohesive entity. The new unit should generally be located within gaps in the group.

Supplementary planning guidance will be prepared identifying house groups to which this section of DP1 should apply. The success or otherwise of the new policy will be reviewed before consideration is given to widening its application in future Local Plans, if appropriate.

1.3 Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside

Where it can be demonstrated that farm steadings or other group/s of non-residential buildings have become redundant, support will be given to their conversion or, where justified and not in the Green Belt, redevelopment. Where buildings are capable of renovation and conversion, and are examples of traditional, architectural or historic interest, their demolition and redevelopment will be resisted. Premature demolition of such properties, in advance of approval for replacement buildings, will be likely to result in the Council considering the replacement buildings proposal in terms of policy DP1 Section 1.1. Any increase in the footprint of the existing buildings shall require to be justified as being necessary to the overall quality of the development. In the case of conversion, the proposal shall meet the following criteria:

- a) the building makes a significant and positive contribution to the landscape and its retention is considered to be beneficial to its surroundings;
- b) the building is capable of conversion without requiring any alterations to its external appearance or any extensions other than of a minor nature, and provided that any such alteration or extension does not detract from its character or attractiveness;
- c) the building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding;
- d) the building is capable of being served by an adequate and appropriate access;
- e) the building can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
- f) the conversion of the building to such use is, in the particular circumstances of the case, the most satisfactory means by which it may be retained.

In the case of redevelopment, the resulting buildings will:

- a) make a significant and positive contribution to the landscape;
- b) be of a character and scale appropriate to its immediate surroundings;
- c) be capable of being served by an adequate and appropriate access;
- d) be capable of being serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
- e) only exceptionally exceed 5 houses, unless the site is close to an existing settlement;

and, in both circumstances (conversion and redevelopment), criteria B, C and F of policy COMF4 will apply.

1.4 Rural Buildings of Value

There are a number of large rural non-residential buildings that are either listed or of other value to the local landscape and whose current use has or may become redundant. As a means of retaining or enhancing the building (and associated structures), and proposals being restricted to such properties lying outwith the Green Belt, there could be scope for some additional new development not normally supported in these locations if fully justified as necessary to enable the conversion/restoration.

The additional new development shall:

- a) only be that necessary to effect the conversion/ restoration and the new development is the only practical means by which the conversion/ restoration can be achieved;
- b) not detract from the character of the original building of value;
- c) be of a scale and design to complement the original building;
- d) be capable of being served by an adequate and appropriate access;
- e) take cognisance of proximity to public transport services and other community facilities in considering the number of new dwellings; and
- f) be capable of being serviced at reasonable cost and avoiding unacceptable discharge to watercourses.

Rosslynlee is a potential candidate for supporting such development. As a means to enable the conversion of the C(s) listed house, once it is no longer required for healthcare use, options will be considered for alternative use of the building along with some new development within the grounds that is required to support the agreed conversion. The site includes areas where redevelopment could be acceptable as a means to replace buildings that do not enhance the setting of the listed building. The site has a number of limitations, principally its remoteness from community facilities; lack of public transport provision; and substandard road access. Any conversion/partial redevelopment would have to be of a scale and design to address these issues appropriately. The Council will continue to work with interested parties to achieve an acceptable scheme for the Rosslynlee site.



In addition (and as an exception), to enable restoration/improvement to the fabric of Dalkeith Palace and/or the listed or other important structures within the grounds of Dalkeith Estate, consideration will be given to appropriate proposals within Dalkeith Estate that are complementary and associated with its current historic/tourist functions.

2 Design of New Housing

New houses and their curtilages will be designed to enhance the appearance of the countryside. The quality of design and construction must be of a high standard and will in most instances be traditional in nature. Innovative design will not be discouraged provided the character of the location is not detrimentally affected by the siting and appearance of the new dwelling. The use of high quality external finishing materials will be required. On open sites, or within areas of established sensitivity, such as Conservation Areas, Areas of Great Landscape Value or along the main tourist routes, new houses will be expected to make use of appropriate natural materials for roofs (such as slate and clay tiles) and wall finishes.

3 House Extensions

Extensions to existing dwellings which could be used to provide a second dwelling will only be allowed if subject to a legal agreement preventing future subdivision. (Refer also to detailed development policy DP6 - House Extensions.)

4 Replacement Houses

The demolition of an existing dwelling in the countryside and its replacement by a new house on the same site will be permitted where:

- a) the proposal relates to a complete dwelling (i.e. not the plot of a previous, now demolished, house); and
- b) it can be demonstrated that the existing dwelling is incapable of renovation or improvements to allow its continued habitation; and
- c) the size of the proposed dwelling is not significantly larger than the existing dwelling; and
- d) the appearance of the new dwelling is a significant improvement on the existing property and therefore enhances the environment of the area; and
- e) the existing dwelling is served by an adequate and appropriate access and is already serviced at reasonable cost with an acceptable discharge to local watercourses or to mains drainage; and
- f) sustainable building design is incorporated.

5 Appearance of All Buildings

All new buildings in the countryside will respect the character of existing buildings in terms of design, scale and materials used, blend with the landscape, conform with the countryside policies, and incorporate sustainable building design.

4.2 Development Guidelines

DP2 DEVELOPMENT GUIDELINES

Note: Reference should also be made to Appendix 2C for the design principles and Appendix 2D for landscaping and open space requirements which apply specifically to the Shawfair new community, and expansion of Danderhall. The Shawfair Masterplan and Design Guide provide detailed supplementary planning guidance.

These policies apply to all proposals for development within this Local Plan area. They will form the basis for any briefs to be prepared for sites to be released for development through the Local Plan.

Developers will normally be expected to submit a statement with applications for major sites explaining their approach to the site with regards to the issue of design, sustainability, landscape and open space. The statement shall explain the way in which the Council's design criteria have been observed. If the criteria have been departed from this should be noted, together with an explanation of the circumstances requiring this.

Irrespective of support for the principle of development in this Local Plan, all proposed developments which fall within the remit of the Environmental Impact Assessment (Scotland) Regulations 1999 (Schedules 1 and 2), will require the submission of an Environmental Statement in conjunction with the planning application.

A case for modification of the private open space standards may be accepted by the Council within the Local Plan area where the sites proposed to be developed are brownfield, infill, involve less than three houses, lie within Conservation Areas, or windfall. In such cases, a determining factor will be the existing character of the area surrounding the site. This may not necessarily dictate lower space standards. For example, in some Conservation Areas, the density of housing is very low. Such existing character may dictate very generous gardens in new housing development.

1 Design

The release of extensive areas of land, through the development sites in this Local Plan, offers an opportunity to create new, interesting and attractive environments.

The Council recognises that good design can:

- a) promote sustainable development;
- b) improve the quality of the environment;
- c) attract business and investment;
- d) reinforce civic pride and a sense of place; and
- e) secure public acceptance of the need for new development.

For these reasons:

The Council will require good design in both the overall layout of sites and their constituent parts and a high quality of architecture in both the overall layout of sites and their constituent parts.

2 Sustainability

The Council will expect development proposals to have regard to the following principles of sustainability:

- a) building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter, and utilising natural features;
- b) fostering and maintaining biodiversity;
- c) treating and conserving water on site in line with best practice and guidance on sustainable drainage;
- d) reducing consumption of energy;
- e) recycling of construction materials and minimising the use of non-renewable resources (refer also to policy WAST4 – waste minimisation);
- f) facilitating accessibility and adaptability; and
- g) providing for waste recycling in accordance with standards which will be set out in supplementary planning guidance on waste separation, collection and recycling requirements for new developments.

3 Landscaping

All development proposals must be accompanied by a comprehensive scheme of landscaping. This will be designed to provide shelter, help create spaces, add colour and add to the interest and appearance of the development.

New tree planting will be used to define the edge of development areas within sites. The Forest Habitat Network (Forestry Commission Scotland) provides guidance in planning greenspace within new developments.

Where development sites abut the countryside, tree belts of an average of 30 metres wide will be required except where a development brief indicates a lesser figure will be acceptable. This width is required to ensure the effect of the planting is maintained as the trees mature.

Where distributor and access roads are to be tree lined as a landscape feature of the development site, space sufficient to provide for the span of the trees as they mature must be provided to each side of the road to be planted. The space to be provided will be influenced by the selection of tree species and design concept being followed.

A high standard of landscaping is required throughout sites. Tree and shrub species should be selected primarily for their good appearance, hardiness, low maintenance and suitability to the character of the site and layout design.

Indigenous species should form the basis for landscape schemes.

Finishing materials, surface textures and street furniture, together with the design of walls and fencing should combine with the landscaping to establish a theme for the development as a whole.

When submitted to the Council, detailed applications for planning permission must be accompanied by proposals indicating the character and scale of the landscaping to accompany the new development.

Landscaped areas adjoining roads will be adopted by the Council on the same basis as other landscaped and open space areas provided as a result of development.

Where possible, topsoil should be left *in situ* on development sites. Where it would be sterilised by development, topsoil should be stored in a manner which preserves its intrinsic environmental value and reused in connection with the landscaping of the development site or, if not possible, elsewhere in site restoration, landscape enhancement and/or the creation of public open space.

4 Open Space

Open space is an essential part of the built environment. It provides amenity to those whose property adjoins or is close to it. It can provide pedestrian or cycle routes. Open space allows opportunities for play and exercise whether of a formal or informal character. It gives the opportunity within settlements for the creation of natural habitats and shelter for flora and fauna. It can create the setting to important private and civic buildings and be an integral part of the character of settlements. Policies RP29 and 30 provide for the protection of open spaces. The proposed growth of Midlothian's settlements as a result of this Local Plan must be accompanied by open space provision on a scale and in a manner commensurate with its importance to the lives of future communities in these areas.

The following standards do not take account of the need for informal amenity open space, infrastructure tree planting and passive recreation areas such as parks, open spaces and footpath networks. In determining the need for such additional open space the Council will take account of the area surrounding the site. Major development sites will be subject to a brief that will identify such needs.

Open spaces designed for children's play should be large enough to absorb such activity with minimum disturbance to local residents or undue damage to grass and planted areas. Similarly, the location of pitches for older sections of the population within open spaces should take account of the potentially adverse effect on amenity if situated too close to housing.

4a Open Space required for Sport

Unless otherwise determined within development briefs for housing sites proposed in this Plan, provision for outdoor sport will be made in accordance with the National Playing Field Association's (NPFA) minimum standards and the Council's open space strategy, once approved.

4b Children's Play Space

The design and location of play spaces should be convenient to their users. They should be subject to passive supervision and open sunlight during the majority of the day. They should be fenced in order to avoid children running out of the play area and to discourage dogs making their way in.

In general terms, their design and location should accord with the advice provided in SPP 11 *Open Space and Physical Activity* and PAN 46 *Designing Out Crime*.

Provision for children's play space will normally be provided within new housing areas in accordance with the NPFA's recommendations.

This standard is currently set at 0.6 - 0.8 hectares per 1000 population. In assessing the area requirement, the potential population of a housing development will be used for the basis of calculation.

The NPFA recommends that a hierarchy of open spaces be available for children's play, the largest spaces providing for the most extensive range of equipment and facilities and combined with land used for other formal recreational use. Smaller open spaces, recommended by the NPFA at the bottom of the hierarchy perform an important visual amenity function. These spaces will normally be no less than 0.04 hectares in extent. Whether such small spaces will require any equipment placed within them is dependent on the character of housing surrounding the space and the distance to the nearest play area. In small, medium to low density developments, no equipment is likely to be required. Site and distance criteria for such spaces should be as recommended by the NPFA's *The Six Acre Standard*. Larger equipped play areas serving neighbourhoods should be provided as recommended by the NPFA. It may not always be appropriate to provide spaces to the minimum

recommended size. However, an area of open space accommodating play equipment within a housing area should not be less than 0.1hectares.

4c Maintenance of Play Equipment and Open Spaces

Arrangements for the long-term maintenance of open spaces shall be agreed with the Council prior to consent being issued. Maintenance arrangements can be through adoption by the Council or through alternative measures, either being subject to agreement with the Council.

Acceptable provision, including long-term funding for the maintenance of open spaces, landscaping and play equipment will be a prerequisite of planning permission for new residential and other developments.

For the purposes of this section, "long-term" will typically be a period of at least 15 years.

4d Retention of Open Spaces

Public open spaces provided in association with new development will be subject to conditions and, where appropriate, agreements requiring that they continue in use as communal open space.

4e Provision of Play Facilities for Children

Equipment for communal play will be required in association with all new residential development, with the exception of housing specifically designed for the elderly.

Acceptable levels of provision are currently found to be established where the developer provides equipment to a value based on the sum of £250 per child bed space (as at 2006 price, subject to price index adjustment). The cost per child bed space figure may be subject to negotiation for larger developments where the economies of scale can be brought into effect.

Child bed spaces are the number of bedrooms in a house less the principal bedroom. In the case of houses having secondary bedrooms of exceptionally large size, it may be considered necessary to take the

view that these could be occupied by more than one child.

Where the number of houses or the application site is too small to satisfactorily accommodate children's play, an amount of equipment based on the above standard must still be provided, for installation in an existing park accessible to the new housing.

5 Housing: General Considerations

The detailed planning, layout and appearance of new housing developments must reflect national planning advice and guidance. In accordance with the encouragement therein of imaginative and innovative design, proposals showing exceptional ingenuity may be exempted from the usual space requirements, provided that the quality of public and residential amenity is demonstrably not compromised.

Many large companies use standard house types in the interests of efficiency and economy for their particular organisation. Such an approach may not always provide an acceptable design. Developers will be expected to be flexible in their use of house types and if necessary modify their range to meet the Council's requirements for specific sites.

The main aims are to achieve comfortable, safe, well-designed living environments with a distinct sense of place, and a high quality of design and finish.



5a Housing: Detailed Considerations

Care is required in grouping of buildings. The houses forming a group must relate well in terms of scale, angle and alignment of roof pitch, choice of finishing materials and detailing.

A good level of security for the residents of a scheme must be provided and in this respect attention should be paid to linking buildings together by means of walls or garages. Open spaces should be designed as features to be looked onto from the front and sides of houses as should pedestrian routes and roads. Houses should not, as a general rule, be designed to back onto such features.

Housing layouts should be designed to be convenient for pedestrians, with special attention being paid to the provision of direct footpath / cycleway links between houses, schools, shops and community facilities.

The housing layout and house types should be designed to provide for a high standard of passive energy gain; in this respect buildings should be arranged as to avoid unduly overshadowing one another.

5b Housing: Private Outdoor Space

Detached, semi-detached and terraced dwellings should each be provided with a private outdoor space that is free from direct overlooking from public areas and neighbouring property as far as possible. Permanent overshadowing of these areas should be avoided and, wherever possible, such spaces should enjoy good access to sunlight. Where flats are proposed, such spaces should enjoy good access to sunlight and additional provision of amenity open space should be made, including sunlit areas convenient for residents to enjoy.

Private open space attached to the dwelling is required for all non-flatted properties. While recognising that individual preferences may vary, houses suitable for families should be provided with adequate usable private gardens. Such spaces serve a multitude of different household purposes and should be of sufficient size to perform such functions satisfactorily. It is also important to allow for the reasonable extension of a new house without reducing the availability of private open space to an unacceptable level. The usable garden area is defined as that part of the rear garden not occupied by a garage, or garage space, driveway or parking space.

For detached and semi-detached houses, private open space should be provided, as a minimum standard, on the following basis:

- a) houses of 3 apartments should have usable garden areas no less than 110m²;
- b) houses of 4 apartments or more should have usable garden areas no less than 130m²;

Terraced houses of 3 or more apartments should be provided with a minimum usable garden area of 100m².

Where, particularly in the case of terraced houses because of the floor plan design, these criteria result in garden lengths in excess of the Council's requirements, smaller garden areas will be acceptable. In such cases the amount of communal open space will normally require to be increased to compensate for the reduction in private open space. In exceptional cases, this principle may also apply to other types of houses.

Garden areas referred to above should be so designed and located so that a usable part of the garden area will enjoy at least three hours of any available sunlight on 1 March.

5c Space between Houses

Spaces between houses may vary depending on the types of houses and the nature of the sites. Certain minimum standards must be observed. These are as follows:

- a) back to back distance, whether between single storey or two storey houses, of 25 metres;
- b) between gable and rear of such property 16 metres; and
- c) between the front elevations 22 metres.

Where housing is built across steeply sloping ground, the distance between buildings will require to be extended to avoid the higher properties being over

dominant. In such situations, split-level housing should be considered as a means of reducing the distance houses are set apart.

Reduction in the distance between front elevations will be possible where there are positive reasons relating to the design of the layout and where the house design ensures no material loss of privacy as a result of overlooking from windows.

The length of individual rear gardens will vary but will normally be anticipated to be at least half the minimum back-to-back distance. Exceptions to this may be acceptable where distance standards are met, minimum garden size is achieved or where the houses back onto an open aspect.

Flatted properties should be provided with a communal private open space conveniently located for the residents. The area of land supplied for this purpose should be provided to half the standard used for terraced housing.

If essential to secure an appropriate attractive and well designed development, the above space standards may be relaxed. Such relaxation is expected to be confined to sites that have some unusual characteristic.



5d House Design

The Council wishes to encourage a high standard of design. Novel architectural solutions including those which meet the need for energy conservation and sustainability will be encouraged.

Conventionally designed housing should observe the following criteria:

- a) roofs should be conventionally pitched and be symmetrical;
- b) roof pitches should be not less than 35° and not greater than 45°;
- c) there should be a dominant roof and ridge line where the floor plan is not a single rectangle as in 'L' or 'T' or other more irregularly shaped floor plans;
- d) the dominant ridge line should normally run parallel to the road;
- e) the colours of wall finishes and roof materials should be sympathetic to one another;
- f) windows should have a vertical emphasis;
- g) a variety of wall finishes on single buildings should be avoided;
- h) variety of finishes on groups of buildings should generally be avoided, interest should be achieved by the use of different architectural detailing; and
- i) underbuilding should be kept to a minimum and base courses should not be obvious if built from a different material from that of the rest of the wall.

5e Areas of Improved Quality

Within HOUS1, HOUS2 and HOUS3 sites of 15 units or more, it is desirable to seek, within limited parts of each site, an added emphasis on quality in design. This is to apply to individual buildings or groups of buildings, and in the use of materials both in finishes to dwellings (for example, slate and wet dash render, stone detailing, rosemary and clay pantiles) and also in walls and ground surfaces.

In this way development is likely to have the elements necessary to produce a 'future' conservation area. The Council expects such treatment will be applied to a minimum of 20% of the dwellings on the site and should be focused on prominent landmark groups or key individual homes.

6 Accessibility and Parking Provision

Proposals for new development will be required to:

- a) incorporate measures to enable / encourage the use of alternative transport modes to the private car;
- b) make provision for roads, lighting and parking to satisfy the Council's standards (refer to *Standards for Development Roads: A Guide to the Design and Construction of Roads for Adoption*).

Detailed layout designs for developments, or phases thereof, will be accompanied by statements of the design measures taken, and on-site and off-site infrastructure to be provided, in the interests of enabling and encouraging residents and visitors to use alternatives to the private car.

7 Notifiable Installations

Proposed developments should take the presence of notifiable installations into account, and planning applications for development within the consultation distances of these installations will be referred to the Health and Safety Executive (HSE), and account taken of their response, in accordance with SOEnvD Circular 5/93. Similarly, proposals to site new notifiable installations in the vicinity of existing urban development will require consultation with the HSE.

8 Edinburgh Airport Safeguarding Zone

Planning applications for certain types of development within the consultation zone* for Edinburgh Airport will be referred to the British Airports Authority (BAA) for their interest, and account taken of their response, in accordance with The Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas)(Scotland) Direction 2003 (see Circular 2/2003).

*For details of types of development and extent of area, refer to Edinburgh Airport Aerodrome Safeguarding Map, available for inspection in the Council's offices.

4.3 Protection of the Water Environment

DP3 PROTECTION OF THE WATER ENVIRONMENT

The following detailed policy supplements the terms of policy RP8:

1 Flooding

Development proposals will be assessed in accordance with the risk framework set out in the table below. Where proposals cannot meet standards of protection indicated in the framework, development will not be permitted.

Type of development	Standard of protection
Sheltered housing, homes for elderly or other vulnerable groups	1000 year
Development containing hazardous materials	1000 year
Essential civil infrastructure	1000 year
All other residential property for permanent occupation*	200 year
Caravans for seasonal occupancy	200 year
Other types of development	No standard specified. Risk will be considered against the particular characteristics of the proposal.

*Residential development including bungalows, ground floor flats and below ground level accommodation is considered to constitute a heightened risk. Depending on the nature of the development and local circumstances, developers may be required to place these elements of residential development in parts of the site with a lesser flood risk than is acceptable for general residential development.

Whether or not the flood risk is acceptable may require to be determined by a flood risk assessment (FRA). The requirement for an FRA will be decided in view of the nature of the proposal and its location, after consultation with SEPA. FRAs must comply with

SEPA guidance set out in their published policies (specifically Annex B of Policy 41), their supplementary flood risk assessment guidance* and in any successor or additional documents relating to FRA, introduced by SEPA over the lifetime of the Local Plan.

Early discussions with SEPA have identified a need for a flood risk assessment for a number of sites allocated for development in this Local Plan. Reference is made elsewhere in the Plan where this is the case.

*The SEPA supplementary guidance *Reporting Requirements for Flood Risk Assessments* is also relevant. This guidance reflects the methodology given in the *Flood Risk Estimation Handbook* and updates (but does not replace) the guidance in Annex B of Policy 41.

2 Treatment of Watercourses in New Development

Where development is proposed adjoining or straddling a watercourse:

- a) a wayleave adjoining the watercourse is required to allow access for maintenance. Early discussion with the Council is required to determine the nature of the wayleave;
- b) it will not be acceptable to form a culvert unless no alternative solution is possible, or other benefits justify culverting. Where an exception is made, culverts should be designed and built to the best current practice.

The Council considers that wayleaves have the potential to provide public access to and along watercourses. Such provision shall be encouraged provided there is no deleterious impact on the flora and fauna which exist in such habitats. The Council will support proposals to open out existing culverts where practicable and safe.

3 Drainage in New Development

3.1 Drainage Assessment

Drainage impact assessments should be submitted for all developments which generate a need for foul or surface drainage. These should be submitted with the first planning application and comply with the requirements set out in *Drainage Assessment – A Guide for Scotland (Sustainable Urban Drainage Scottish Working Party – SUDSWP)*.

3.2 Foul Drainage

Development within or in the locality of areas served by the public sewerage system will be required to connect to that system. Developers will, if necessary, be required to contribute to works to accommodate increased flows generated by their developments.

Development in villages or the countryside may not have the benefit of a public sewerage system or the capacity of communal septic tanks may be limited. In these locations, development will only be permitted where:

- a) agreements with Scottish Water are undertaken to extend the public sewerage system or where a system of similar specification, and meeting the standards of the Council's Building Standards service, is provided; or
- b) it is demonstrated that the costs of extending the public sewerage system are prohibitive in the context of the proposed development, in which case an appropriate sewage treatment system may be acceptable provided that the site is located in the countryside, and is small-scale (less than 5 dwelling units or population equivalent 15). The applicant will be required to demonstrate that the installation is appropriate with regard to soil porosity, groundwater and other receiving waters to the satisfaction of Scottish Water and SEPA.

3.3 Surface Drainage

All applications that require surface water to be drained are required to demonstrate that:

- a) surface water run-off will be treated to a standard appropriate to the receiving water; and
- b) surface water run-off peak flows will be attenuated to levels appropriate to the receiving watercourse or drainage system (generally no more than in the state before development).

A drainage assessment should demonstrate that the development takes into account Sustainable Urban Drainage Systems (SUDS) principles. For larger developments where the development is divided into multiple ownership (i.e. a large housing scheme), a drainage master plan may be required. The Council may require legal agreements to ensure maintenance of necessary features.

Engineering operations to retrofit SUDS will usually not require planning permission – where they are not above ground and are part of the public drainage system they have permitted development rights. The Council is supportive of efforts to retrofit SUDS, but where planning permission is required, applicants will be required to demonstrate:

- a) adequate design and siting to maintain public safety and amenity; and
- b) that cognisance is taken of contaminated land issues with regard to formation of new pathways from source to receptor.

All surface water drainage proposals are required to meet standards set out in *The SUDS Manual* (published by CIRIA, 2007) or successor documents. Scottish Water adoptable standards are included in *Sewers for Scotland 2nd Edition: A Design and Construction Guide for Developers in Scotland* (SFS2, 2008).

In respect of the relationship between SUDS run-off and the wider water environment, developers should be aware of the Water Environment (Controlled Activities) (Scotland) Regulations 2005, which require all surface water to drain to SUDS.

4 Water Framework Directive

Development will not be permitted which would result in the deterioration of a waterbody below the status required by the Directive or which is contrary to the objectives of the River Basin Management Plan (RBMP), once approved, in terms of habitat or recreation.

5 Groundwater Directive

Development which is harmful to the groundwater resource in Midlothian will not be permitted. In particular, development will not be allowed if it is likely to be deleterious to private water supplies, or other sensitive receptors, or which (cumulatively with other developments) would exceed maximum acceptable loading.



4.4 Pentland Hills Regional Park

DP4 PENTLAND HILLS REGIONAL PARK

Aims

The aims of the Pentland Hills Regional Park are as follows:

1. To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside.
2. Caring for the hills, so that the landscape and the habitat are protected and enhanced.
3. Within this caring framework, to encourage responsible public enjoyment of the hills.
4. Co-ordination of these aims so that they can co-exist with farming and other land uses within the Park.

There are a number of specific policies which relate only to proposals within the Pentland Hills Regional Park boundary, and these are as follows:

PHP1

The AGLV designation for the Pentland Hills Regional Park will be the overriding factor when considering proposals which may be acceptable under other Local Plan policies.

PHP2

Development, redevelopment and the conversion of existing buildings within the Regional Park will not be permitted unless essential for the purposes of agriculture (including farm-related diversification), forestry, outdoor recreation, tourism or other rural activities compatible with the aims of the Regional Park.

Any such development proposal will be considered against the following criteria:

- a) it should make a positive contribution to the amenity of the Park in terms of design and landscaping;
- b) it should not be visually obtrusive or necessitate visually obtrusive constructions;
- c) it should be compatible with existing adjoining and neighbouring developments and uses;
- d) it should be capable of being served by an adequate and appropriate access;
- e) it can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses;

- f) where conversion is proposed, this should be possible without substantial rebuilding and with the retention of original character and attractiveness.

PHP3

With the co-operation of owners and occupiers, SNH and other interested bodies, the economic, landscape and nature conservation of the grouse moor will be protected and safeguarded.

PHP4

Midlothian Council will seek to ensure that, through design, species composition and sympathetic integration, new forestry schemes will complement the hill environment.

PHP5

There will be a general presumption against waste disposal operations within the Midlothian section of the Regional Park.

PHP6

The conservation of the hill landscape and wildlife interests will be sought in all proposals involving the installation of the public service utilities.

PHP7

Intrusive tourist developments, including static and transit caravan and camping sites, will not be permitted within the Regional Park.

PHP8

Public car parks will be provided only on the periphery of the Regional Park. They must be related to specific recreational opportunities and will be designed to integrate with the landscape and character of each particular location.

PHP9

There will be a general presumption against formal picnic sites in remote hill areas. Managed picnic sites will be provided only in association with existing facilities and car parking.

4.5 Conservation Areas: Development Management

DP5 CONSERVATION AREAS: DEVELOPMENT MANAGEMENT

Approved specific development management policies continue to apply to the Newtongrange Conservation Area and to the two Conservation Areas in Bonnyrigg, i.e. at Broomieknowe and at Lasswade/Kevock. These are as detailed below.

1 Newtongrange Conservation Area

- a) The erection of new buildings and extensions and alterations to existing buildings will only be permitted where their design will complement and relate satisfactorily to the character and appearance of the traditional housing in the area. Particular attention should be paid to scale, roof and window design, roofing materials and external wall finishes.
- b) Development of gap sites within the rows of miners' cottages should be compatible with the existing houses in both scale and materials.
- c) No extensions to the fronts of the miners' cottages will be permitted.
- d) No dormers or roof extensions to the miners' cottages will be permitted to the front elevation.
- e) The appropriate material for reroofing existing houses or for new buildings other than small extensions, garages, or garden huts at the rear of the houses will be natural slate of a type to match that used in the area.
- f) Existing window openings to the front of the cottages should not be enlarged and any replacement windows should retain the present character of the cottages.
- g) Replacement doors at the front of the miners' cottages should be in sympathy with the character of the building and where they exist the fanlight above the door should be retained.

2 Bonnyrigg Conservation Areas (Broomieknowe and Lasswade/Kevock)

- a) The Council will only permit residential developments which do not detract from the established character of the area in terms of density, individual plot size, and separation of dwellings.
- b) The erection of new buildings, and extensions and alterations to existing dwellings, will only be permitted where their design will complement and relate satisfactorily to the character and appearance of the traditional dwellings in the locality. Particular attention should be paid to scale, roof and window design, roofing materials, and external wall finishes.
- c) New dwellings will not be permitted unless both existing and proposed dwellings will enjoy a reasonable degree of privacy and amenity, in keeping with the established character of the area.
- d) The Council will require a comprehensive scheme of landscaping to be carried out and maintained in conjunction with all approved residential developments which are implemented in the area. Every effort must be made to retain existing trees and shrubs as part of landscape schemes.
- e) To ensure that the high quality of landscaping in the area is maintained and enhanced, the Council will encourage the proper care and maintenance of existing trees and the planting of new trees and shrubs.
- f) The Council will not normally permit the removal, or endangering by building works, of trees which make an important contribution to the appearance of the area or which are particularly fine examples of species.
- g) The roofs of new buildings will be clad in natural slate, or in certain circumstances, clay tiles may be used.
- h) (*Applies to Broomieknowe Conservation Area only*). As Lower Broomieknowe is of narrow width and substandard surface, proposals which are likely to generate any significant increase in traffic on this road will not be permitted. Any improvements to the standard of the road should avoid removal of the established roadside vegetation.

4.6 House Extensions

DP6 HOUSE EXTENSIONS

1 Background

While increasing the accommodation of a house, extensions can also add to their architectural interest. It is important that they do not detract from the appearance of the property or that of neighbouring houses. Extensions that reflect the style of the original are most likely to be successful. Novel architectural solutions can also be acceptable.

In providing additional space for the existing building, there should be no material loss of amenity for adjoining houses.

2 Detailed Requirements

Extensions to existing houses must be well designed and must maintain or enhance the appearance of the house and the locality. The design of extensions should take account of the guidelines summarised below:

- a) the size of the extension should be clearly subservient to the original property;
- b) matching or complementary external wall and roof materials should be used;
- c) use of facing brick for an extension to a stone building and use of concrete tiles where the existing roof is slate or clay tiles should be avoided;
- d) the roof pitches should match those of the existing roof;
- e) architectural detailing, scale and proportion should be similar to the existing;
- f) when extending in the same plane, especially if changes in external materials are to be used or if it is likely to be difficult to obtain a close match, a break or step from the main building should be pointed;
- g) extensions must not block, to a material extent, sunlight from reaching adjoining gardens;
- h) extensions must not result in loss of privacy for neighbouring property;
- i) an adequate garden area must remain after the house has been extended; and
- j) extensions which are two or more storeys high must incorporate a pitched roof unless the existing roof is flat.

3 Front Porches

Front porches to detached or semi-detached houses are usually acceptable where their design follows the principles described above, provided they project less than two metres out from the front of the house.

4 Dormer Extensions

Dormer extensions should incorporate dormer "windows" rather than a "box" dormer. The dormers should not extend other than to a limited extent beyond the glazed area. Windows should line up with any existing ones below. Dormers should not rise off the wall head, nor rise above the existing ridge level, nor occupy a predominant proportion of the existing roof area.

Large dormers to the front of a house can be an incongruous feature, especially in a street with no other roof level extensions. In such cases, use of velux roof lights may be an acceptable alternative.

Note: Supplementary planning guidance is available on Dormer Extensions and on Rear Extensions to Single Storey Semi-Detached and Terraced Houses.

4.7 Control of Food and Drink Uses

DP7 CONTROL OF CLASS 3 (FOOD AND DRINK) USES AND HOT FOOD TAKEAWAY SHOPS

1 Hot Food Takeaway Shops

Hot food takeaway shops will only be permitted if they are located within a town centre, local or neighbourhood shopping centre, or a predominantly commercial or business area. Even in these locations, hot food takeaway shops will not be permitted in premises where there are residential properties on the floor or floors above or immediately on either side, and on the floors above such properties, unless the affected properties are owned and occupied by the applicant or his immediate family, or by an employee working in the proposed hot food establishment. Within existing shopping centres, consideration will be given to the cumulative effect of additional hot food takeaway establishments on the vitality and viability of the centre, and permission will not be granted if this is assessed to be seriously harmful.

Planning permission will not be granted for a hot food takeaway shop in any circumstance where it would cause significant harm to residential amenity or to the general environment of the area as a result of noise, disturbance, smell or litter. Planning permission will not be granted in a location where it would present a threat to road safety, for example, by encouraging on-street parking at a dangerous location.

Any external alterations to premises resulting from their conversion to a hot food takeaway shop, including any external flues or other ventilation equipment, must not be detrimental to the character and appearance of the building and the area in which the premises are located.

Where planning permission is granted for a hot food takeaway shop, conditions may be imposed to require the following:

- a) installation, operation and adequate maintenance of an effective system for the extraction and dispersal of cooking fumes to minimise the likelihood of nuisance being caused by cooking smells. Details of the proposed system will be expected to be submitted with the planning application so that both its effectiveness and any external visual impact can be considered;
- b) no noise from the premises being audible in any nearby residential or other noise-sensitive building. This relates to impact noise, airborne noise, and noise from any sound reproduction

system such as a television or music player. Sound insulation must be provided if needed to meet this requirement;

- c) an adequate area within the premises for the storage of refuse, and a litter bin immediately outside the front door of the premises;
- d) hours of opening no later than 10 p.m. on Sundays and midnight on other days.

2 Restaurants

A proposed restaurant that includes a hot food takeaway element, will be considered on the basis of all the criteria outlined above.

Applications for restaurants solely for the consumption of food and drink on the premises will be considered on their individual merits, taking into account such factors as the size of the proposed establishment; its relationship to adjoining uses and, in particular, residential properties; its relationship to other relevant planning policies; and its likely traffic generation and parking provision.

Where planning permission is granted for a restaurant solely for the consumption of food and drink on the premises, a condition will be imposed preventing its subsequent change of use to, or inclusion of a hot food takeaway facility, without the submission of a further planning application. Planning permissions for restaurants will include conditions, as appropriate, to mitigate any impact on the amenity of the surrounding area from noise or cooking smells.

3 Cafes, Tea Rooms, Coffee Shops

Applications for the above-mentioned types of uses, where it is proposed to open only during normal shopping hours (for example, 9.00 a.m. to 6.00 p.m.) and where the type of cooking facilities will be limited to a domestic scale (for example, domestic cooker, microwave oven etc.) will generally be permitted in existing shopping centres, and other areas of predominantly commercial or business use. In other locations, they will be considered on their individual merits and in relation to other planning policies.

Conditions will be imposed, as appropriate, restricting the hours of opening of the premises; requiring the provision of adequate ventilation equipment; or otherwise as necessary to ensure that the use does not have an adverse environmental impact on its neighbourhood.

Proposals within this category may include an element of takeaway trade, provided that it remains ancillary to the principal use of the premises for the consumption of food and drink on the premises.

4.8 Advertisements

DP8 ADVERTISEMENTS

Properly displayed and well designed advertisements add colour and interest to a street scene as well as provide useful information. Midlothian Council wishes to encourage such advertisements. It will prepare a revised design guide to show the kind of advertising that will be acceptable.

Control over advertising will be exercised in accordance with the following:

- a) advertisements must be related to the location at which they are displayed;
- b) advertising panels will be permitted normally only within built-up areas and where they relate well to their surroundings;
- c) hoardings may be permitted on a temporary basis to screen a construction site or other unsightly area awaiting improvement. As part of the display, landscaping and screen fencing may be required;
- d) within town centres, novel forms of advertising may be acceptable, for example, advertising columns or signs incorporating notice boards;
- e) within residential areas large and conspicuous advertisements will not be permitted;
- f) illuminated advertising incorporated into bus shelters will be permitted where there is an identified need for a bus shelter and where the advertising is in keeping with its surroundings. Such advertising will not normally be permitted in Conservation Areas or outwith built-up areas;
- g) advertisements will not normally be permitted alongside traffic corridors or beside approaches to towns and villages;
- h) the perception that a locality has a lower level of amenity than elsewhere in Midlothian will not be considered as justification for displays of advertising that would not otherwise be permitted;
- i) smaller or temporary advertisements such as "house for sale" signs will not be permitted within amenity open space and roadside verges or attached to street lights or other street furniture;
- j) advertisements attached to business premises must be in keeping with the appearance of the building;
- k) an especially careful effort will be exercised over the display of advertisements which are attached to or within the curtilage of buildings which are listed as being of special architectural or historic interest. The display of such advertisements will not normally be permitted unless there is a specific need for them;
- l) an especially careful control will be exercised over the display of advertisements which are within or visible from Conservation Areas. The display of such advertisements will not normally be permitted unless there is specific local need for them;
- m) advertisements which are not related to the land on which they are displayed will not normally be permitted in the countryside. Large and conspicuous advertisements will not be permitted in the countryside;
- n) the location and form of advertisements within the Pentland Hills Regional Park will be strictly controlled to preserve the amenity of the Park; and
- o) directional signs identifying tourist attractions and using standard white-on-brown format may be displayed in accordance with policies which have been approved by the Council as highway authority in consultation with the local tourist board. Other signs relating to establishments such as hotels, leisure facilities and public houses will not normally be permitted at locations remote from the premises advertised. "Advance warning" signs may be permitted if there is a clear need for them, provided they are designed for directional purposes only and provided they are of the minimum size necessary for their purpose.

Public Safety

In all cases, the need to safeguard public safety will be an overriding consideration.

Advertisements will not be permitted in the following cases:

- a) where they obscure any traffic sign;
- b) where they are likely to be confused with traffic signs or traffic lights;
- c) where they might distract the attention of a driver at a point where special care is needed;
- d) where they impede visibility at any access or road junction; or
- e) where they involve a structure which might be struck by a vehicle using any carriageway or by a vehicle running out of control over land beside a carriageway.

4.9 Planning Enforcement

DP9 PLANNING ENFORCEMENT

1 The Role of Planning Enforcement

The planning system operates to regulate development and the use of land in the public interest. Planning enforcement has a key role to play in this respect. The purpose of planning enforcement is to control unauthorised activity and to remedy the effect of unauthorised development.

2 Complaints Procedure

It is not the function of the planning authority to become involved in private neighbour disputes where no planning issue is evident. In addition, it is not the Council's role to mediate in private legal disputes relating, for example, to the ownership of land.

Every recorded planning enquiry or complaint will be investigated and assessed on its own individual merits. In certain circumstances no further action will be required. This will include cases where:

- a) investigation reveals that no breach of planning control is apparent;
- b) the activity or development under investigation is permitted development under the terms of the appropriate statutory legislation; and
- c) the use of the land or buildings does not constitute a material change of use for which planning permission would be required.

3 Enforcement Action

In cases where initial investigation indicates that there has been a possible breach of planning control, in terms of either the development or use of land and buildings, further research into the planning history of the site might be required. Certain operations and uses of land acquire immunity from planning enforcement action through the passage of time. It may therefore be necessary to determine when the development complained of commenced.

Where the Council is satisfied that a breach of planning control is involved, action will be taken which reflects the seriousness of the situation in terms of the environmental and amenity impact of the unauthorised development or use. Possible options include:

- a) no further action to be taken, in view of the minor nature of the breach of control;
- b) an invitation to the owner or occupier of the land to submit an application for retrospective

planning permission, if necessary, accompanied by the service of a Planning Contravention Notice;

- c) service of a Breach of Condition Notice, where conditions imposed on a planning permission are not being complied with;
- d) service of an Enforcement Notice;
- e) service of a Stop Notice, where it is essential that the unauthorised use or development be ceased in the short term, pending the outcome of any appeal against an Enforcement Notice; and
- f) application to the courts for an interdict to restrain a breach of planning control.

The choice of appropriate formal enforcement action is at the discretion of the Council. Careful consideration will be given to the appropriate course of action based on the circumstances of each case.

The Council will not allow protracted negotiations to hamper or delay the taking of formal enforcement action, if it is evident that the breach of planning control is unlikely to be resolved voluntarily.

In the consideration of enforcement action, the Council will at all times seek to ensure that the action taken is commensurate with the breach of planning control to which it relates.

The service of an Enforcement Notice carries with it a right of appeal to the Scottish Ministers. Pending the outcome of the appeal, the requirements of the notice are suspended. This can introduce a substantial delay in remedying breaches of planning control in such circumstances. Where it considers that circumstances warrant, the Council will serve a Stop Notice, requiring the unauthorised use or development to cease pending the outcome of the appeal.

In certain circumstances, the Council has the statutory power to enter onto land and carry out the works required by the enforcement notice, and to recover the costs incurred from the owner of the land. The Council will use this power in cases where it is appropriate and practical.

4 The Condition of Land and Buildings

The majority of complaints relate to positive actions on the part of the owner or occupier of land and buildings (for example, the carrying out of unauthorised building operations, or changing the use of premises without obtaining planning permission). However, a sizeable proportion are concerned with the neglect of land and buildings, resulting in their deteriorating to a condition where they are detrimental to the amenity of the surrounding area. Section 179 of the

Town and Country Planning (Scotland) Act 1997 gives the planning authority the power to serve notices on the owners and occupiers of land which, as a result of its condition, is detrimental to the amenity of part of its district.

In most respects such notices are similar to enforcement notices served under other parts of the legislation, and the Council's planning enforcement policy will apply equally to them. In general, the use of this power will be confined to the worst instances, where the condition of the land is particularly detrimental to amenity, by reason, for example, of its size, prominent position, or location within an environmentally sensitive area.

Where such a notice is serviced, but is not complied with, the planning authority has the power to enter the land and carry out the outstanding work, thereafter seeking to recover the costs from the landowner. In such instances, the Council will generally utilise this power.

Note: Full text of Planning Enforcement Policy as contained within the Planning Enforcement Charter, is available from Midlothian Council, Strategic Services.

Appendices





APPENDIX 1 COMMITTED DEVELOPMENT

Note: The information contained in this appendix is provided in connection with policy COMD1.

APPENDIX 1A ESTABLISHED HOUSING LAND SUPPLY Status as at March 2006

1A.1 Sites predating 2003 Midlothian and Shawfair Local Plans and other windfall (non-allocated) sites

Map Ref	Site Ref*	Site Name	Total Capacity	Units Completed	Status
h1	M085A	Whitehill, Rosewell	156	35	U/C
h2	M111	Dryden Bank, Polton Road, Loanhead	22	0	Consent
h3	M183	Bankfoot Nursery, Dalkeith	12	0	Consent
h4	M213	Fmr Braeside Garage, Cockpen Rd, Bonnyrigg	10	0	Consent
h5	M219	Polton Nursery, Polton Road, Lasswade	11	0	Consent
h6	M221	Barley Bree site, Easthouses	13	2	U/C
h7	M228	1-3 Musselburgh Road, Dalkeith	10	0	Consent
h8	M230	D'Arcy Road/Oak Crescent, Mayfield	13	7	U/C
h9	M231	Dalmore Mill, Milton Bridge, Penicuik	55	0	Consent
h10	M232	Land opp Howgate Inn, Howgate	23	10	U/C
h11	M143	Guildie Howes/Borthwick Castle Rd, North Middleton	22	0	Consent
h12	Site H	Fmr Dalkeith HS, Newmills Rd, Dalkeith	100	0	Council support
h13	Site I	Fmr St David's High School, Eskbank	100	0	Council support
h14	M(04/00936)	Cameron Crescent, Bonnyrigg	85	0	Consent
h15	M(05/00119)	Adj Cockpen Road, Bonnyrigg	14	0	M/C
h16	M(05/00344)	Adj Bairds Way, Bonnyrigg	72	0	M/C
h17	M(05/00468)	Suttieslea Drive, Newtongrange	58	0	M/C
h18	M(05/00469)	Chester View/ Stone Place, Mayfield	47	0	M/C
h19	M(05/00471)	James Lean Avenue, Dalkeith	28	0	U/C
h20	M(05/00787)	Easthouses Rd/ Hursted Ave	11	0	Consent
h21	M(05/00458)	11-15 John Street, Penicuik	12	0	Consent
h22	M147	Rosewell Mains, Rosewell	150	0	Council support

Small sites not included on Local Plan Proposals Map

M109	Burnbank Terrace, Bilston	(est) 6	0	Consent
M220	Dalhousie Courte Hotel, Cockpen Rd, Bonnyrigg	7	0	Consent
M226	Hollycot Lodge, Bonnyrigg	5	0	U/C
M227	29 Dalhousie Road, Eskbank	5	0	Consent

*As referred to in Housing Land Audit. Note: There may be a requirement for the provision of 5 - 10% affordable housing units relating to the above sites.

U/C = under construction

M/C = minded to consent

1A.2 Sites allocated in 2003 Midlothian Local Plan

Map Ref	Site Ref*	Site Name	Total Capacity	Units Completed	Status
h23	Site A	Harvieston	200	0	
h24	Site B	Newbyres	100	0	M/C
h25	Site C	Greenlaw and adjacent land	324	0	M/C
h26	Site D	Deanburn	90	0	M/C
h27	Site EE	Eskmills	77	0	Consent
h28	Site G	Hopefield	1100	0	Consent
h29	Site J	Kippielaw	200	0	
h30	Site K	Lugton	27	0	Consent
h31	Site L	Wester Cowden	300	20	U/C
h32	Site M	Thornybank	300	0	Consent
h33	Site N	North Thornybank	225	0	Consent
h34	Site Q	East Newtongrange	179	0	
h35	Site R	Lingerwood	137	0	
h36	Site S	North Gorebridge	420	0	
h37	Site T	Cockpen	131	0	
h38	Site U	South Mayfield	499	0	
h39	Site V	Stobhill/Mossend	210	0	M/C
h40	Site W	Vogrie Road	63	0	
h41	Site X	North Mayfield	63	0	
h42	Site Y	Easthouses Road	31	15	U/C

* As referred to in 2003 Midlothian Local Plan

Note: There is a requirement for the provision of 5 - 10% affordable housing units, an estimate of which is included in the site capacities identified.

1A.3 Sites allocated in 2003 Shawfair Local Plan

Map Ref	Site Ref	Site Name	Total Capacity	Units Completed	Status
h43	Shawfair LP	Shawfair*	3500	0	M/C
h44	Shawfair LP	North Danderhall	190	0	M/C
h45	Shawfair LP	South Danderhall	300	0	M/C

* Includes any housing development on the former Monktonhall Colliery (see Appendix 2B)

Note: There is a requirement for the provision of 20% affordable housing units, included in the site capacities identified.

APPENDIX 1B ESTABLISHED ECONOMIC LAND SUPPLY As at March 2006

Map Ref	Site Name	Town	Class
General industry/business use			
e1	Eastfield Industrial Estate	Penicuik	Business/General Industry*
e2	Eastfield Farm Rd Industrial Estate	Penicuik	Business/General Industry*
e3	Bilston Glen	Loanhead	Business/General Industry
e4	Pentland Industrial Estate	Loanhead	Business/General Industry*
e5	Edgefield Industrial Estate	Loanhead	Business/General Industry*
e6	Engine Road	Loanhead	Business/General Industry*
e7	Straiton	Loanhead	Business Use
e8	Nivensknowe	Loanhead	Business/General Industry* ²
e9	Burghlee	Loanhead	Business Use* ³
e10	Thornybank Industrial Estate	Dalkeith	Business/General Industry* ⁷
e11	Hardengreen Industrial Estate	Dalkeith	Business/General Industry
e12	Whitehill Business Centre	Dalkeith	Business Use*
e13	Grannies Park	Dalkeith	Business Use*
e14	Salter's Road/Thornybank	Dalkeith	Business/General Industry
e15	Sherwood Industrial Estate	Bonnyrigg	Business/General Industry
e16	Hopefield	Bonnyrigg	Business/General Industry
e17	Mayfield Industrial Estate	Mayfield	Business/General Industry
e18	Easthouses Industrial Estate	Easthouses	General Industry
e19	Butlerfield Industrial Estate	Newtongrange	Business/General Industry
e20	Lady Victoria Business Centre	Newtongrange	Business/General Industry
e21	Stobhill Road	Newtongrange	Business/General Industry
e22	Redheugh	Gorebridge	Business/General Industry
e23	Engine Road	Gorebridge	Storage
e24	Gorton Road	Rosewell	Business/General Industry* ⁸
e25	Millerhill Marshalling Yards/ Monktonhall Colliery	Shawfair	Business/General Industry/ Storage and Distribution* ⁴
e26	Whitehill Mains	Shawfair	Business/General Industry
e27	Shawfair Park	Danderhall	Business/General Industry* ⁶
e28	Hunter's Yard	Danderhall	Business/General Industry

Map Ref	Site Name	Town	Class
Other economic site with planning support			
e29	Dalhousie Business Park	Bonnyrigg	Business/General Industry* ⁵
Biotechnology and other knowledge-based industries			
b1	Pentland Science Park	Penicuik	Research & Development*
b2	Edinburgh Technopole, Bush Estate	Penicuik	Research & Development
b3	Gowkley Moss	Penicuik	Research & Development (& related manufacturing)
b4	Midlothian Innovation Centre (formerly Pentlandfield Business Park)	Penicuik	Business Use
b5	Roslin Institute	Roslin	Research & Development

* Site complete;

*2 Site no longer available - incorporated into Straiton retail policy area;

*3 Use restricted to Business if access not possible via Bilston Glen Industrial Estate in order to reduce potential usage of Park Avenue by heavy vehicles. General industry could be considered if such an access proves feasible. Costs of upgrading of Park Avenue to fall to developer;

*4 Refer to Appendix 2B;

*5 See Supplementary Planning Guidance (Appendix 3);

*6 Includes Sheriffhall park and ride site and potential extension;

*7 The Council will undertake a joint marketing exercise with the owner of site e10. This may involve other agencies as appropriate and the possibility of a mixed use development will be considered. If interest in the site for business/general industrial development (or a mixed use development involving these uses) is not secured through these processes, then the status of the site will be reviewed in the next review of the Local Plan (or in advance, if circumstances dictate); and

*8 The Council will undertake a joint marketing exercise with the owner of site e24. This may involve other agencies as appropriate. If interest in the site for business/general industrial development is not secured through these processes, then the status of the site will be reviewed in the next review of the Local Plan.

APPENDIX 1C NEW COMMITTED EDUCATIONAL INFRASTRUCTURE

New Developer-Funded Educational Infrastructure

The following new developer-funded educational infrastructure to serve committed new housing development (as identified in Appendix 1A) is to be provided in the following communities:

Danderhall/Shawfair – two new two-stream non-denominational primary schools, together with a denominational primary school, with nursery facilities at Shawfair new community and an extension to Danderhall Primary School and nursery facilities;

Dalkeith – a new two-stream primary school at Wester Cowden with nursery facilities and extensions to Dalkeith and St David's High Schools;

Bonnyrigg – a new single-stream primary school with nursery facilities at Hopefield, and an extension to Lasswade High School;

Gorebridge – a new single-stream primary school with nursery facilities at North Gorebridge, an extension to Stobhill Primary School, and an extension to Newbattle High School;

Mayfield/Newtongrange – a new single-stream primary school at South Mayfield with nursery facilities and an extension to Newbattle High School; and

Penicuik – an extension to Mauricewood Primary School.

New Publicly-Funded Primary Schools

Replacement schools through PPP:

- ❖ Bryans and Langlaw Primary Schools located at Lawfield, Easthouses;
- ❖ Stobhill Primary School located at same site;
- ❖ Gorebridge Primary School located at same site;
- ❖ Loanhead and St Margaret's RC Primary Schools located at Edgefield Road, Loanhead;
- ❖ Eastfield and Ladywood Primary Schools located at Eastfield Road, Penicuik;
- ❖ Pathhead, Cranston and Cousland Primary Schools located at Crichton Road, Pathhead;
- ❖ Temple and Borthwick Primary Schools located at North Middleton.

Replacement schools through traditional funding:

- ❖ Rosewell Primary School - site to be confirmed;
- ❖ Bonnyrigg Primary School to be located at same site;
- ❖ Cuiken Primary School, Penicuik to be located at same site; and
- ❖ Woodburn Primary School, Dalkeith to be located at Wester Cowden.

Note: In addition, new or relocated nursery facilities are committed in some of the above and other locations.

APPENDIX 1D ESSENTIAL INFRASTRUCTURE REQUIRED TO ENABLE COMMITTED DEVELOPMENT SITES TO BE IMPLEMENTED

In addition to the new developer-funded educational infrastructure listed in Appendix 1C, to be provided in relation to the committed housing sites listed in Appendix 1A, the following provision for essential infrastructure and environmental requirements is committed:

Danderhall/Shawfair (refer to Shawfair Masterplan and Design Guide supplementary planning guidance)

- ❖ a new town centre and related facilities;
- ❖ new roads, road improvements, paths and cycleways;
- ❖ structural landscaping;
- ❖ a district heating/combined heat and power scheme, if feasible;
- ❖ undergrounding of power lines

Gorebridge

- ❖ Powdermill Brae/A7 junction improvements;
- ❖ Engine Road improvements;
- ❖ improvements to Lady Brae including pedestrian access to proposed Gorebridge rail station on Waverley rail line

Bonnyrigg

- ❖ A6094 -A68 Bonnyrigg -Dalkeith distributor road (Hopefield Section)

Dalkeith

- ❖ Wester Cowden Road/Salter's Road improvements

Penicuik

- ❖ A702/A701 junction improvements

Mayfield/Newtongrange

- ❖ upgrading of B6482 (Blackcot to Gowkshill);
- ❖ distributor road (Bogwood Road to B6482)

Midlothian

- ❖ water and drainage infrastructure (as required).

APPENDIX 1E LEISURE AND COMMUNITY FACILITIES REQUIRED TO MEET DEFICIENCIES EXACERBATED BY COMMITTED HOUSING SITES

New developer-funded recreational and community facilities to meet deficiencies which will be exacerbated by the additional housing arising from sites included in the established housing land supply (as identified in Appendix 1A) are set out below. This list is as detailed in the 2003 Midlothian and Shawfair Local Plans; some of the facilities are already provided or are the subject of detailed evaluation.

Danderhall/Shawfair (minimum provision) (refer to Shawfair Masterplan and Design Guide supplementary planning guidance)

- ❖ community woodlands and parkland;
- ❖ 4 full size grass sports pitches;
- ❖ 1 full size synthetic sports pitch and flood-lighting;
- ❖ 1 synthetic multi-sport area;
- ❖ 1 cricket square;
- ❖ 2 bowling greens;
- ❖ changing facilities

Dalkeith

- ❖ swimming pool;
- ❖ an 8-court indoor sports facility;
- ❖ a floodlit synthetic pitch;
- ❖ a community arts/leisure facility

Penicuik

- ❖ a swimming pool;
- ❖ a 4-court indoor sports facility;
- ❖ improved library provision;
- ❖ junior football pitch/public park improvements

Bonnyrigg

- ❖ improved sports/community facility

Mayfield

- ❖ improved library provision

Gorebridge

- ❖ a community/leisure facility

APPENDIX 2**EXISTING POLICIES AND PROPOSALS WHICH APPLY SPECIFICALLY TO THE SHAWFAIR NEW COMMUNITY AND EXPANSION OF DANDERHALL (Committed development)****APPENDIX 2A****SHAWFAIR TOWN CENTRE (PROPOSAL)
(Committed development)**

The following provision will be made in the town centre:

- A.** A supermarket of up to approximately 6000 m² gross floorspace.
- B.** Unit shops of a number, size and location necessary to serve local needs. This will be determined in consultation with the Council, and specified in the Development Masterplan.
- C.** A range of community facilities, including a sports centre*, community meeting rooms, a medical centre, post office, banking, and a library. The scale and nature of these facilities will be determined in consultation with the Council.
- D.** A public park including children's play equipment.
- E.** A site for a rail halt will be safeguarded**, the location of which should maximise accessibility. Associated with this there will be safeguarded a car park of 100-200 spaces (precise size to be determined after further study) which may enable a limited park and ride function to develop.

Other uses appropriate to the town centre (eg. hotel, places of worship) will also be permitted, so long as their scale and number is compatible with the size of the community.

The town centre will be a local centre of a very high order. Although it will not be a strategic shopping centre, its unique importance to the new Shawfair settlement demands that it enjoys (exceptionally) the protection afforded to town centres by NPPG 8***. This protection can only be against other potentially competing retail and other town centre uses in the Local Plan area.

*It may be appropriate to locate the sports centre outwith the town centre, closer to the outdoor sports facilities listed in Appendix 1E.

**The proposed rail lines, stations and associated park

and ride sites are shown (as committed development) on the Local Plan Proposals Map.

***Reference should be made to SPP 8 *Town Centres and Retailing*.

APPENDIX 2B**FORMER MONKTONHALL COLLIERY
(PROPOSAL)
(Committed development)**

The following development will be supported, as appropriate:

- A.** Business (Class 4) and industry (Class 5).
- B.** Residential development if appropriate and necessary to integrate with development listed in Appendix 1A.3 (note: the total number of houses in Appendix 1A.3 Shawfair and at the former Monktonhall Colliery will not exceed approximately 3,500).
- C.** Plant required in connection with a district heating/combined heat and power scheme, if feasible.
- D.** Uses compatible with and beneficial to the development of the new Shawfair community, subject to proposals consisting primarily of retail and leisure floorspace being assessed against the 11 tests set out in paragraph 45 of NPPG 8.***

***Reference should be made to SPP 8 *Town Centres and Retailing*.

APPENDIX 2C**DESIGN PRINCIPLES (POLICY)**

The Council will require a high standard of design in all new development. New development will require to reflect the following principles:

Architecture

Design should be rooted in the traditional vernacular styles of Lothian's older towns and villages. Traditional local architecture is generally characterised by simplicity of appearance. Generally, therefore, over-elaborate designs should be avoided.

Scale

Creation of a human scale environment. The height of buildings should generally not exceed two and a half storeys, except to create variety in architectural form, or where the use or location of particular buildings justifies a grander scale, for example, town centre buildings.

Layout

Layout of development should reflect the traditional forms apparent in Lothian's older towns and villages, and, in the new community, should focus upon the town centre where community facilities will be concentrated. Buildings, open space and landscaping should be laid out to create a sense of enclosure, with a series of linked spaces incorporating interesting views. An emphasis on linked (as opposed to detached) housing will assist in achieving enclosure. Generally, houses should front directly on to the road, and should have private back garden space. In areas of denser housing, large front gardens should be avoided as this can disrupt the desired sense of enclosure.

Density

Generally, housing densities should be highest in and around Shawfair town centre and local facilities, decreasing towards the outskirts. Densities should be upwards of 45 units per hectare net (excludes open space but includes abutting roads from which houses directly access) in the highest density areas and otherwise between 15 and 20 units per hectare net. This approach will help avoid unsatisfactory suburban layouts.

Materials

Buildings should be finished with materials of a type similar to those used traditionally in the Lothians. Walls should be wet dash rendered or stone finished in most cases, and roofs should generally be clad with natural slates or clay pantiles. Alternatives may be acceptable, if of comparable appearance or where environmental impacts can be significantly reduced.

Note: The Shawfair Masterplan and Design Guide provide detailed supplementary planning guidance.

APPENDIX 2D**LANDSCAPING AND OPEN SPACE (POLICY)**

- A.** New development will be accommodated within a scheme of structural landscaping designed to minimise any harmful visual impact of development on the wider landscape and, more generally, to integrate development attractively into that landscape. It will comprise native woodland tree species in groups, belts and larger woodlands.
- B.** Landscaped spaces will be required to assist in integrating existing and new development, as well as providing buffers between potentially conflicting types of development.
- C.** Landscaping within development areas will be designed to give visual enclosure, add colour and interest, and provide shelter.
- D.** Open space will be provided within areas of residential development. These will take the form of small parks providing for informal recreation and children's play. Opportunities should be sought to incorporate safe water features in conjunction with SUDS.

The Shawfair Development Manual provides further detailed guidance on landscaping requirements. Specifically, it contains a plan showing a preferred scheme of structural landscaping.

Note: The Shawfair Masterplan and Design Guide provide detailed supplementary planning guidance.

APPENDIX 2E**ROAD AND BUS NETWORK (POLICY)**

The road and bus network will be developed in accordance with the following principles:

- A.** Priority will be given to public transport, pedestrians and cyclists, as appropriate to the function of the road.
- B.** Roads will be designed to prevent "rat-running" through or adjacent to residential areas.
- C.** Roads will be routed with particular consideration given to the efficient operation of bus services.

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- D. Where appropriate, provision for future light rail development will be made.
 - E. The new road network should be phased in a manner that minimises the impact of construction traffic on existing residential areas.

Note: The Shawfair Masterplan and Design Guide provide detailed supplementary planning guidance.

APPENDIX 2F POWER LINES (POLICY)

The 33,000 volt twin circuit line passing through the Shawfair area will be removed and cables placed underground as required, to protect the amenity of the proposed development and recreational areas.

Note: The Shawfair Masterplan and Design Guide provide detailed supplementary planning guidance.

APPENDIX 3

LIST OF SUPPLEMENTARY PLANNING GUIDANCE (approved as at May 2006)

A. Supplementary planning guidance (SPG)

Name of SPG	Date of approval
Dalhousie Business Park	January 2003
Developer Contributions	November 2001 (updated November 2005)
Dormer Extensions	March 2003
Midlothian Planning Enforcement Policy (Full Text)	October 1999
Rear Extensions to Single-Storey Semi-Detached and Terraced Houses	March 2003
Shawfair Development Manual	August 2002
Shawfair Masterplan and Design Guide	Final Draft stage

B. Development briefs for sites allocated in Midlothian Local Plan (2003)

Name of site	Date of approval
Site A – Harvieston	March 2005
Site B – Newbyres	March 2005
Site C – Greenlaw	February 2004
Site D – Deanburn	February 2004
Site EE - Eskmills	1996/97
Site G – Hopefield (Hopefield Farm)	April 2003
Site J – Kippielaw	July 2005
Site K – Lugton/Westfield (Saltersgate School)	September 2003
Sites L, M and N – Wester Cowden, Thornybank and North Thornybank (Wester Cowden and Thornybank)	April 2003
Site Q – East Newtongrange	April 2005
Site R – Lingerwood	April 2005
Site S – North Gorebridge	June 2005
Site U – South Mayfield	April 2005
Site V – Stobhill/Mossend	March 2005
Site W – Vogrie Road	March 2005
Gorebridge Generic Guidance	March 2005

C. Development briefs for other sites

Name of site	Date of approval
Former Dalkeith High School	April 2004
St David's High School	March 2003

APPENDIX 4
TREE PRESERVATION ORDERS (in force as at October 2008)

TPO Ref.	Name	Location
54	Ravensheugh	Bilston
62	Monklands, Seafield Road	Bilston
72	Seafield Mill, Seafield Road	Bilston
31	Viewbank View	Bonnyrigg
67	Parsonspool (Paddock adjacent to)	Bonnyrigg
42	Bellfield, Eskbank Road	Bonnyrigg
48	Court Yard Inn	Bonnyrigg
49	Quarryhead	Bonnyrigg
64	Durham Bank/Durham Place	Bonnyrigg
69	Land at Dalhousie Burn	Bonnyrigg
71	Dalhousie Grange and Burnbrae House	Bonnyrigg
19	2 Southfield Road	Cousland
40	Water Tower, Cemetery Road	Dalkeith
51	Newmills Road	Dalkeith
32	94 Edmonstone Road	Danderhall
66	Roanshead House, Easthouses Road	Easthouses
1A	Melville Grange Farm (strip of woodland)	Eskbank
1	Newbattle	Eskbank
2	Hardengreen	Eskbank
3	Newbattle Road	Eskbank
4	Dalhousie Road	Eskbank
8	Motel Derry	Eskbank
11	Station Road/Lasswade Road	Eskbank
21	Melville Grange Farm	Eskbank
43	Melville Gate	Eskbank
59	Hardengreen House	Eskbank
63	Orchard View (land adjacent to)	Eskbank
73	18 Bonnyrigg Road	Eskbank
22	Greenhall Road	Gorebridge
70	2 Private Road and 4 Vogrie Road	Gorebridge
18	24 Broomieknowe	Lasswade
20	Viewbank Lodge	Lasswade
23	Land between Lasswade Road & Church Road	Lasswade
28	Melville Dykes	Lasswade
47	Polton Road	Lasswade
50	1 Broomieknowe	Lasswade
65	27 Polton Road	Lasswade
76	Nazareth House	Lasswade

TPO Ref.	Name	Location
41	19 Polton Road	Loanhead
46	Braeside Road	Loanhead
53	Dryden Bank, Polton Road	Loanhead
56	Nivensknowe Caravan Park	Loanhead
57	Loanhead Farm Steading	Loanhead
61	Straiton Farm, Straiton	Loanhead
30	Mayfield Mills, Mayfield	Mayfield
13	Galadale, Newbatttle Road	Newtongrange
15	Lady Victoria Car Park	Newtongrange
68	Butlerfield	Newtongrange
5	Belwood Road, Milton Bridge	Penicuik
7	Beeslack	Penicuik
12	Cairnbank Road	Penicuik
14	Bridge Street/Valleyfield Road	Penicuik
24	Cairnbank Road/Bridge Street	Penicuik
25	Belwood Road, Milton Bridge (Footpath)	Penicuik
26	8 Belwood Road, Milton Bridge	Penicuik
27	Bank House Stables, 15b Cairnbank Road	Penicuik
29	Belwood Road	Penicuik
44	Woodhouselee, Milton Bridge	Penicuik
45	Kingdom Hall	Penicuik
55	Rullion Road	Penicuik
60	Mauricewood	Penicuik
6	Hawthornden	Rosewell
10	Midfield House	Rosewell
17	Former NCB Offices	Rosewell
52	St. Joseph's Hospital	Rosewell
16	Chapel or Church of Roslin, Manse Road	Roslin
75	Old Manse, 38 Penicuik Road	Roslin
9	Newlandrig	Rural
74	Hope Quarry, Pathhead	Rural

Note: Further TPOs will be approved as necessary.

APPENDIX 5 NATURE CONSERVATION SITES

Location	Grid Ref.	Status
Aikendean Glen	322622	WS
Arniston Estate	323593	LWS
Auchencorth Moss	208552	SSSI
Auchendinny Ponds	254618	WS
Auchendinny Wood	255613	WS
Beeslack Wood	246614	WTW
Bellyford Burn*	369681-431694	WS
Bilston Burn (Glen)	265647	SSSI, RIGS
Black Burn	235585	SSSI
Black Hill	190630	WS
Black Springs	190664	WS
Bonnyrigg to Penicuik Railway*	247609-306645	WS
Borthwick Glen	375595	WS
Bush Estate	247636	LWS
Camp Hill	356637	WS
Carrington Mill Wood	310590	WS
Costerton and Fala Woods	438625	LWS
Crichton Glen	382606	SSSI
Crichton Manse Wood	380617	WS
Currie Wood	374593	WTW
Dalhousie Burn	317634	LWS
Dalhousie Castle Estate	321635	WS
Dalkeith Estate	336685	LWS
Dalkeith Oakwood	337687	SSSI
Dundreich Plateau	282490	SSSI
Edgelaw Reservoir	300582	WS
Erraid Wood	247663	WS
Fala Flow	432586	SPA, RAM, SSSI
Fullarton Water	284572	WS
Glencorse Valley and Logan Burn*	253616-167608	WS
Gladhouse Reservoir	299535	SPA, RAM, SSSI
Gore Glen	335616	WS
Habbie's Howe (Carlops)	175565	LWS
Habbie's Howe (Logan Burn)	184619	SSSI
Hadfast Valley	388688	SSSI
Hare and Auchencorth Mosses	205565	LWS
Hewan Bank	285646	SSSI, RIGS
Hope Quarry	404628	WS
Keith Water	440621	SSSI
Linn Dean	464599	WS
Mavisbank	291653	WS
Melville Castle (East)	314670	WS
Melville Castle (West)	308668	LWS
Middleton House Pond	369582	LWS
Middleton Lime Quarries (East)	342574	LWS
Middleton Lime Quarries (West)	342574	LWS
Milkhall Pond	243573	WS
Mount Lothian Quarry Ponds	356637	WS

Location	Grid Ref.	Status
Newhall Glen	175564	SSSI
Newbattle Woods	335660	WS
Newlandrig Wood	371624	LWS
North Esk Valley	155579	SSSI
Oxenfoord Estate	385655	LWS
Penicuik House Estate	220590	LWS
Penicuik House Low Pond	217589	WS
Penicuik Mill Lade	242601	WS
Peeswit Moss/Side Moss	287550	SSSI, SAC, SRBI
Prestonhall Estate	393657	LWS
River North Esk*	338692-154578	LWS
River South Esk*	338692-295486	LWS
River Tyne*	403677-394593	LWS
Rosebery Reservoir	307567	WS
Roslin Curling Pond	260634	WS
Roslin Glen	280633	SSSI
Roslin Glen Country Park	267626	WS
Shiel Burn Wood	290620	WS
Springfield Mill	287646	Local WS, WS
Straiton Pond	281667	LNR, WS
Temple Wood	312586	WS
Toxside Moss (north)	275548	SRBI
Toxside Moss (south)	266528	SRBI
The Howe (Pinnacle)	187619	RIGS
Vogrie Country Park	384633	WS
Waverley Railway*	325649-396582	LWS

*Corridor sites are not included in the Policy and Proposals Map, although Policy RP12 still applies.

Statutory designations:

SSSI:	Site of Special Scientific Interest
RAM:	Ramsar sites are designated under the Convention on Wetlands of International Importance
SPA:	Special Protection Area under EC Directive 79/409/EEC on Wild Birds
SAC:	Special Area of Conservation under the EU Habitats and Species Directive 92/43/EEC
LNR:	Local Nature Reserve
Local WS	Local Wildlife Site

Non-statutory designations:

WS:	Wildlife Site
LWS:	Listed Wildlife Site
WTW:	Woodland Trust Wood
RIGS:	Regionally Important Geological Site
SRBI	Scottish Raised Bog Inventory

Note: Information as supplied by the Lothian Wildlife Information Centre or sourced from relevant websites.

APPENDIX 6 SCHEDULED ANCIENT MONUMENTS

Scheduled Ancient Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979. Works affecting a Scheduled Monument must have the written consent of the Scottish Ministers. The site locations identified on the Local Plan Proposals Map and the Inset Maps are indicative only as some of the sites can be extensive.

Name/Description	Grid Ref.
Prehistoric Ritual Funerary	
Carnethy Hill, cairn, Silverburn	203619
Mountmarle, cairn	278637
Rullion Green, stone circle	226621
Saughland, enclosure	413612
Stonefieldhill Farm, henge	304601
The Gowk Stane, Auchencorth	203576
Prehistoric domestic and defensive	
Beech Knowe enclosure, Remote	407649
Caerketton Hill, fort	245662
Camp Hill, fort, Braidwood Bridge	192596
Camp Wood, fort	358637
Capielaw, enclosure	299617 - 300617
Carrington Barns, enclosure	329606
Castle Knowe, palisaded enclosure	229640
Castlelaw Fort & souterrain	229638
Castlelaw Range, ring ditch	223641
Chalkieside, enclosure	362681
Crichton Mains, souterrain	400619
Easter Cowden, enclosure	365675
Easter Cowden, enclosures	361673
Elginhaugh, Roman camp, fort, palisaded enclosure	321676 - 324671
Fordel Mains, fort	373664
Fostineb, enclosure	427604
Fuffet Wood, enclosure & cropmarks	364662
Glenkevock, enclosure	291657
Gowkshill, enclosure	343632
Gowkshill, enclosure	343630
Hardengreen, enclosure	321655
Highwood House, enclosure	298601
Hope, enclosure	409624
Lawfield Wood, fort	357656
Lawfield, enclosure	361655
Lawhead Hill, fort	216621
Longfaugh Fort, Crichton	403617
Longfaugh, enclosures	411618
Loquhariot, fort	367604
Melville Grange, homestead and pit alignments	310674 - 310676

Prehistoric domestic and defensive

Midfield House, settlement	295641
Newbigging, enclosure	280607
Newbigging, enclosure	273605
Newton, pit alignments	335696
Newton, pit alignments	337692
Oxenfoord Mains, enclosure	397675
Pardivan, enclosure	388685
Pathhead, Roman Camps	398625 - 395639
Play Hill, settlement	384619
Preston Mains, enclosure	407652 - 408654
Saughland, enclosure	426608
Thornybank House, enclosure	343679
Turniedykes, enclosure	385632
Whitebog Farm, enclosure	298631

Roman

Elginhaugh, Roman camp, fort & palisaded enclosure	321676 - 324671
Elginhaugh, Roman fort, annexe & bathhouse	319672 - 323671
Pathhead, Roman Camps, enclosure & pit alignment	398625 - 395639

Ecclesiastical

Cockpen, old parish church	326633
Dalkeith, Choir of St Nicholas Parish Church	332674
Glencorse, old church	245630
Howlet's House, towerhouse and enclosures	193624
Lasswade Old Parish Church	301661
Moorfoot Chapel, Monastic Grange & Chapel	298524 - 299520
Newbattle Abbey, Church & Cloisters	330660
Newton Church, church, enclosures & field system	334690
Penicuik, St Kentigern's Church & Clerk Mausoleum	237599
Rosslyn Chapel, ecclesiastical & related remains	272629 - 276630
St Mary's Chapel	274570
Temple Church	315586

Secular

Brunston Castle	201582
Cousland Castle	377683
Crichton Castle	380611
Fala Luggie Tower, towerhouse	425590
Hawthornden Castle and caves, Roslin	286636
Hirendeane Castle	298512
Mavisbank, (New Saughton Hall) house, doocot, policies, earthwork	288649 - 295657
Newbattle, Maiden Bridge	336665
Newbyres Castle	344614
Old Woodhouselee Castle	257615
Penicuik, St Kentigern's Church & Clerk Mausoleum	237599
Ravensneuk Castle	222590
Rosslyn Castle	274627
Uttershill Castle	238594

**APPENDIX 7
GLOSSARY**

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes (PAN 74 Affordable Housing). Housing that is for sale or rent, to meet locally the identified needs of people who cannot afford to buy or rent housing generally available on the open market (ELSP 2015).
Area of Great Landscape Value (AGLV)	Designated by a local authority as being of special landscape character requiring protection against inappropriate forms of development.
Allocations	A specific area of land identified in the Local Plan as being suitable for a particular use, and which contributes to meeting the requirements of the Structure Plan.
Areas of Restraint	Those areas lying outwith the Core Development Areas (CDAs), and within environmentally sensitive locations or settlements within these areas, where new development is to be restrained; in Midlothian, identified in the ELSP 2015 as Bonnyrigg and the villages and small settlements not included in the list of communities identified as part of the CDAs (paras. 2.43-2.44 of the ELSP 2015).
Brownfield sites	These are normally sites within urban areas which have previously been developed or used for some purpose which has ceased. The term can include the reuse of existing buildings by conversion, demolition and new build, clearance of vacant or derelict land and new build, infill and various other forms of intensification.
Biodiversity	The constantly changing variety of all life forms, the genes they contain and the ecosystems they form.
Class 4	Business use as defined under the Town and Country Planning Use Classes (Scotland) Order 1997.
Coalescence	When development occurs to make settlements no longer physically or visually separate from each other.
Committed development	Development proposals that are contained in previous Local Plans and are carried forward to this Local Plan.
Committed infrastructure	Where expenditure on infrastructure has been agreed as part of a future funding programme.
Conservation Area	An area designated as being of special architectural or historic interest, the character and appearance of which it is desirable to preserve and enhance.
Constrained sites (non-effective)	Sites within the established housing land supply that at the time of any housing land audit are not assessed to be 'effective' or 'potential'.
Core Development Areas (CDAs)	Areas within which local plans should bring forward land to meet Structure Plan (strategic) requirements to 2015. Settlements included within the CDAs are specified in paras. 2.43-2.44 of the ELSP 2015.
Core path network	A system of core paths established to give reasonable access throughout the local area, as required by Land Reform (Scotland) Act 2003.
Development	The carrying out of building, engineering, mining or other operations in, on, over or under the land, or making of any material change in the use of any buildings or other land requiring planning permission.

Development brief	A document pertaining to a specific development site setting out the Council's expectations for any master plan and the detailed development of the site including the main planning and design principles. The brief will normally accompany and form part of the planning permission and will be a material consideration in the determination of any future applications for approval of reserved matters or for planning permission for the detailed development of the site.
Development plan	Under the Town and Country Planning (Scotland) Act 1997, the development plan for an area is comprised jointly of the approved structure plan and adopted local plan.
Effective sites	Sites within the established housing land supply that are free of development constraints and are therefore available to a house builder for the construction of houses.
ELSP 2015	Edinburgh and the Lothians Structure Plan 2015.
Environmental justice	Environmental justice is based on the principle that all people have a right to be protected from environmental pollution and to live in a clean and healthy environment. Environmental justice is the equal protection and meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies and the equitable distribution of environmental benefits.
Environmental Report	The report prepared to fulfil the requirements of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 with respect to this replacement Midlothian Local Plan.
Factory outlet centre	Group of shops, usually in out-of-centre locations, specialising in selling seconds and end-of-line goods at discounted prices.
Factory shop	A shop adjacent to the production unit and specialising in the sale of manufacturers' products direct to the public.
Farm-related diversification	Projects including on-farm forestry and woodland schemes; farm-based retail, tourism and small business enterprises.
Flood risk assessment (FRA)	An assessment carried out to predict and assess the probability of flooding for a particular site or area and to recommend mitigation measures including maintenance (<i>SPP7 Planning and Flooding</i>).
Green Belt	An area of land designated in an adopted local plan for the purposes of managing the growth of a town or city in the long term.
Greenfield sites	Sites which have never been previously developed or used for an urban use, or are on land capable of being brought into active or beneficial use for agriculture or forestry (i.e. fully restored derelict land).
Green Travel Plan	A package of practical measures which provide an alternative choice to single occupancy car use (<i>PAN 75 Planning for Transport</i>).
Housing Land Audit	Assessment of housing land supply at 31 March each year undertaken by Midlothian Council and all other Councils in the Edinburgh and the Lothians Structure Plan area.
Infill site	Sites located within an urban area which may involve redevelopment, conversion or subdivision of buildings, or development of undeveloped land.
Infrastructure	Roads, public transport network, sewers, water supply, schools, gas and electricity supplies etc which are needed to allow development to take place.
IEA	Interim Environmental Assessment – the environmental report prepared in relation to the preferred development strategy for the replacement Midlothian Local Plan as the first stage in the SEA process (see below)

Knowledge-based industries	Those industries which are relatively intensive in their inputs of technology and human capital including chemicals/biotechnology, ICT equipment/services, consumer electronics and the environment industry.
Local Biodiversity Action Plan	A plan that identifies species and habitats which are important, threatened or are in a given local area.
Local plan	A detailed comprehensive land use plan for all or part of the planning authority, prepared and adopted by the local authority.
Local transport strategy	Document prepared by a local authority setting out its transport strategy and an implementation programme.
Lowland crofting	Housing in a rural setting with land attached possibly for crop growing/animal rearing.
Major retail developments	Retail developments in excess of 1000 m2 gross floorspace.
Material consideration	Any consideration relevant to the use and development of land taken into account when determining a planning application.
MLP	Midlothian Local Plan (replaces both the 2003 Midlothian Local Plan and 2003 Shawfair Local Plan)
NPFS	National Planning Framework for Scotland – a non-statutory spatial planning framework for Scotland prepared by the Scottish Government.
Neighbourhood centre	Small groups of shops, typically comprising newsagent, small supermarket / general grocery store, sub-post office and other small shops of a local nature.
Non-conforming Green Belt uses	Major established uses within the Green Belt including institutional and other uses which play a major part in the city region's economy (include Bush Estate and Roslin Institute).
Non-retail uses	Any use not covered by 'Class 1 shops' of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
NPPGs	National Planning Policy Guidelines produced by the former Scottish Executive, now being replaced by SPPs.
PANs	Planning Advice Notes produced by the Scottish Government.
Planning conditions	Conditions attached to a planning consent that are enforced through planning legislation.
Potential sites	Sites which, while not effective at the time of a housing land audit, have every prospect of becoming effective in the future.
PPP	Public-Private Partnership.
Preferred development strategy	Strategy document used for public consultation on key policy changes and preferred development sites prior to finalisation of replacement Midlothian Local Plan. Accompanied by IEA.
Proximity and self-sufficiency principles	The proximity and self-sufficiency principles require waste to be dealt with as close as possible to where it is produced. Scotland aims to follow the proximity principle as far as possible at area waste planning level.
Public Local Inquiry	Formal Inquiry with independent reporter held to hear outstanding objections to a finalised local plan.
Regional Transport Partnership/ SESTRAN (now SEStran)	New regional partnerships of local authorities introduced by the Transport (Scotland) Act 2005 with a statutory duty to prepare a Regional Transport Strategy for their area. Former SESTRAN (South East of Scotland Transport Partnership) reconstituted and now includes City of Edinburgh, Clackmannanshire, East Lothian, Falkirk, Fife, Midlothian, Scottish Borders and West Lothian Councils.

River Basin Management Plan (RBMP)	A plan designed to deliver the requirements of the Water Framework Directive which considers the condition of a water environment, the use made of it, and the trends and issues affecting or likely to affect it, and then sets environmental objectives, having regard to the balance between environmental, social and economic interests.
Retail park	A single development of at least 3 retail warehouses with associated car parking.
Safeguardings	The use of planning powers to resist developments that would prevent the use of a site for some other preferred use in the future.
SDD	Former Scottish Development Department, then Scottish Executive Development Department, now Scottish Government Directorate for the Built Environment
Section 75/legal agreement	A legal agreement between Midlothian Council and a developer under section 75 of the Town and Country Planning (Scotland) Act 1997. Used where a development would create a need for particular facilities or would have a damaging impact on the environment or local amenity and where these matters cannot be resolved through the use of planning conditions.
SHEP	Scottish Historic Environment Policies prepared by Historic Scotland.
Sites and Monuments Register	A register of unscheduled sites of archaeological or historic interest of local and/or regional importance maintained by the local authority.
SOEnvD	Former Scottish Office Environment Department, now Scottish Government Directorate for the Built Environment
South-East Wedge	The open area to the north of the A720 City Bypass and south of Niddrie/ Craigmillar which was the subject of a major abstraction from the Green Belt to meet the strategic land requirements of the Lothian Structure Plan 1994.
SPPs	Scottish Planning Policies – statements of Government policy produced by the Scottish Government to replace NPPGs.
Strategic Environmental Assessment (SEA)	A process for identifying and assessing the environmental effects of a plan, programme or strategy so that they may be taken into account before the plan is approved or adopted. It involves examining a plan's objectives, policies and proposals in relation to broader environmental aims, identifying their likely consequences and, through an iterative process of assessment and adjustment, preventing or reducing the likely significant effects of the plan on the environment. Required by the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004, now superseded by the Environmental Assessment (Scotland) Act 2005.
Structure plan	A strategic land use plan prepared by the planning authority or authorities and approved by the Scottish Ministers.
SUDS	Sustainable Urban Drainage Systems
Supplementary planning guidance (SPG)	Guidance on planning matters approved by the planning authority which supplements the development plan and may relate to a site or topic.
Sustainable development	Development to meet the needs of the present without compromising the ability of future generations to meet their own needs.
Sustrans	Sustainable transport organisation.
Town centre	Centre which provides a range of facilities and services and which is a focus for the community and public transport. This excludes retail parks, neighbourhood centres and small parades of shops of purely local significance.
Townscape Heritage Initiative	A Heritage Lottery-funded grant initiative to assist with programmes of regeneration for historic areas.

Transport Assessment (TA)	A comprehensive and consistent review of all the potential impacts of a proposed development or redevelopment, with an agreed plan to reduce any adverse consequences.
WFD	EU Water Framework Directive which came into force in 2000 and introduced procedures for the use, protection and improvement of the water environment.
Windfall sites	Sites not identified through the development plan process but which become available for various ad hoc reasons. They do not form part of the established housing land supply at the base date of the plan but come into the established supply at the next housing land audit.
Workshop homes	Small business use associated with existing residential properties.

